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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

November 13, 2025

Heidi Scoble, Community Development Director
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA 94960
HScoble@sananselmo.gov

Subject: San Anselmo General Plan 2045 Update, Notice of Preparation of a Program Environmental Impact Report, SCH No. 2025100912, Town of San Anselmo, Marin County

Dear Heidi Scoble:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Program Environmental Impact Report (EIR) for the San Anselmo General Plan 2045 Update (project).

CDFW is providing the Town of San Anselmo (Town), as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (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 LOCATION AND DESCRIPTION SUMMARY

The project area, which covers the Town of San Anselmo and its Sphere of Influence, is in southeastern Marin County and bordered by the City of San Rafael to the east, the Town of Fairfax and unincorporated Marin County to the west, the Town of Ross to the south, and unincorporated Marin County to the north. The project is centered at approximately 37.982385° N, 122.568986° W.

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Upon adoption, the project will accommodate future growth in the Town of San Anselmo, including new businesses, expansion of existing businesses, and new residential uses consistent with the Land Use Designations and Draft Land Use Map. The project's full buildout conditions are expected to result in 2,279 new residential units accommodating an additional 5,356 residents and an addition of approximately 752,133 square feet of non-residential uses. The project also establishes the land use designations, including the allowed uses, intensities, and densities of development, established by the Land Use Map. The project covers a wide range of social, economic, infrastructure, and natural resource issues.

The project would replace the Town's existing General Plan, which was adopted in 1988 and occasionally amended , with the most recent amendments adopted in 2024. In addition, in 2023, the Town recently updated the Housing Element, which addresses the 2023 to 2031 planning period and the Town's Regional Housing Needs Allocation of 833 units. The Town would implement the project by requiring development, infrastructure improvements, and other projects to be consistent with its policies and implementing the actions included in the project, including subsequent project-level environmental review, as required by CEQA.

The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the EIR incorporate a full project description, including reasonably foreseeable future phases of the project, that contains sufficient information to evaluate and review the project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following project components in the project description:

- Land use changes resulting from, for example, rezoning certain areas;
- Footprints of permanent project features and temporarily impacted areas, such as staging areas and access routes;
- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems;
- Operational features of the project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features; and
- Construction schedule, activities, equipment, and crew sizes.

The NOP identifies that the EIR will be a **Program EIR**. 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

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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, 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.

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 under CESA or candidates for CESA listing, either during construction or over the life of the project. 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 or candidate species, such as: **Northern spotted owl (*Strix occidentalis caurina*), North Coast semaphore grass (*Pleuropogon hooverianus*) and burrowing owl (*Athene cunicularia*),** early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP. **If a CESA ITP is warranted,**

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CDFW recommends that the EIR include a mitigation measure requiring the project to obtain an ITP from CDFW, as further described below.

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, and 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 will 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 notification requirements. **It appears that the project may impact San Anselmo Creek, Ross Creek, Corte Madera Creek, Sleepy Hollow Creek, and other streams. Impacts to any stream would likely require an LSA Notification. If an LSA Notification is required, CDFW recommends that the EIR include a mitigation measure requiring the project to submit an LSA Notification and compliance with the LSA Agreement, if issued**. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. 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.

ENVIRONMENTAL SETTING

The EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

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CDFW recommends that the CEQA document prepared for the project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the project area and surrounding lands, including, but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the project site (for sensitive natural communities see:https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the Town or Marin County may require. Fully protected, threatened or endangered, candidate, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the project site, include but are not limited to those listed in **Attachment 1**.

Habitat descriptions and the potential for species occurrence should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System, California Aquatic Resources Inventory, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the EIR should adequately assess which special-status species are likely to occur on or near the project site, and whether they could be impacted by the project.

IMPACT ANALYSIS AND MITIGATION MEASURES

The EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);

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- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and

- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document should also identify reasonably foreseeable future projects in the project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the project, the CEQA Guidelines direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the EIR, and/or mitigate significant impacts of the project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. These measures can then be incorporated as enforceable project conditions to reduce potential impacts to biological resources to less-than-significant levels.

CDFW offers the specific comments and recommendations below to assist the Town in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. **Please be advised that the EIR should include a comprehensive evaluation of potentially significant impacts to fish and wildlife resources as described in this letter, and CDFW may provide additional comments once the EIR is circulated for public review.** Note that the City of Sausalito recently incorporated CDFW's comments into their Amended Housing Element EIR (SCH No. 2024070676)

MANDATORY FINDINGS OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

AND

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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 USFWS?

Specific Comment 1: Northern Spotted Owl

Issue: Northern spotted owl (Northern spotted owl Occurrence ID 201686) have been documented within the project area and nesting within 900 feet of the project area (MASTEROWL MRN0134 and MRN0073). Portions of the project are directly adjacent to critical habitat for Northern spotted owl, as designated by the USFWS (available here: https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77).

