Appendix A

Notice of Preparation (NOP) and NOP Comments

Notice of Preparation
Draft Program Environmental Impact Report
San Anselmo General Plan 2045 Update

Date: October 20, 2025

To: State Clearinghouse, Agencies, Organizations, and Interested Parties

From: Town of San Anselmo Planning Department

Subject: Notice of Preparation and Scoping Meeting for the San Anselmo General Plan Update Environmental Impact Report

Scoping Meeting: November 13, 2025 at 4:00 PM (attend via Zoom or in person at Town Hall, 525 San Anselmo Ave, San Anselmo, CA 94960 – see pg.2 for information)

Comment Period: October 20, 2025 to November 19, 2025

The Town of San Anselmo (Town) will serve as Lead Agency in the preparation of a programmatic Environmental Impact Report (EIR) for the adoption and implementation of the San Anselmo General Plan 2045 Update (General Plan 2045).

The purpose of this notice is (1) to serve as a Notice of Preparation (NOP) of an EIR pursuant to the State CEQA Guidelines Section 15082, (2) to advise and solicit comments and suggestions regarding the scope and content of the EIR to be prepared for the proposed project, and (3) to notice the public scoping meeting. The proposed project is a long-term General Plan consisting of policies that will guide future development activities and Town actions. Information regarding the project description, project location, and topics to be addressed in the Draft EIR is provided below. Additional project documents and information are available at the Town of San Anselmo, Planning Department located at 525 San Anselmo Avenue, San Anselmo and on-line at:

https://sananselmogp2045.org/

For questions regarding this notice, please contact Heidi Scoble, Community Development Director, at (415) 258-4636 or hscoble@sananselmo.gov.

Notice of Preparation Comment Period

The Town, as Lead Agency, requests that responsible and trustee agencies, and the Office of Planning and Research, respond in a manner consistent with Section 15082(b) of the CEQA Guidelines. Pursuant to Public Resources Code Section 21080.4, responsible agencies, trustee agencies and the Office of Planning and Research must submit any comments in response to this notice no later than 30 days after receipt. The NOP public review period will begin on October 20, 2025.

In the event that the Town does not receive a response from any Responsible or Trustee Agency by the end of the review period, the Town may presume that the Responsible Agency or Trustee Agency has no response to make (State CEQA Guidelines Section 15082(b)(2)). All comments in

response to this notice must be submitted in writing at the address below, or via email, by the close of the 30-day NOP review period, which is 5:00 PM on November 19, 2025:

Heidi Scoble
Town of San Anselmo
Planning Department
525 San Anselmo Avenue
San Anselmo CA 94960

E-mail: hscoble@sananselmo.gov

Scoping Meeting

The Town will hold a scoping meeting to provide an opportunity for agency representatives and the public to assist the Town in determining the scope and content of the EIR.

The scoping meeting will be held on November 13, 2025 at 4:00 PM via Zoom and in-person in the Council Chambers at Town Hall, 525 San Anselmo Avenue, San Anselmo, CA 94960.

The Zoom meeting link is provided below.

San Anselmo General Plan 2045 Draft EIR Scoping Meeting
November 13, 2025 at 4:00 PM

In-Person and Virtual Attendance Options:

- In-Person Location: Town Council Chambers located at 525 San Anselmo Avenue, San Anselmo, CA 94960; and
- Zoom Meeting Link:
  - https://us02web.zoom.us/j/81998532876
  - Phone: +16694449171,81998532876#
  - Meeting ID: 819 9853 2876

For comments before or after the meeting or additional information, please contact Heidi Scoble, Community Development Director, at (415) 258-4636 or hscoble@sananselmo.gov.

Project Location and Setting

The Town of San Anselmo is an incorporated municipality in Marin County, California. The Town is bordered by San Rafael to the east, Fairfax and unincorporated Marin County to the west, Ross to the south, and unincorporated Marin County to the north. San Anselmo is located approximately 20 miles north of San Francisco, as shown on Figure 1. The town is situated in a series of small valleys created by streams bordered by moderate to steep hillside slopes and ridge tops. The Planning Area has an average elevation of approximately 194 feet above mean sea level, with the

elevation varying across the town due to its hilly terrain, and drains primarily to the Ross Valley Watershed. San Anselmo is at the juncture of major arterials leading from the San Francisco Bay Area to western Marin County. The Town is accessible by road from Sir Francis Drake Boulevard, which connects Highway 101 to the Town and continues west through San Anselmo from Ross to Fairfax, and from Red Hill Avenue, which becomes 4th Street in San Rafael and provides another connection between San Anselmo and Highway 101.Existing conditions in the Town and Planning Area are further described in the Existing Conditions Reports addressing Circulation, Community Services and Facilities, Conservation, Cultural, Tribal, and Historical Resources, Land Use, Parks, Recreation, and Open Space, Safety and Noise, Socio-Demographic and Housing, and Sustainability and Climate Change.

Planning Area

In addition to the lands within the Town boundaries, State law requires that a municipality adopt a General Plan that addresses "any land outside its boundaries which in the planning agency's judgment bears relation to its planning (California Government Code §65300)." The Town's Planning Area is defined as all lands within the Town limits and San Anselmo Sphere of Influence (SOI), as shown on Figure 2.

