



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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May 13, 2026

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**Subject: City of Petaluma General Plan Update, Program Environmental Impact Report, SCH No. 2025080378, Sonoma County**

Dear Olivia Ervin:

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 Petaluma (City) for the City of Petaluma General Plan Update (project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW previously submitted a letter dated September 9, 2025, in response to the EIR Notice to Preparation (NOP) for the project.

CDFW is submitting comments on the program 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 Petaluma

**Objective:** The General Plan Update is a comprehensive update of the City's current General Plan 2025. The General Plan creates and assigns land use designations to facilitate the type and intensity of development that can occur throughout the City through the

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planning horizon year of 2050 (over approximately 24 years). Proposed areas for increased intensity/density of development under this General Plan include along corridors such as Petaluma Boulevard North, East Washington, and Petaluma Boulevard South and strategically in the downtown core. Additional areas have been identified for increased density to facilitate the development of 15-Minute City Centers including Leghorn Plaza Shopping Center. Very few land use changes are proposed in the western hills or at the periphery of the City. Land Use designations along the Petaluma River, where flood risk is high, have reduced development capacity.

**Location:** The proposed project applies to all lands within the City of Petaluma city limits and the urban growth boundary, centered at approximately 38.25735°N, 122.6229°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*), Swainson's hawk (*Buteo swainsonii*), longfin smelt (*Spirinchus thaleichthys*), and North Coast semaphore grass (*Pleuropogon hooverianus*), which are CESA listed as threatened, and burrowing owl (*Athene cunicularia*) and white sturgeon (*Acipenser transmontanus*), which are CESA candidate species, as further described below.** 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. 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.

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Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **Project activities may impact the Petaluma River and other streams, 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 California Ridgway's rail (*Rallus obsoletus obsoletus*), California black rail (*Laterallus jamaicensis coturniculus*), and salt marsh harvest mouse (*Reithrodontomys raviventris*), which are California fully protected species, as further described below.**

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

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## I. Project Description and Related Impact Shortcoming

### COMMENT 1: Program EIR 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%20storymap/#:~:text=The%20CalVTP%20Program%20Environmental%20Impact,with%20he%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 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?***

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**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 33 special-status plant species and 34 special-status animal species either within or in the vicinity of the City. The project area has potential to support special-status species including, but not limited to California tiger salamander, Swainson's hawk, longfin smelt, and North Coast semaphore grass, 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 adequate mitigation measures for impacts to CESA-listed species as further described below.

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. Wetlands in the City may support North Coast semaphore grass, and loss of wetland habitat may result 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 area covers or is adjacent to riverine habitat within the Petaluma River which supports special-status fishes such as longfin smelt and white sturgeon. Project activities may impact longfin smelt and/or white sturgeon during dewatering or in-water work in the Petaluma River, if these species are present, resulting in injury or mortality. Project activities can also remotely impact special-status fishes (e.g. pollutants introduced upstream from fish habitat, artificial lighting at night).

Swainson's hawk have been documented nesting within two miles of the project area and suitable nesting trees and foraging habitat is present within the project area. The project has the potential to impact nesting Swainson's hawk through nest tree removal or auditory or visual disturbances above ambient levels within 0.5 miles of project activities. Disturbances

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from project activities may result in Swainson's hawk nest abandonment and loss of eggs or reduced health and vigor and loss of young. In addition, urban development as a result of the project may result in the loss of suitable foraging habitat.

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 owl 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.

Salt marsh harvest mouse, California Ridgway's rail, and California black rail have been documented within the project area and suitable salt marsh habitat is present. The project has the potential to impact nesting California black rail and California Ridgway's rail through auditory or visual disturbances above ambient levels. Disturbances from project activities within 700 feet of suitable nesting habitat may result in California black rail and/or California Ridgway's rail nest abandonment and loss of eggs or reduced health and vigor and loss of young. In addition, project activities within salt marsh habitat could result in injury or mortality of salt marsh harvest mouse, California Ridgway's rail, and California black rail individuals from direct impacts.