Specific impacts, why they may occur and be potentially significant: The project could result in northern spotted owl permanent or temporary nesting and roosting habitat loss, direct loss of active northern spotted owl nests, auditory or visual disturbances to nesting northern spotted owl resulting in nest abandonment, loss of eggs, or reduced health and vigor and loss of young. northern spotted owl is CESA listed as a threatened species and is also listed under the federal Endangered Species Act (ESA), and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if northern spotted owl is habitat is removed or an active northern spotted owl nest is disturbed by the project, the project may result in a substantial restriction of the range of or reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measures: Where suitable northern spotted owl nesting or roosting habitat is present on or within 0.7 miles of the project as determined by a qualified biologist, CDFW recommends that the EIR include the below mitigation measures to reduce impacts to northern spotted owl to less-than-significant and comply with CESA and Fish and Game Code 3500 et seq.

> **MM-BIO-1:** A qualified biologist shall provide an assessment of potential northern spotted owl nesting and roosting habitat within the project area and an appropriate area around the project area and obtain CDFW's written acceptance of the assessment. Alternatively, the project may assume that northern spotted owl nesting and roosting habitat occurs in these areas. The project shall consult with CDFW to determine the appropriate habitat assessment and survey areas, which may include **up to 0.7 miles** around the project site.

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If the assessment concludes that northern spotted owl nesting habitat is present or habitat presence is assumed, then the following measures shall be implemented:

- If the project will remove Northern spotted owl nesting habitat, a qualified biologist shall conduct two years of surveys on the project site and within the appropriate radius around the project site with six complete visits per year following the USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012 and the associated *Attachment A: Take Avoidance Analysis - Coast Redwood Region*, dated November 1, 2019, to determine the presence or absence of northern spotted owl.

  Following the two years of surveys described above, a qualified biologist shall conduct Spot Check Surveys for northern spotted owl on the project site and within a 0.25 mile radius around the project site during northern spotted owl nesting season (March 15 to July 31) each year until project construction is completed, pursuant to the above survey protocol, unless otherwise approved in writing by CDFW.

- If the project will not remove Northern spotted owl nesting habitat, a qualified biologist shall conduct surveys on the project site and within a 0.25 mile radius around the project site during northern spotted owl nesting season each year until project construction is completed in accordance with Section 9 of the above survey protocol, *Surveys for Disturbance-Only Projects*, unless otherwise approved in writing by CDFW.

The project shall obtain CDFW's written acceptance of the qualified biologist and survey report(s) prior to project construction occurring during northern spotted owl nesting season.

If nesting northern spotted owl are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW.

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If take of northern spotted owl cannot be avoided, the project shall consult with: 1) CDFW pursuant to CESA and obtain an ITP, and 2) USFWS pursuant to the federal ESA.

MM-BIO-2: If the project will result in the removal of northern spotted owl nesting or roosting habitat, the project shall prepare an northern spotted owl mitigation plan including mitigating northern spotted owl nesting or roosting habitat removal at a minimum 3:1 mitigation to impact ratio. Habitat mitigation shall include permanent preservation of high-quality nesting/roosting 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 northern spotted owl mitigation plan shall be submitted to CDFW for approval before project construction and include a review of suitability of mitigation lands for northern spotted owl as confirmed by a qualified biologist. The project shall obtain CDFW's written approval of the northern spotted owl mitigation plan.

Specific Comment 2: North Coast Semaphore Grass and Other Special-Status Plants

Issue: North Coast semaphore grass has been documented within three miles of the project area (CNDDB Occurrence Number 7) and suitable wetland meadow or vernal pool habitat may be present within or adjacent to the project area. Other special-status plants listed in Attachment 1 may also occur on or adjacent to the project area.

Specific impacts, why they may occur and be potentially significant: If North Coast semaphore grass individuals that may be impacted by the project go undetected, the project may result in mortality of individuals from direct impacts or indirect impacts such as degradation of habitat adjacent to ground disturbance. North Coast semaphore grass is considered threatened under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if North Coast semaphore grass is present on or adjacent to the project site where they may be directly or indirectly impacted, the project may substantially reduce the number or restrict the range of this species, which would be a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1). Any impact to other special-status plants may also result in a potentially significant impact.

Recommended Mitigation Measure: Where suitable wetland habitat is present for North Coast semaphore grass on or adjacent to the project area as determined by a qualified biologist, CDFW recommends that the EIR include the below mitigation measure to reduce impacts to North Coast semaphore grass and other special-status plants to less-than-significant and comply with CESA.