Project Description

State law requires the Town to adopt a comprehensive, long-term general plan for the physical development of its Planning Area. The Plan must include land use, circulation, housing, conservation, open space, noise, and safety elements, and address environmental justice and climate adaptation, as specified in Government Code Section 65302, to the extent that the issues identified by State law exist in the Town's Planning Area. Additional elements that relate to the physical development of the town may also be addressed in the Plan. The degree of specificity and level of detail of the discussion of each element need only reflect local conditions and circumstances.

Upon adoption, the General Plan 2045 will replace the Town's existing General Plan, which was adopted in 1988 and amended from time to time with the most recent amendments adopted in 2024. In addition, the Town recently updated the Housing Element, which addresses the 2023-2031 planning period and the Town's Regional Housing Needs Allocation of 833 units, in 2023.

The Town will implement the General Plan by requiring development, infrastructure improvements, and other projects to be consistent with its policies and by implementing the actions included in the Plan, including subsequent project-level environmental review, as required under CEQA.

Other project information and related General Plan documentation is available at the Town's General Plan 2045 website: https://sananselmogp2045.org/.

Project Objectives

The San Anselmo General Plan Update is shaped by a vision statement and guiding principles identified through the visioning and community outreach efforts, listed below.

Vision Statement

The Town of San Anselmo envisions a future where natural beauty, community well-being, and sustainable progress harmoniously coexist. We respectfully acknowledge that San Anselmo resides on the ancestral lands of the Coast Miwok, and we honor their enduring connection to this land. Our town seeks to honor its heritage, scenic beauty, and sense of community and belonging while embracing innovation, inclusivity, climate action, sustainability, economic vitality, and fiscal responsibility. Together, we will strive to create a safe, welcoming, and vibrant community for all people, where the values of social equity, environmental stewardship, and community connection are fundamental.

Guiding Principles

1. **Environmental Stewardship:** Protect and enhance our open spaces, wildlife habitats, and biological diversity through thoughtful land use and environmental policies, and support public access to open space and scenic vistas in ways that minimize environmental impact and preserve natural resources.
2. **Climate Action, Resilience, and Sustainability:** Lead in eliminating greenhouse gas emissions, mitigating and adapting to climate change, and building a resilient community that can withstand environmental challenges, prioritizing support for our most vulnerable populations. Embrace sustainable practices in all aspects of town life.
3. **Architectural and Scenic Beauty:** Maintain and complement the diverse and historic qualities of the built environment, and preserve and enhance the scenic beauty of San Anselmo.
4. **Economic Vitality:** Support a thriving local economy that strengthens Town revenues by fostering a variety of businesses, encouraging sustainable economic practices, and ensuring that economic growth is inclusive, responsive to the changing needs of the community, and in alignment with our environmental and social goals. Encourage businesses in the town's commercial hubs and downtown to foster vibrancy and contribute to attractive gateways to San Anselmo.
5. **Housing:** Promote a wide range of housing options that are affordable at all income levels, accessible, and sustainable while protecting the town's natural resources and respecting its charming architecture. Encourage housing that meets the needs of existing residents and welcomes a diverse spectrum of future residents.
6. **A Community of Belonging:** Foster an inclusive, welcoming, and socially connected community where people of all ages, backgrounds, and abilities have a sense of

belonging, equitable access, and opportunities to thrive. Emphasize community engagement, connections, and volunteerism to enhance the social fabric of the town.

7. **Social Equity and Diversity:** Commit to promoting social equity, respect, and understanding in all community interactions. Actively promote diversity and inclusiveness as fundamental values that strengthen the town, to the extent consistent with federal and State law. Honor the history and enduring presence of the Coast Miwok.
8. **Healthy Community:** Offer and improve access to our parks, recreation programs, facilities, and events which provide affordable opportunities for active living, personal enrichment, education, and social connection to all members of the community.
9. **Sustainable Transportation:** Prioritize multi-modal transportation options and improvements that eliminate greenhouse gas emissions, such as zero-emission vehicles, public transit, cycling, and pedestrian-friendly infrastructure. Improve and promote safety, accessibility, and traffic flow.
10. **Safety and Preparedness:** Ensure the safety and well-being of all residents through high-quality public services, resilient infrastructure, improved safety and noise regulation, and robust emergency preparedness and response plans.
11. **Excellence in Governance:** Provide high-quality public facilities and infrastructure and fiscally responsible, innovative, transparent, and responsive local government services to ensure the health, safety, and welfare of the community. Communicate with and engage all members of the community to align leadership with the diverse needs and values of San Anselmo's residents.

San Anselmo General Plan 2045 Contents

The San Anselmo General Plan 2045 will include a comprehensive set of goals, policies, and actions, as well as a revised Land Use Map (Figure 2 – Adopted General Plan Land Use Map and Figure 3 – Proposed Land Use Map). The definitions of goals, policies, and actions are listed below:

- A goal is a description of the general desired result that the Town seeks to create through the implementation of the General Plan.
- A policy is a specific statement that guides decision-making as the Town works to achieve its goals. Once adopted, policies represent statements of Town regulations. The General Plan's policies set out the standards that will be used by Town staff, the Planning Commission, and the Town Council in their review of land development projects, resource protection activities, infrastructure improvements, and other Town actions. Policies are on-going and don't necessarily require specific action on behalf of the Town.
- An implementation measure is an action, procedure, technique, or specific program to be undertaken by the Town to help achieve a specified goal or implement an adopted policy.