The EIR states that impacts to biological resources would be less-than-significant in part because of a requirement for the City to "...perform a baseline Biological Resources Screening and Assessment to determine whether projects proposed within undeveloped parcels have any potential to impact special-status biological resources, inclusive of special-status plants and animals, sensitive vegetation communities (including vernal pools and other wetlands), and critical habitat" (see EIR page 4.4-28). However, the proposed biological resource assessments inappropriately defer formulating mitigation measures and may not appropriately identify special-status species that may be impacted and mitigation 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 section 15126.4, subdivision (b) states:

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“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 be 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 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 the above 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 may substantially reduce the number or restrict the range of threatened, endangered, or rare species which would be considered a mandatory finding of significance (CEQA Guidelines, §§ 15065 & 15380).

**Recommended Mitigation Measures:** To reduce potential impacts to listed and other special-status species 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. Note that some mitigation measures may be tailored based on geographical area or other factors.

**MM-BIO-1. California tiger salamander.** 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

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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 provide habitat compensation for California tiger salamander in accordance with the ITP, which may be informed by the Santa Rosa Plain Conservation Strategy (SRP CS) and Reinitiation of Formal Consultation on Issuance of Clean Water Act, Section 404 Permits by the U.S. Army Corps of Engineers (USACE) on the Santa Rosa Plain, Sonoma County, California (2020 Programmatic Biological Opinion [PBO]), as applicable. 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.<sup>1</sup>

**MM-BIO-2. Special-status plants.** Prior to ground disturbance, the project shall submit a habitat assessment prepared by a Qualified Biologist for North Coast semaphore grass and other special-status plants and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site habitat, such as modification of hydrological conditions or construction related sedimentation into potentially occupied habitat, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.

If suitable habitat for North Coast semaphore grass or other special-status habitat is observed and may be impacted, a Qualified Biologist shall conduct protocol level plant surveys prior to project activities. No later than 30 days prior to initiating project activities, the project shall provide survey reports for protocol surveys for CESA-listed and other special-status plants to CDFW and obtain CDFW's written approval of the reports, unless otherwise approved in writing by CDFW. Surveys shall be conducted according to 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>), during appropriate conditions, and include visiting reference populations, unless otherwise approved in writing by CDFW. Surveys should include the entire extent of any directly or indirectly impacted suitable wetland habitat for special-status wetland plants, 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 to special-status wetland plants may necessitate a thorough hydrological assessment that fully analyzes existing and post-project conditions to seasonal wetland habitat. If CESA-listed plants are documented on-site or off-site where they may be directly or indirectly impacted, or the surveys are not approved in writing by CDFW,

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<sup>1</sup> Federally designated California tiger salamander critical habitat, California tiger salamander range, and CNDDDB occurrence data suggest California tiger salamander could occur in the northwest part of the project area.

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the project shall immediately notify CDFW, and no project work may commence until the project obtains a CESA ITP.

If any non-CESA listed special-status plant species are observed, such as California Rare Plant Rank plants, the project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to project activities. If full avoidance is not possible, project activities may not commence until the project has consulted with CDFW and obtained CDFW's written approval, which may include seed salvage, transplant, or other protective measures appropriate for the species.

**MM-BIO-3. Swainson's hawk.** If project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results, unless otherwise approved in writing by CDFW. The project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating project-related construction activities. Surveys shall occur annually for the duration of the project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the project shall consult with CDFW pursuant to CESA and obtain an ITP before project activities may commence.<sup>2</sup>

**MM-BIO-4. Swainson's hawk foraging habitat.** A Qualified Biologist shall evaluate if the project would result in loss of Swainson's hawk foraging habitat, and if so shall quantify

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<sup>2</sup> A year 2026 CNDDDB nesting Swainson's hawk occurrence is located approximately 1.6 miles southeast of the project area.