MM-BIO-3: Prior to ground disturbance, the project shall submit a wetland assessment and an evaluation of potential direct and indirect impacts to any on-

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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 may occur, the project shall submit to CDFW 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). 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 North Coast semaphore grass. 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 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 ESA and provide compensatory habitat mitigation as required.

If impacts to other special-status plants may occur as determined by a qualified biologist, the project shall prepare an avoidance plan including flagging plant locations for avoidance and appropriate buffer zones, and the project shall implement the avoidance plan. If impacts cannot be avoided, the qualified biologist shall prepare a mitigation plan appropriate to the impacted species including, but not limited to transplanting, seed collection and dispersal to suitable habitat, or habitat compensation, and the project obtain CDFW's written approval of the mitigation plan. The mitigation plan shall be implemented prior to project construction.

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Specific Comment 3: Burrowing Owl

Issue: Burrowing owl (CNDDB Occurrence Number 2129) have been documented within 1 mile of the project, and the project is within the wintering range of the species.

Specific impacts, why they may occur and be potentially significant: The project may impact wintering burrowing owl utilizing burrows or burrow surrogates on or within up to 1,640 feet of the project site. The project could result in injury or mortality of adults and permanent wintering (i.e., non-nesting) habitat loss. Burrowing owl is 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 nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrels resulting in a loss of suitable burrows required by burrowing owl for nesting, protection from predators, and shelter (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). Information indicates a decline in burrowing owl range over time, burrowing owl has experienced population declines in regions of California and threats to burrowing owl, coupled with long-term population declines, suggest a high degree and immediacy of threat to burrowing owl in California (CDFW 2024). Based on the foregoing, if burrowing owl are wintering on or within up to 1,640 feet of the project site, project impacts to burrowing owl would be potentially significant.

Recommended Mitigation Measures: Where suitable wintering burrowing owl habitat is present on or within 1,640 feet of the project area as determined by a qualified biologist, CDFW recommends that the EIR include the mitigation measures to reduce impacts to burrowing owl to less-than-significant and comply with CESA and Fish and Game Code 3500 et seq.

> **MM-BIO-4:** If the project occurs during the burrowing owl wintering season from September 1 to October 15 (or any extended work period), 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 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 greater than11 centimeters [cm] in diameter and a depth of greater than 150 cm), burrow

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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 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 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

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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.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs 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 CNDDB. The CNDDB online field survey form and other methods for submitting data can be found 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://wildlife.ca.gov/Data/CNDDB/Plantsand-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

CDFW anticipates that the project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 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.

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
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Special-Status Species

Attachment 2: Draft Mitigation and Monitoring Reporting Program

ec: Office of Land Use and Climate Innovation, State Clearinghouse, Sacramento
Jordan Beaton, CDFW Bay Delta Region - Jordan.Beaton@wildlife.ca.gov
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

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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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ATTACHMENT 1:

Special-Status Species

Scientific Name	Common Name	Status
Amphibians & Reptiles		
Rana boylii pop. 1	foothill yellow-legged frog - north coast DPS	SSC
Actinemys marmorata	northwestern pond turtle	FPT, SSC
Birds		
Athene cunicularia	burrowing owl	SC, SSC
Strix occidentalis caurina	northern spotted owl	FT, ST
Plants		
Hemizonia congesta ssp. *congesta*	congested-headed hayfield tarplant	CRPR 1B.2
Arctostaphylos virgata	Marin manzanita	CRPR 1B.2
Streptanthus glandulosus ssp. *pulchellus*	Mt. Tamalpais bristly jewelflower	CRPR 1B.2
Arctostaphylos montana ssp. *montana*	Mt. Tamalpais manzanita	CRPR 1B.3
Amorpha californica var. *napensis*	Napa false indigo	CRPR 1B.2
Pleuropogon hooverianus	North Coast semaphore grass	ST, CRPR 1B.1
Sidalcea calycosa ssp. *rhizomata*	Point Reyes checkerbloom	CRPR 1B.2
Chorizanthe cuspidata var. *cuspidata*	San Francisco Bay spineflower	CRPR 1B.2
Dermatocarpon meiophyllizum	silverskin lichen	CRPR 2B.3
Lessingia micradenia var. *micradenia*	Tamalpais lessingia	CRPR 1B.2
Quercus parvula var. *tamalpaisensis*	Tamalpais oak	CRPR 1B.3
Calamagrostis crassiglumis	Thurber's reed grass	CRPR 2B.1
Eriogonum luteolum var. *caninum*	Tiburon buckwheat	CRPR 1B.2