The Town must take additional steps to implement each action in the General Plan. An action is something that can and will be completed.

A General Plan covers a wide range of social, economic, infrastructure, and natural resource issues. The San Anselmo General Plan 2045 will include goals, policies, and actions to address the State-mandated topics and will continue to have components that address optional topics, including growth management, urban design, downtown, economic vitality, youth and recreation, and public facilities.

Land Use & Community Design Element

The Land Use & Community Design Element establishes the framework for the goals, policies, and actions that will shape the physical form of San Anselmo. The Land Use & Community Design Element addresses growth management, diverse land uses, community design, downtown, commercial corridors, historic preservation, residential neighborhoods, arts and culture, and governance and inclusion. The Land Use & Community Design Element guides the intensity and distribution of land uses and identifies areas of the Town where change will be encouraged and those areas where the existing land use patterns will be maintained and enhanced.

The Land Use & Community Design Element also establishes the land use designations, including the allowed uses, intensities, and densities of development, established by the Land Use Map, shown in Figure 3.

Table 1 lists each land use designation and provides the density and FAR requirements for each designation, including any modifications associated with each land use alternative.

Table 1: San Anselmo General Plan 2045 Land Use Designations

General Plan Land Use Designation or Overlay	Proposed San Anselmo General Plan 2045 Maximum Density[1] / FAR
Residential Designations	
Very Low Density Residential	1 du/acre
Single-Family Residential-Conservation	1 du/acre
Single-Family Residential	1-6 units/acre
Medium Density Residential	6-12 units/acre
High Density Residential	13-30 units/acre[2]
Downtown Mixed Residential	6-30 units/acre[2] 2.0 FAR
Mixed Use, Commercial, and Office Designations	
Central Commercial	13-30 units/acre 2.0 FAR
General Commercial	13-30 units/acre[2] 2.0 FAR

General Plan Land Use Designation or Overlay	Proposed San Anselmo General Plan 2045 Maximum Density[1] / FAR
Limited Commercial	13-20 units/acre 1.0 FAR; 1.25 for mixed use projects with 8-10 units)
Neighborhood Commercial	13-20 units/acre 1.0 FAR; 1.25 for mixed use projects with 8-10 units)
Public, Quasi-Public, Recreation, and Other Designations	
Parks	Density/FAR: Not applicable
Open Space	Density/FAR: Not applicable
Public Facilities	40 units/acre proposed (see Action LU-B.4.a) FAR: Not applicable

1: Residential densities are in units per gross acre. The term 'gross acre' as used in the General Plan refers to all the land within the property lines of a given parcel or all the land within the boundary line of a given development proposed. The only land to be excluded in the calculation of gross acreage is any land within an established public right-of-way or adopted plan line.
2: Residential densities up to 40 units per acre may be allowed for properties subject to the Affordable Housing Overlay District in the Zoning Map.
Source: Town of San Anselmo, 2025

Table 2 shows the total acreages for each land use designation shown on the proposed Land Use Map.

Table 2: San Anselmo General Plan 2045 Land Use Designations by Acreage

Land Use Designation	Acres
Residential Designations	
Very Low Density Residential	206
Single-Family Residential-Conservation	24
Single-Family Residential	813
Medium Density Residential	15
High Density Residential	43
Downtown Mixed Residential	67
Mixed Use, Commercial, and Office Designations	
Central Commercial	8
General Commercial	35
Limited Commercial	5
Neighborhood Commercial	2

Public, Quasi-Public, Recreation, and Other Designations	
Parks	10
Open Space	170
Public Facilities	60
Right-of-Way / Not Designated	2
Sphere of Influence	
Not Designated	1,749
Total	**3,211**

Source: Marin County GIS/Assessor Data, 2024; Town of San Anselmo, 2025; De Novo Planning Group, 2025

Open Space & Conservation Element

The Open Space & Conservation Element addresses the protection and acquisition of open space for scenic beauty, resource protection, safety, climate change resilience, and public access and the conservation of natural resources, including wildlife and habitat protection, streams and riparian corridors, trees, air quality, and tribal cultural resources.

Sustainability, Climate Change, & Resiliency Element

The Sustainability, Climate Change, & Resiliency Element addresses improving community resilience, enhancing climate change preparedness and adaptation, and increasing local sustainability, and reducing carbon footprints.

Economic Vitality Element

The Economic Vitality Element addresses the policy approach to sustain and grow the town's economy, preserve and enhance the town's built environment and image, support community-oriented cultural, educational, and entertainment events, and maintain the commercial hubs as the center of town activity.

Housing Element

The Housing Element, as adopted in 2023, will continue to provide local housing programs to meet the fair share of existing and future housing needs for all income groups, preserve and maintain housing, and affirmatively further fair housing.

Circulation Element

The Circulation Element addresses the Town's long-term transportation system, primarily through policies and standards to encourage complete streets, adequate capacity, and linkages to further an integrated multi-modal transportation system, including walking, cycling, and transit access, and parking.

