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STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
wildlife.ca.gov

August 31, 2026

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, Programmatic Environmental Impact Report, SCH No. 2025100912, Town of San Anselmo, Marin County

Dear Heidi Scoble:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Programmatic Environmental Impact Report (EIR) from the Town of San Anselmo (Town) for the San Anselmo General Plan 2045 Update (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. CDFW previously submitted a letter dated November 13, 2025, in response to the EIR Notice of Preparation (NOP) for the project.

CDFW is submitting comments on the EIR to inform the Town, 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: Town of San Anselmo

Objective: 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

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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 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

Location: 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.

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 Santa Cruz tarplant (*Holocarpha macradenia*), which CESA listed as endangered; northern spotted owl (*Strix occidentalis caurina*) and North Coast semaphore grass (*Pleuropogon hooverianus*), which are CESA listed as threatened species; and burrowing owl (*Athene cunicularia*), which is a 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

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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. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **Project activities may impact San Anselmo Creek, Sleepy Hollow Creek, Ross Creek, Corte Madera Creek, 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.

COMMENTS AND RECOMMENDATIONS

CDFW offers the 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. **Attachment 1** includes an example of CDFW's recommended mitigation measures in a Draft Mitigation Monitoring and Reporting Program.

I. Adequate CEQA Review of Project-Level Impacts

COMMENT 1: Program EIR Subsequent Project Review

Issue: 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

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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%20the%20CalVTP%20Program%20EIR), CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the EIR. Future analysis should include all special-status species and sensitive habitat including, but not limited to, species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the EIR conclusion. For subsequent project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a Qualified Biologist to 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. Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?

And,

Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status

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species in local or regional plans, policies, or regulations, or by CDFW or United States 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 93 special-status plant species and 76 special-status animal species either within or in the vicinity of the Town of San Anselmo. The project area has potential to support special-status species including, but not limited to, northern spotted owl 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.

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).

The EIR indicates that grasslands and wetlands may be present within project sites. Grasslands in the Town may support Santa Cruz tarplant and wetlands in the Town may support North Coast semaphore grass, and loss of grassland or wetland habitat may result in in mortality of individuals or indirect impacts from degradation of habitat adjacent to ground disturbance due to altering hydrological conditions or other factors may occur.

The project could result in burrowing owl injury or mortality of adults, and permanent wintering (i.e., non-nesting) habitat loss. Additionally, the project may result in a permanent reduction of burrowing owl foraging habitat in Marin 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

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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.

The EIR states that impacts to biological resources would be less-than-significant in part because "Implementation of the General Plan 2045 policies and actions listed previously would reduce the potential for impacts related to this topic. Subsequent development projects will be required to comply with the General Plan and applicable federal site-specific biological resources assessment as required by CEQA for development located in or adjacent to potential habitat or ecologically sensitive areas. If any special-status species or sensitive habitats are identified, contact the appropriate resource agencies and establish appropriate management strategies to reduce impacts on sensitive habitat and special status species" (see EIR page 3.4-31). In addition, the EIR states Action OSC-B.3a "require(s) surveys of sites, including buffer areas potentially affected by proposed projects, with potentially suitable habitat for special-status species, including creek corridors, to determine the presence or absence of special-status species, critical habitat, and riparian habitat to be prepared by a qualified biologist prior to development and other management approvals. Require projects to implement measures to avoid or minimize harm to special-status species, critical habitat, and riparian to a less-than-significant level. Consult with resource agencies as required by federal and State regulations." However, the proposed biological resource assessments and Action OSC-B.3.a: 1) may not adequately establish the site-specific environmental setting as they may not appropriately identify special-status species that may be impacted, and 2) inappropriately defer formulating mitigation measures reducing potentially significant 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: "Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards."

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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 Town) 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 not be appropriately evaluated in subsequent biological surveys, or 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 and those listed below do not encompass all project-level foreseeable feasible mitigation measures.**

> **MM-BIO-1.** Northern Spotted Owl. 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 0.70 miles around the project site for projects that may remove northern spotted owl nesting habitat and 0.25 miles around the project site for projects that will not remove northern spotted owl nesting habitat.
>
> If the assessment concludes that northern spotted owl nesting habitat is present or habitat presence is assumed, then the following measures shall be implemented:

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- If the project will remove northern spotted owl nesting habitat, a qualified biologist shall conduct 2 years of surveys on the project site and within the appropriate radius around the project site with 6 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 2 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 (February 1 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, the qualified biologist shall consult with CDFW to determine an appropriate avoidance buffer which will generally be 0.25-mile or more and obtain CDFW's written approval of the avoidance buffer, and the CDFW-approved 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 Endangered Species Act (ESA).

MM-BIO-2. Northern Spotted Owl Nesting or Roosting Compensatory Mitigation. 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.

MM-BIO-3. North Coast Semaphore Grass, Santa Cruz Tarplant, and Other Special-Status Plants. Prior to ground disturbance, the project shall submit a habitat assessment for Santa Cruz tarplant and North Coast semaphore grass and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site grassland and/or 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 habitat for Santa Cruz tarplant, North Coast semaphore grass, or other special-status plants 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 and other special-status plants. 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 habitat, including portions of wetland on adjacent parcels or not

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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 or grassland 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 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-3. Burrowing Owl. 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 2 years of experience implementing the CDFW 2012 Staff Report survey methodology. The habitat assessment shall focus on searching the California Natural Diversity Database (CNDDB) and potentially other sources for any burrowing owl records on or within 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 than150 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

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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 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.