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the loss in acres and submit this information to CDFW and obtain CDFW's written approval of it. Prior to project construction, if the project would result in loss of Swainson's hawk foraging habitat, the project shall provide Swainson's hawk foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of Swainson's hawk foraging habitat credits at a CDFW-approved mitigation bank, unless otherwise approved in writing by CDFW. An ITP obtained for Swainson's hawk may require additional habitat compensation to achieve full mitigation.

**MM-BIO-5. Special-status fish.** In water work shall be avoided where special-status fish such as longfin smelt or white sturgeon may occur, as determined by a Qualified Biologist based on a review of CNDDDB and consultation with CDFW. If take of the above fish species or any CESA listed or candidate aquatic listed species cannot be avoided, the project shall obtain a CESA ITP from CDFW prior to commencing project activities and shall comply with the ITP. The project shall also consult with the USFWS or National Marine Fisheries Service (NMFS) for any impacts to federally listed fish.

**MM-BIO-6. Salt marsh fully protected species.** Where suitable habitat salt marsh habitat is present, a Qualified Biologist shall be present on-site to survey and monitor for CDFW Fully Protected species, including salt marsh harvest mouse, California Ridgway's rail, and California black rail, during: a) all vegetation removal or disturbance, b) the construction of exclusion fencing, and c) all work within 300 feet of tidal or pickleweed habitats. A Biological Monitor may be required to monitor for CDFW Fully Protected species after surveys and construction of exclusion fencing are completed. The Qualified Biologist or Biological monitor shall have the authority to stop work if deemed necessary for any reason to protect these species, or any other special-status species. Take or possession of these CDFW Fully Protected species is prohibited (Fish & G. Code, §§ 3511 & 4700).

**MM-BIO-7. Salt marsh fully protected species – tide.** Project activities shall occur within 50 feet of suitable salt marsh harvest mouse, California Ridgway's rail, or California black rail habitat within two hours before and after an extreme high tide event or when adjacent tidal marsh is flooded. Extreme high tide events are defined as a tide forecast of 6.5 feet or higher measured at the Golden Gate Bridge and adjusted to the timing of local high tides. If salt marsh harvest mouse exclusion fencing has been installed and work is conducted outside of California Ridgway's rail and California black rail breeding season (see measures below), or as otherwise approved in writing by CDFW, this restriction is waived.

**MM-BIO-8. California black rail and California ridgeway's rail.** Project activities on or within 700 feet of tidal marsh or suitable California Ridgway's rail or California black rail

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habitat shall be avoided during the breeding season (January 15 – August 31 for California Ridgway's rail, February 1 – August 31 for California black rail) each year unless appropriately timed, yearly passive and call back protocol level surveys are conducted by a Qualified Biologist and survey methodology and results are submitted to and accepted in writing by CDFW. Surveys shall focus on suitable habitat that may be disturbed by project activities during the breeding season to ensure that these species are not nesting in these locations. The Qualified Biologist shall have appropriate authorizations from CDFW and USFWS to conduct the surveys.

If breeding California Ridgway's rail or California black rail are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within a minimum of 700 feet from areas where California Ridgway's rail and/or California black rail have been detected during the breeding season, unless otherwise approved in writing by CDFW. If surveys have not been conducted, all work shall be conducted a minimum of 700 feet from California Ridgway's rail and/or California black rail habitat during breeding season, unless otherwise approved in writing by CDFW.

**MM-BIO-9.** Salt marsh harvest mouse. Prior to impacting salt marsh habitat, a CDFW approved Qualified Biologist, familiar with salt marsh harvest mouse, shall walk through and inspect suitable habitat prior to vegetation removal and search for signs of harvest mice or other sensitive wildlife and plants. Following inspection, personnel, under the supervision of the Qualified Biologist, shall disturb (e.g., flush) vegetation to cause movement of salt marsh harvest mouse into adjacent marsh areas. Flushing of vegetation shall first occur in the center of the site then progress toward the two sides away from the open water areas or away from impacted habitat. Immediately following vegetation flushing, personnel, under the supervision of the Qualified Biologist, shall remove vegetation with hand tools (e.g., weed-eater, hoe, rake, trowel, shovel, grazing) so that vegetation is no taller than two inches.