Parks, Recreation, & Public Facilities Element

The Parks, Recreation, & Public Facilities Element addresses the provision of parks and recreational facilities, recreational services and programs, public facilities and infrastructure, and library services.

Safety Element

The Safety Element addresses natural and human-caused hazards that can adversely impact public safety, establishing goals, policies, and actions to address disaster preparedness and response, seismic and geologic hazards, landslides, flooding, wildland and urban fires, and weather-related hazards.

Noise Element

The Noise Element addresses exposure of existing and future community members to noise sources, including transportation-related noise, source-point noise, and intermittent noise.

Growth and Development

The General Plan will accommodate future growth in San Anselmo, including new businesses, expansion of existing businesses, and new residential uses consistent with the Land Use Designations (Table 1) and Draft Land Use Map (Figure 3). Table 3 summarizes the "full buildout" development potential under the proposed San Anselmo General Plan 2045. The full buildout would be the development of every parcel with the maximum amount of development that could occur under the General Plan.

The actual amount of development that will occur throughout the planning horizon of the General Plan is based on many factors outside of the Town's control. Actual future development would depend on future real estate and labor market conditions and costs, property owner preferences and decisions, site-specific constraints, evolving state and federal regulations, and other factors. New development and growth are largely dictated by existing development conditions, market conditions, and land turnover rates. Very few communities actually develop to the full potential allowed in their respective General Plans during the planning horizon.

As shown in Table 3, full buildout conditions under the General Plan would be anticipated 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.

Table 3: San Anselmo General Plan New Development Potential

Land Use Designation	Dwelling Units	Population[1]	Non-residential Square Feet
Residential Designations			
Very Low Density Residential	43	101	-
Single-Family Residential-Conservation	2	5	
Single-Family Residential	452	1,062	-
Medium Density Residential	41	96	-
High Density Residential	248	583	-
Downtown Mixed Residential	351	825	-
Mixed Use, Commercial, and Office Designations			
Central Commercial	43	101	90,103
General Commercial	488	1,147	634,566
Limited Commercial	82	193	17,536
Neighborhood Commercial	7	16	9,928
Public, Quasi-Public, Recreation, and Other Designations			
Parks	0	0	0
Open Space	0	0	0
Public Facilities	203	477	-
Subtotal			
Subtotal	***1,960***	***4,606***	***752,133***
Accessory Dwelling Units (Townwide)	319	750	
Total	**2,279**	**5,356**	**752,133**

Source: Marin County GIS/Assessor Data, 2024; Town of San Anselmo, 2025; De Novo Planning Group, 2025
[1] 2.35 persons per household, California Department of Finance, 2025

Program EIR Analysis

The Town, as the Lead Agency under the California Environmental Quality Act (CEQA), will prepare a Program EIR for the San Anselmo General Plan 2045 Update. The EIR will be prepared in accordance with CEQA, the CEQA Guidelines (Guidelines), relevant case law, and Town procedures. No Initial Study will be prepared pursuant to Section 15063(a) of the CEQA Guidelines.

The EIR will analyze the potential for significant impacts on the environment associated with adoption and implementation of the General Plan. In particular, the EIR will focus on areas that have development potential. The EIR will evaluate the full range of environmental issues contemplated under CEQA and the CEQA Guidelines as set forth in CEQA Guidelines Appendix G, except for specific topics identified below as having no impact. Where potentially significant or significant impacts are identified, the EIR will discuss mitigation measures to address the impact. At this time, the Town anticipates that EIR sections will be organized in the following topical areas:

- Aesthetic Resources - The Program EIR will describe the aesthetic implications of the General Plan 2045 implementation, including visual relationships to the surrounding vicinity and potential impacts on scenic vistas and resources, and potential to conflict with regulations governing scenic quality, and light or glare impacts.
- Agriculture Resources - The Program EIR will describe the potential of the General Plan 2045 implementation on agricultural resources.
- Air Quality - The Program EIR will describe the potential short- and long-term impacts of General Plan 2045 implementation on local and regional air quality and air quality plans based on methodologies issued by the Bay Area Air District (Air District).
- Biological Resources - The Program EIR will identify the potential impacts of General Plan 2045 implementation on biological resources, including special-status plant and animal species, riparian habitats, wetlands, other sensitive natural communities, migratory movement, and protected trees.
- Historic, Cultural and Tribal Cultural Resources - The Program EIR will describe any potential General Plan 2045 implementation impacts and mitigation associated with historic, archaeological, and tribal cultural resources.
- Geology, Soils, and Paleontological Resources - The Program EIR will describe the potential geotechnical implications of General Plan 2045 implementation, including adverse effects associated with seismic activity, substantial soil erosion or loss of topsoil, potentially unstable geologic units, and destruction of unique paleontologic resources or unique geological features.
- Greenhouse Gases, Climate Change, and Energy - The Program EIR will include a greenhouse gas emissions analysis using the Air District's methodology and thresholds for evaluating a project's greenhouse gas emissions and will address the potential for the General Plan 2045 to conflict with an adopted plan or other regulations adopted for the purpose of reducing greenhouse gases. This section will also address anticipated energy consumption associated with buildout of the General Plan 2045, as well as proposed and/or potential energy conservation measures.