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

COMMENT 3: Riparian Habitat, Wetlands, Sensitive Natural Communities, and LSA Notification – Environmental Setting and Related Impact Shortcoming

Issue, specific impacts, why they may occur and be potentially significant: The project may result in potentially significant impacts to riparian habitat, wetlands, or other sensitive natural communities (https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive). Stream habitat, including connected wetlands, is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When stream habitat is substantially altered, riparian functions become impaired, thereby potentially substantially adversely impacting aquatic and terrestrial species. Removing connected wetland habitat may also result in the degradation of stream habitat. Therefore, if the above impacts to stream habitat occur, or loss of sensitive natural communities occur, project impacts to such habitats would be potentially significant.

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

> **MM-BIO-4:** Lake and Stream Alteration. A qualified biologist shall evaluate each project site for potential impacts to streams, lakes, and associated riparian habitat. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams) or lakes, 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 minimum 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 U.S. Army Corps of Engineers (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.

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MM-BIO-5: Sensitive Natural Communities. A qualified biologist shall evaluate each project site for potential impacts to 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 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 CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

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

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

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Sincerely,

DocuSigned by:
Erin Chappell
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Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2025100912)
Vincent Griego, U.S. Fish and Wildlife Service - Vincent_Griego@fws.gov
Jordan Beaton, CDFW Bay Delta Region - Jordan.Beaton@wildlife.ca.gov
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

REFERENCES

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.

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**
MM-BIO-1	Northern Spotted Owl. 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 0.70 miles around the project site for projects that may remove northern spotted owl nesting habitat and 0.25 miles around the project site for projects that will not remove northern spotted owl nesting habitat. 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 2 years of surveys on the project site and within the appropriate radius around the project site with 6 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 2 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 (February 1 to July 31) each year until project construction is completed, pursuant to the above survey protocol, unless otherwise approved in writing by CDFW.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	• 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, the qualified biologist shall consult with CDFW to determine an appropriate avoidance buffer which will generally be 0.25-mile or more and obtain CDFW's written approval of the avoidance buffer, and the CDFW-approved 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	Northern Spotted Owl Nesting or Roosting Compensatory Mitigation. 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	Prior to Ground Disturbance	Project Applicant

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	biologist. The project shall obtain CDFW's written approval of the northern spotted owl mitigation plan.		
MM-BIO-3	Burrowing Owl. 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 >11 cm in diameter and a depth of >150 cm), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. The results of the habitat assessment shall be emailed to CDFW and the project shall obtain CDFW's written approval of the habitat assessment prior to starting project activities. If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the 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	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	between project activities may trigger subsequent surveys including, but not limited to, a final survey conducted within 24 hours prior to ground disturbance. If burrowing owl is detected, the project shall immediately notify CDFW. The project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no project activities shall occur, unless otherwise approved in writing by CDFW. A qualified biologist or biological monitor shall monitor any detected owl to ensure it is not disturbed. If the surveys result in the detection of the burrowing owl that may be impacted by the project, or the presence of this species and impacts to it are assumed, the project shall obtain and comply with an ITP from CDFW. Habitat compensation for impacts to occupied wintering burrowing owl habitat (habitat known to have been occupied by wintering burrowing owl within the last 3 years) shall also be provided at a minimum 3:1 mitigation to impact ratio prior to project construction, unless otherwise approved by CDFW. Habitat mitigation shall include permanent preservation of high-quality burrowing owl wintering habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, to be finalized before project construction, unless otherwise approved in writing by CDFW. The burrowing owl mitigation plan shall be submitted to CDFW for approval before project construction and include a review of suitability of mitigation lands for burrowing owl as confirmed by a qualified biologist. The project shall obtain CDFW's written approval of the burrowing owl mitigation plan.		
MM-BIO-4	Lake and Stream Alteration. A qualified biologist shall evaluate each project site for potential impacts to streams, lakes, and associated riparian habitat. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams) or lakes, 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 minimum 3:1 mitigation to impact ratio based on acreage and linear distance as close to the	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	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 onsite in the same year as the impact. The project shall also consult with the Regional Water Quality Control Board and Army Corps of Engineers to impacts to waters such as streams, lakes, and wetlands, and obtain permits if necessary pursuant to the Clean Water Act and Porter Cologne Water Quality Control Act.		
MM-BIO-5	Sensitive Natural Communities. A qualified biologist shall evaluate each project site for potential impacts to sensitive natural communities. The project shall implement restoration onsite or off-site to mitigate temporary or permanent impacts to sensitive natural communities at a minimum 1:1 (restore onsite temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres of impacts, and trees, if applicable, shall be replaced at an appropriate ratio based on size and species, and temporal habitat loss, or provide habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan, unless otherwise approved in writing by CDFW.	Prior to Ground Disturbance	Project Applicant