**MM-BIO-10.** Salt marsh harvest mouse barrier. After vegetation removal, a mouse proof barrier shall be placed along the edge of the area removed of vegetation to further reduce the likelihood of salt marsh harvest mouse returning to the area prior to construction, unless otherwise approved in writing by CDFW. The fence shall be made of a heavy plastic sheeting material that does not allow salt marsh harvest mice to pass through or climb, and the bottom shall be buried to a depth of four inches so that salt marsh harvest mouse cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. An approximately 2-foot-wide de-vegetated buffer shall be created along the habitat side of the exclusion fence.

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**MM-BIO-11. Salt marsh harvest mouse barrier maintenance.** The salt marsh harvest mouse exclusion fencing shall remain in operating condition throughout the duration of the construction phase. The Qualified Biologist or Biological Monitor, or other CDFW approved person, shall daily inspect the integrity of the exclusion fencing to ensure there are no gaps, tears or damage. Maintenance of the fencing shall be conducted as needed. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage. Any mice found along or outside the fence shall be closely monitored until they move away from the project area.

**MM-BIO-12. Burrowing owl.** 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 (CNDDDB) and potentially other sources for any burrowing owl records on or within 1 mile of the project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters [cm] in diameter and a depth greater than 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, 4 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 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

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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 2:1 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.

***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 3: Riparian Habitat, Wetlands, Sensitive Natural Communities, and LSA 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 (<https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive>).

**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.

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**MM-BIO-13: Lake and Stream Alteration.** For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams) or lake, an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that an 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 (RWQCB) and USACE on 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-14: Sensitive natural communities.** 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 CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## 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

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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](mailto:Nicholas.Wagner@wildlife.ca.gov); or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
Erin Chappell  
Regional Manager  
Bay Delta Region

Attachment: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation SCH No. 2026040726  
Vincent Griego, USFWS - [Vincent.Griego@fws.gov](mailto:Vincent.Griego@fws.gov)  
James Hansen, CDFW Bay Delta Region - [James.Hansen@wildlife.ca.gov](mailto:James.Hansen@wildlife.ca.gov)  
Craig Weightman, CDFW Bay Delta Region - [Craig.Weightman@wildlife.ca.gov](mailto:Craig.Weightman@wildlife.ca.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.
- 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.

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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.