- Hazards and Hazardous Materials - The Program EIR will describe any existing and anticipated hazardous material activities and releases and any associated impacts of General Plan 2045 implementation. Potential hazards impacts resulting from future construction will also be described.
- Hydrology and Water Quality - The Program EIR will describe the effects of General Plan 2045 implementation on storm drainage, water quality, groundwater resources, and the potential for flooding.
- Land Use and Planning - The Program EIR will describe the potential impacts of General Plan 2045 implementation related to land use and planning, including impacts due to conflict with land use plans, policies, or regulations adopted to avoid or mitigate an environmental effect.
- Noise - The Program EIR will describe noise impacts and related mitigation needs associated with short-term construction and long-term operations (i.e., traffic, mechanical systems, etc.) resulting from buildout of the General Plan 2045.
- Population and Housing - The Program EIR will describe the General Plan 2045 impacts on the induction of unplanned population growth or displacement of existing people or housing.
- Public Services and Recreation - The Program EIR will describe the General Plan 2045 impacts on public services, including police, fire, and emergency medical services, schools, parks and recreation facilities, and other public facilities.
- Transportation - The Program EIR will describe the transportation and circulation implications of General Plan 2045 implementation, including impacts on the circulation system (e.g., transit, roadways, pedestrian and bicycle facilities), potential effects on vehicle miles travelled, hazards due to geometric design features or incompatible uses, and adequate emergency access.
- Utilities/Service Systems - The Program EIR will describe the General Plan 2045 impacts related to new or expanded water supply, sewer and wastewater treatment, storm drainage, solid waste and recycling, electric, natural gas, and telecommunication infrastructure.
- Wildfire – The Program EIR will describe the General Plan 2045 impacts related to emergency response/emergency evacuation plans, potential to exacerbate wildfire risks, and exposure to significant wildfire-related risks.
- In addition to the potential environmental impacts noted above, the Program EIR will evaluate potential cumulative impacts and potential growth-inducing effects associated with General Plan 2045 implementation. The Program EIR will also compare the impacts of the proposed General Plan 2045 to a range of reasonable alternatives, including a No Project alternative, and will identify an environmentally superior alternative. The Program EIR will analyze the Land Use Map, circulation diagrams, goals, policies, and actions for the proposed General Plan 2045 and alternatives to the proposed General Plan 2045.

Environmental Topics Scoped from Further Analysis

There is no designated forest or timber land in the Town and Planning Area. Therefore, the General Plan 2045 would have no impact related to forestry resources, as identified by CEQA Guidelines Appendix G, Section II, paragraphs c) and d) and this issue will not be analyzed further in the EIR.

There are no known mineral resources of value and there are no known locally important mineral resource recovery sites in the Town and Planning Area. Therefore, the General Plan 2045 would have no impact related to mineral resources, as identified by CEQA Guidelines Appendix G, Section XII, paragraphs a) and b) and this issue will not be analyzed further in the EIR.

The Town and Planning Area are not located within an airport land use plan nor within two miles of a public airport or public use airport. Therefore, the General Plan 2045 would have no impact related to airport-associated hazards or exposure to excessive noise levels related to airport use, as identified by CEQA Guidelines Appendix G, Section IX, paragraph e) and Section XIII, paragraph c), respectively.