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Trifolium amoenum	two-fork clover	FE, CRPR 1B.1
Fishes		
Oncorhynchus mykiss	Central California Coast winter steelhead	FT, SSC
Mammals		
Lasiurus cinereus	hoary bat	SSC
Antrozous pallidus	Pallid bat	SSC

FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; FPT = proposed as threatened ESA; ST = state listed as threatened under CESA; SC = state candidate species under CESA; SSC = state Species of Special Concern; CRPR = California Rare Plant; DPS = distinct population segment

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ATTACHMENT 2

Draft Mitigation and Monitoring Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	**Implementation Schedule**	**Responsible Party**
MM-BIO-1: A qualified biologist shall provide an assessment of potential northern spotted owl nesting and roosting habitat within the project area and an appropriate area around the project area and obtain CDFW's written acceptance of the assessment. Alternatively, the project may assume that northern spotted owl nesting and roosting habitat occurs in these areas. The project shall consult with CDFW to determine the appropriate habitat assessment and survey areas, which may include **up to 0.7 miles** around the project site. If the assessment concludes that northern spotted owl nesting habitat is present or habitat presence is assumed, then the following measures shall be implemented: • If the project will remove Northern spotted owl nesting habitat, a qualified biologist shall conduct two years of surveys on the project site and within the appropriate radius around the project site with six complete visits per year following the USFWS *Protocol for Surveying Proposed Management Activities That May Impact Northern Spotted Owls*, dated (revised) January 9, 2012 and the associated *Attachment A: Take Avoidance Analysis - Coast Redwood Region*, dated November 1, 2019, to determine the presence or absence of northern spotted owl. Following the two years of surveys described above, a qualified biologist shall conduct Spot Check Surveys for northern spotted owl on the project site and within a 0.25 mile radius around the project site during northern spotted owl nesting season (March 15 to July 31) each year until project construction is completed, pursuant to the above survey protocol, unless otherwise approved in writing by CDFW. • If the project will not remove Northern spotted owl nesting habitat, a qualified biologist shall conduct surveys on the project site and within a 0.25 mile radius around the project site during northern spotted owl nesting season each year until project construction is completed in accordance with Section 9 of the above survey protocol, *Surveys for Disturbance-Only Projects*, unless otherwise approved in writing by CDFW. The project shall obtain CDFW's written acceptance of the qualified biologist and survey report(s) prior to project construction occurring during northern spotted owl nesting season.	Prior to and during ground disturbance	Project Applicant

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If nesting northern spotted owl are detected during surveys, a 0.25 mile no-disturbance buffer zone shall be implemented around the nest until the end of the breeding season, or a qualified biologist determines that the nest is no longer active, unless otherwise approved in writing by CDFW. Alternate buffer zones may be proposed to CDFW after conducting an auditory and visual disturbance analysis following the USFWS guidance, *Estimating the Effects of Auditory and Visual Disturbance to Northern Spotted Owls and Marbled Murrelets in Northwestern California*, dated October 1, 2020. Alternative buffers must be approved in writing by CDFW. If take of northern spotted owl cannot be avoided, the project shall consult with: 1) CDFW pursuant to CESA and obtain an ITP, and 2) USFWS pursuant to the federal ESA.		
MM-BIO-2: If the project will result in the removal of northern spotted owl nesting or roosting habitat, the project shall prepare an northern spotted owl mitigation plan including mitigating northern spotted owl nesting or roosting habitat removal at a minimum 3:1 mitigation to impact ratio. Habitat mitigation shall include permanent preservation of high-quality nesting/roosting 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 northern spotted owl mitigation plan shall be submitted to CDFW for approval before project construction and include a review of suitability of mitigation lands for northern spotted owl as confirmed by a qualified biologist. The project shall obtain CDFW's written approval of the northern spotted owl mitigation plan.	Prior to ground disturbance	Project Applicant
MM-BIO-3: 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 may occur, the project shall submit to CDFW 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). 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 North Coast semaphore grass. 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	Prior to ground disturbance	Project Applicant

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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 federal ESA and provide compensatory habitat mitigation as required. If impacts to other special-status plants may occur as determined by a qualified biologist, the project shall prepare an avoidance plan including flagging plant locations for avoidance and appropriate buffer zones, and the project shall implement the avoidance plan. If impacts cannot be avoided, the qualified biologist shall prepare a mitigation plan appropriate to the impacted species including, but not limited to transplanting, seed collection and dispersal to suitable habitat, or habitat compensation, and the project obtain CDFW's written approval of the mitigation plan. The mitigation plan shall be implemented prior to project construction.		
MM-BIO-4: If the project occurs during the burrowing owl wintering season from September 1 to October 15 (or any extended work period), 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 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 greater than 11 cm in diameter and a depth of 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	Prior to ground disturbance	Project Applicant

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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 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 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.		