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## ATTACHMENT 1

### Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
<b>MM-BIO-1</b>	<p><u>California tiger salamander.</u> 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, which may be informed by the SRP CS, and the Reinitiation of Formal Consultation on Issuance of Clean Water Act, Section 404 Permits by the USACE on the Santa Rosa Plain, Sonoma County, California (2020 PBO), as applicable. 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.</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>
<b>MM-BIO-2</b>	<p><u>Special-status plants.</u> Prior to ground disturbance, the project shall submit a habitat assessment prepared by a Qualified Biologist for North Coast semaphore grass and other special-status plants and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site habitat, such as modification of hydrological conditions or construction related sedimentation into potentially occupied habitat, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.</p> <p>If suitable habitat for North Coast semaphore grass or other special-status habitat is observed and may be impacted, a Qualified Biologist shall conduct protocol level plant surveys prior to project activities. No later than 30 days prior to initiating project activities, the project shall provide survey reports for protocol surveys for CESA-</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	<p>listed and other special-status plants to CDFW and obtain CDFW's written approval of the reports, unless otherwise approved in writing by CDFW. Surveys shall be conducted according to CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (<a href="https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants">https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants</a>), during appropriate conditions, and include visiting reference populations, unless otherwise approved in writing by CDFW. Surveys should include the entire extent of any directly or indirectly impacted suitable wetland habitat for special-status wetland plants, 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 to special-status wetland plants may necessitate a thorough hydrological assessment that fully analyzes existing and post-project conditions to seasonal wetland habitat. If CESA-listed plants are documented on-site or off-site where they may be directly or indirectly impacted, or the surveys are not approved in writing by CDFW, the project shall immediately notify CDFW, and no project work may commence until the project obtains a CESA ITP.</p> <p>If any non-CESA listed special-status plant species are observed, such as California Rare Plant Rank plants, the project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to project activities. If full avoidance is not possible, project activities may not commence until the project has consulted with CDFW and obtained CDFW's written approval, which may include seed salvage, transplant, or other protective measures appropriate for the species.</p>		
<p><b>MM-BIO-3</b></p>	<p><u>Swainson's hawk</u>. If project activities are scheduled during the nesting season for Swainson's hawk (March 1 to September 15), prior to beginning work on the project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (<a href="https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&amp;inline">https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&amp;inline</a>) and prepare a report documenting the survey results, unless otherwise approved in writing by CDFW. The project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	<p>by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating project-related construction activities. <u>Surveys shall occur annually for the duration of the project.</u> The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the project shall consult with CDFW pursuant to CESA and obtain an ITP before project activities may commence.</p>		
<p><b>MM-BIO-4</b></p>	<p><u>Swainson's hawk foraging habitat.</u> A Qualified Biologist shall evaluate if the project would result in loss of Swainson's hawk foraging habitat, and if so shall quantify the loss in acres and submit this information to CDFW and obtain CDFW's written approval of it. Prior to project construction, if the project would result in loss of Swainson's hawk foraging habitat, the project shall provide Swainson's hawk foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of Swainson's hawk foraging habitat credits at a CDFW-approved mitigation bank, unless otherwise approved in writing by CDFW. An ITP obtained for Swainson's hawk may require additional habitat compensation to achieve full mitigation.</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>
<p><b>MM-BIO-5</b></p>	<p><u>Special-status fish.</u> In water work shall be avoided where special-status fish such as longfin smelt or white sturgeon may occur, as determined by a Qualified Biologist based on a review of CNDDDB and consultation with CDFW. If take of the above fish species or any CESA listed or</p>	<p>Prior to Ground Disturbance and for Duration of</p>	<p>Project Applicant</p>