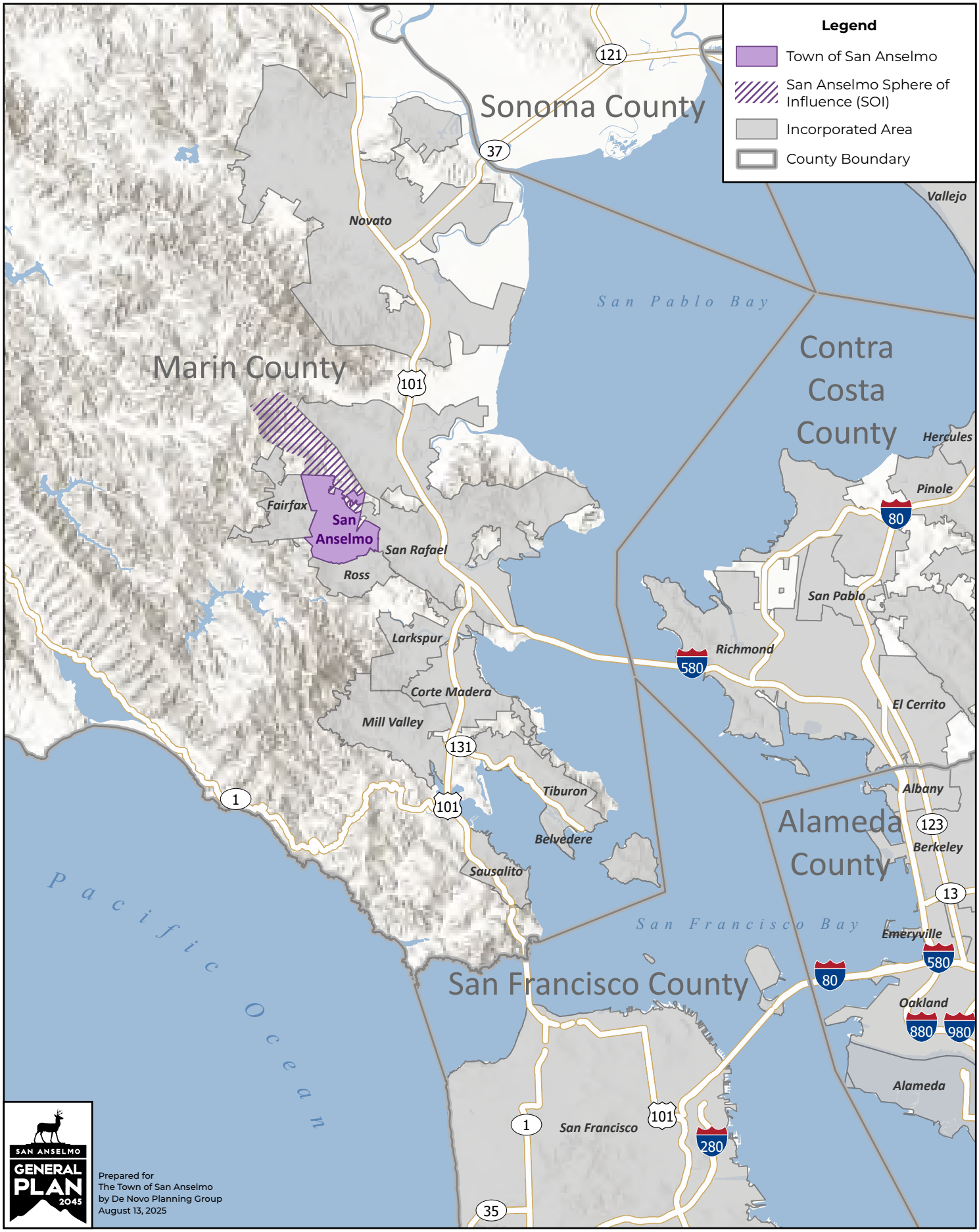


Figure 1.
REGIONAL LOCATION

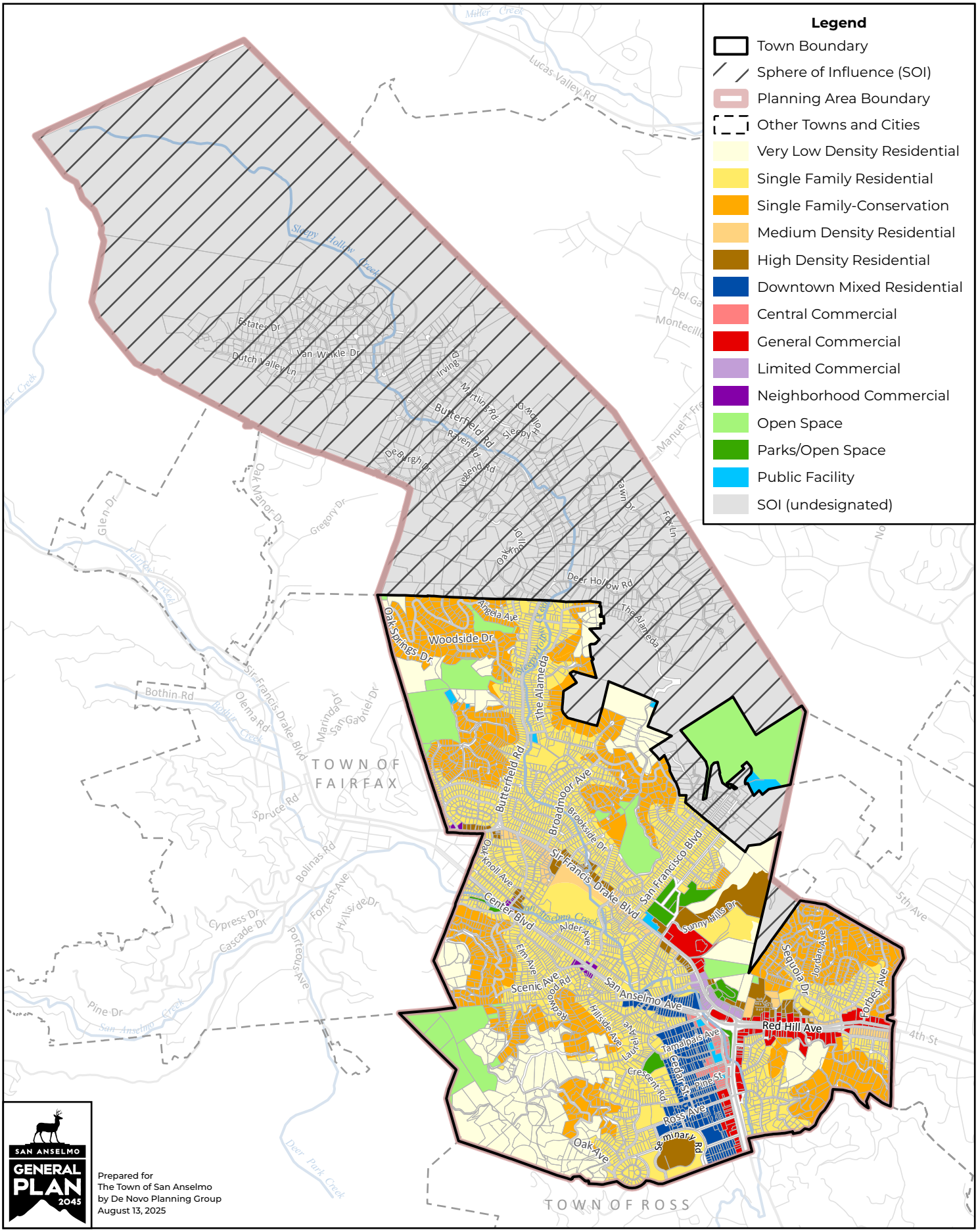


Figure 2.
EXISTING GENERAL PLAN LAND USE MAP

Sources: City of San Anselmo; Marin County GIS; Marin County LAFCo; USGS NHD

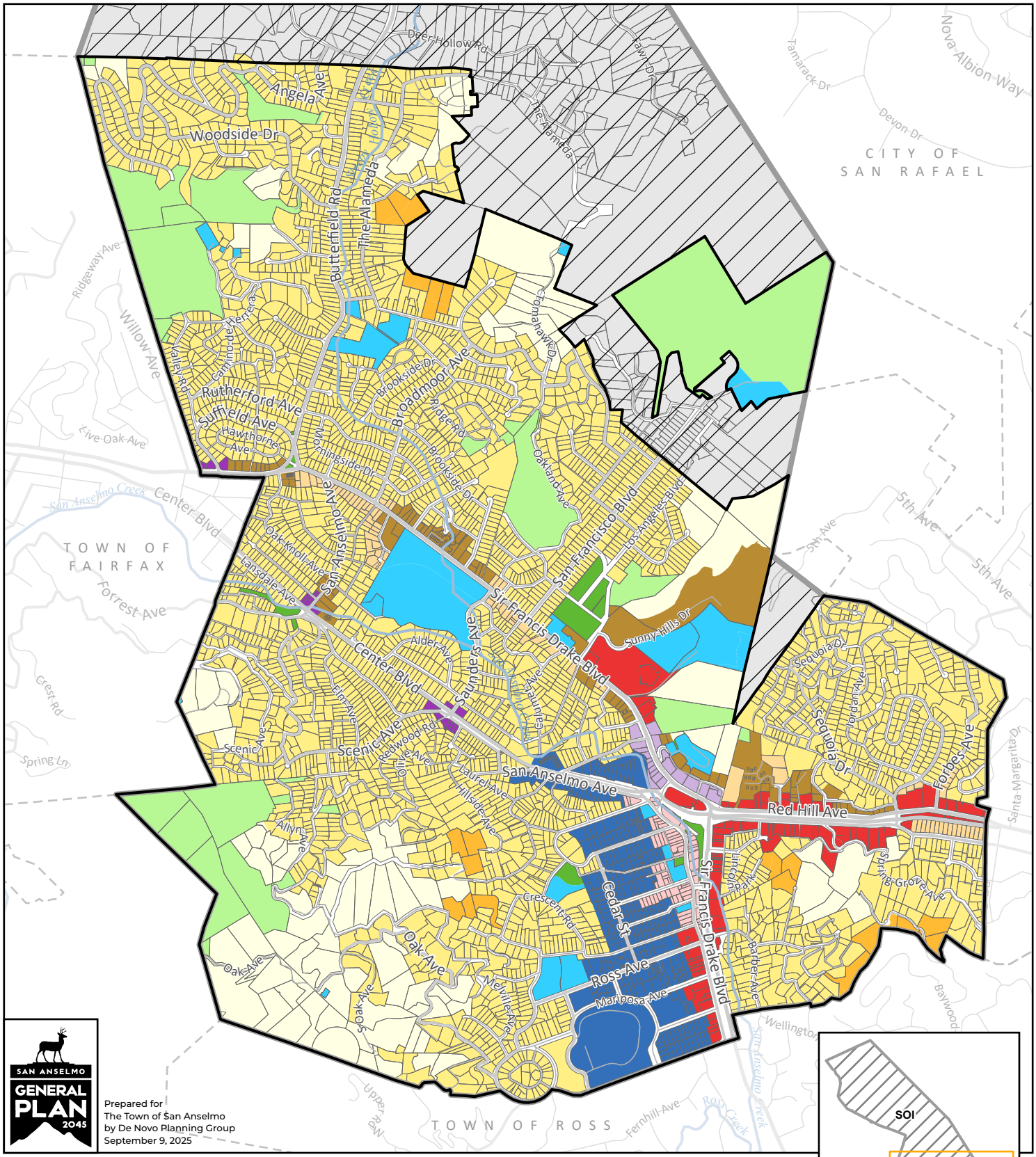


Figure 3.
PROPOSED GENERAL PLAN LAND USE DESIGNATIONS

NATIVE AMERICAN HERITAGE COMMISSION

CHAIRPERSON
Reginald Pagaling
Chumash

VICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki, Nomlaki

SECRETARY
Isaac Bojorquez
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Stanley Rodriguez
Kumeyaay

COMMISSIONER
Bennae Calac
Pauma-Yuima Band of Luiseño Indians

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Michelle Carr

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nahc@nahc.ca.gov

October 21, 2025

Heidi Scoble
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo CA 94965

Re 2025100912 San Anselmo General Plan 2045 Update Project, Marin County

Dear Ms. Scoble:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements**. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- **a.** A brief description of the project.
- **b.** The lead agency contact information.
- **c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- **d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- **a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- **a.** Alternatives to the project.
- **b.** Recommended mitigation measures.
- **c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- **a.** Type of environmental review necessary.
- **b.** Significance of the tribal cultural resources.
- **c.** Significance of the project's impacts on tribal cultural resources.
- **d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- **a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
- **b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

a. Avoidance and preservation of the resources in place, including, but not limited to:

i. Planning and construction to avoid the resources and protect the cultural and natural context.

ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

i. Protecting the cultural character and integrity of the resource.

ii. Protecting the traditional use of the resource.

iii. Protecting the confidentiality of the resource.

c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).

e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).

f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).

2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.

3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).

4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:

- **a.** The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
- **b.** Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:

- **a.** If part or all of the APE has been previously surveyed for cultural resources.
- **b.** If any known cultural resources have already been recorded on or adjacent to the APE.
- **c.** If the probability is low, moderate, or high that cultural resources are located in the APE.
- **d.** If a survey is required to determine whether previously unrecorded cultural resources are present.

2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- **a.** The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
- **b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.

c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Mathew.Lin@NAHC.ca.gov.

Sincerely,

Mathew Lin

Mathew Lin
Cultural Resources Analyst

cc: State Clearinghouse

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

GAVIN NEWSOM, Governor
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.		

From: Richard Berkson
To: General Plan Update
Cc: Heidi Scoble
Subject: General Plan Update Draft EIR scoping
Date: Monday, November 17, 2025 11:14:40 AM

CAUTION: External Sender

Heidi,

As a member of the General Plan Advisory Committee (GPAC) and the Town's Infrastructure and Fiscal Monitoring Committee (IFMC), I feel it is imperative that the EIR for the updated General Plan consider the implications of potential major new development within the Town's unincorporated Sphere of Influence (SOI). Please consider the following comments regarding the General Plan Update Draft EIR scoping.

Excluding unincorporated areas immediately adjacent to the Town will result in inadequate planning for the possibility of dense new development allowed by State regulations. Recent development applications in the Sorich area (now expired) illustrate the types of future dense development projects that will add population demanding Town services (e.g., police, fire, road maintenance, parks and recreation, etc.) placing additional strain on the Town's budget. The impacts on Town services, budgets and infrastructure will be compounded by the lack of new public revenues that would otherwise accompany new development within Town boundaries.

While the unincorporated areas technically are outside of the Town's land use planning jurisdiction, State law and California planning practices provide for the adoption by the Local Agency Formation Commission (LAFCO) of SOIs to promote "…orderly development and coordination of local governmental agencies." Planning responsibility is vested in the County government, however, the Town could consider annexation of new development to properly integrate it into Town government and services with corresponding allocation of public revenues to help offset increased costs. The Sorich area, specifically, is a community of interest closely tied to Town streets and roads, recreation and other public facilities and community activities but the area lies outside Town boundaries. Other linkages include Town corp yard property that may be important to the design of new development in the area, and there are possible benefits to the Town through recycled water infrastructure (contingent on State water regulations) as part of new development.

In addition to the connection with Town services, facilities and infrastructure, new development in adjacent unincorporated areas will affect the Town's ability to achieve its updated General Plan goals and policies (currently in draft form). A range of goals and policies will be affected by new development within the SOI, for example including but not limited to Open Space, Land Use and Community Design, Housing, Sustainability, Circulation, and Parks.

At a minimum, the EIR should be scoped to provide background regarding potential development activity in the SOI, possible impacts on the Town and GP goals and policies, and possible actions to mitigate adverse impacts. The EIR should include some combination of the following:

1. Current developed and vacant parcels in the SOI, residential units and population, affordable housing/disadvantaged communities, and other relevant characteristics.
2. Overview of potential new development as allowed by the County's Housing Element.
3. Example(s) of potential new development projects, for example, as represented by recent development proposals that exceeded planned development allowed by the County Housing Element consistent with its GP and zoning.
4. Potential impacts on the Town (at least described qualitatively considering uncertainty about the type, amount and timing of potential new development).

I understand that detailed CEQA environmental review would not be required of new development in the unincorporated SOI currently, but CEQA review could be triggered by annexation to the Town. However, it is

uncertain whether annexation would occur absent the advance planning that could be initiated in response to issues identified in the EIR. While there is no guarantee that annexation and its environmental review would occur with new development, several actions could facilitate the process; information in the EIR would help advance these actions which could include:

1. Coordination between the Town and County regarding planning and development issues and related actions in the unincorporated SOI.
2. Negotiation of a property tax exchange agreement between the Town and the County to assure a fair and reasonable exchange of property tax and service responsibilities (subject to LAFCO review and approval of the annexation).
3. Agreement between the Town and County about allocation of RHNA credit for new units constructed; for example, the County could be allocated the units built consistent with its Housing Element, and the Town could get credit for any additional units.
4. Other issues that may arise due to a shift from County service responsibility and any other affected public agencies, and coordination with LAFCO.

Thank you for this opportunity to submit these comments (please confirm receipt).

Respectfully,

Richard

Richard Berkson
berkson.richard@gmail.com