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	candidate aquatic listed species cannot be avoided, the project shall obtain a CESA ITP from CDFW prior to commencing project activities and shall comply with the ITP. The project shall also consult with the U.S. Fish and Wildlife Service or NMFS for any impacts to federally listed fish.	Construction	
<b>MM-BIO-6</b>	<u>Salt marsh fully protected species.</u> Where suitable habitat salt marsh habitat is present, a Qualified Biologist shall be present on-site to survey and monitor for CDFW Fully Protected species, including salt marsh harvest mouse, California Ridgway's rail, and California black rail, during: a) all vegetation removal or disturbance, b) the construction of exclusion fencing, and c) all work within 300 feet of tidal or pickleweed habitats. A Biological Monitor may be required to monitor for CDFW Fully Protected species after surveys and construction of exclusion fencing are completed. The Qualified Biologist or Biological monitor shall have the authority to stop work if deemed necessary for any reason to protect these species, or any other special-status species. Take or possession of these CDFW Fully Protected species is prohibited (Fish & G. Code, §§ 3511 & 4700).	Duration of Construction	Project Applicant
<b>MM-BIO-7</b>	<u>Salt marsh fully protected species – tide.</u> Project activities shall occur within 50 feet of suitable salt marsh harvest mouse, California Ridgway's rail, or California black rail habitat within two hours before and after an extreme high tide event or when adjacent tidal marsh is flooded. Extreme high tide events are defined as a tide forecast of 6.5 feet or higher measured at the Golden Gate Bridge and adjusted to the timing of local high tides. If salt marsh harvest mouse exclusion fencing has been installed and work is conducted outside of California Ridgway's rail and California black rail breeding season (see measures below), or as otherwise approved in writing by CDFW, this restriction is waived.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
<b>MM-BIO-8</b>	<u>California black rail and California ridgeway's rail.</u> Project activities on or within 700 feet of tidal marsh or suitable California Ridgway's rail or California black rail habitat shall be avoided during the breeding season (January 15 – August 31 for California Ridgway's rail, February 1 – August 31 for California black rail) each year unless appropriately timed, yearly passive and call back protocol level surveys are conducted by a Qualified Biologist and survey methodology and results are submitted to and accepted in writing by CDFW. Surveys shall focus on suitable habitat that may be disturbed by project activities during the breeding season to ensure	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	<p>that these species are not nesting in these locations. The Qualified Biologist shall have appropriate authorizations from CDFW and USFWS to conduct the surveys.</p> <p>If breeding California Ridgway's rail or California black rail are determined to be present, no activities, visual disturbance (direct line of sight) and/or an increase in the ambient noise level shall occur within a minimum of 700 feet from areas where California Ridgway's rail and/or California black rail have been detected during the breeding season, unless otherwise approved in writing by CDFW. If surveys have not been conducted, all work shall be conducted a minimum of 700 feet from California Ridgway's rail and/or California black rail habitat during breeding season, unless otherwise approved in writing by CDFW.</p>		
<p><b>MM-BIO-9</b></p>	<p><u>Salt marsh harvest mouse.</u> Prior to impacting salt marsh habitat, a CDFW approved Qualified Biologist, familiar with salt marsh harvest mouse, shall walk through and inspect suitable habitat prior to vegetation removal and search for signs of harvest mice or other sensitive wildlife and plants. Following inspection, personnel, under the supervision of the Qualified Biologist, shall disturb (e.g., flush) vegetation to cause movement of salt marsh harvest mouse into adjacent marsh areas. Flushing of vegetation shall first occur in the center of the site then progress toward the two sides away from the open water areas or away from impacted habitat. Immediately following vegetation flushing, personnel, under the supervision of the Qualified Biologist, shall remove vegetation with hand tools (e.g., weed-eater, hoe, rake, trowel, shovel, grazing) so that vegetation is no taller than 2 inches.</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>
<p><b>MM-BIO-10</b></p>	<p><u>Salt marsh harvest mouse barrier.</u> After vegetation removal, a mouse proof barrier shall be placed along the edge of the area removed of vegetation to further reduce the likelihood of salt marsh harvest mouse returning to the area prior to construction, unless otherwise approved in writing by CDFW. The fence shall be made of a heavy plastic sheeting material that does not allow salt marsh harvest mice to pass through or climb, and the bottom shall be buried to a depth of 4 inches so that salt marsh harvest mouse cannot crawl under the fence. Fence height shall be at least 12 inches higher than the highest adjacent vegetation with a maximum height of 4 feet. All supports for the exclusion fencing shall be placed on the inside of the work area. An approximately 2-foot-wide de-vegetated buffer shall</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	be created along the habitat side of the exclusion fence.		
<b>MM-BIO-11</b>	<p><u>Salt marsh harvest mouse barrier maintenance.</u> The salt marsh harvest mouse exclusion fencing shall remain in operating condition throughout the duration of the construction phase. The Qualified Biologist or Biological Monitor, or other CDFW approved person, shall daily inspect the integrity of the exclusion fencing to ensure there are no gaps, tears or damage. Maintenance of the fencing shall be conducted as needed. Any necessary repairs to the fencing shall be completed within 24 hours of the initial observance of the damage. Any mice found along or outside the fence shall be closely monitored until they move away from the project area.</p>	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
<b>MM-BIO-12</b>	<p><u>Burrowing owl.</u> 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: <a href="https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds">https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds</a>), 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 CNDDDB 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 &gt;11 cm in diameter and a depth of &gt;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</p>	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	<p>habitat assessment prior to starting project activities.</p> <p>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 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.</p> <p>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.</p> <p>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.</p> <p>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 2:1 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.</p>		
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<p><b>MM-BIO-13</b></p>	<p><u>Lake and stream alteration.</u> For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams) or lake, an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that an 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 RWQCB and USACE 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.</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>
<p><b>MM-BIO-14</b></p>	<p><u>Sensitive natural communities.</u> 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.</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>