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DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



March 24, 2020

Governor's Office of Planning & Research

**MAR 25 2020**

## STATE CLEARINGHOUSE

Ms. Nina Bellucci  
Sonoma County  
2550 Ventura Avenue  
Santa Rosa, CA 95403

Subject: Rezoning Sites for Housing Project, Notice of Preparation of a Draft Environmental Impact Report, SCH #2020030351, Sonoma County

Dear Ms. Bellucci:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) provided for the Rezoning Sites for Housing Project (Project) located at multiple locations countywide, in Sonoma County.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) §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), the Native Plant Protection Act, the Lake and Streambed Alteration (LSA) Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

### PROJECT DESCRIPTION

The Project is for rezoning sites for housing projects, including site identification, environmental analysis, and rezoning of urban sites for by-right medium density housing; Sonoma County (County) will consider a variety of sites for higher-density and affordable housing. The Project includes a General Plan Map amendment as necessary to adjust allowable densities on identified sites and rezoning of sites to match new general plan densities.

The CEQA Guidelines (§§15124 and 15378) require that the draft EIR incorporate a full Project description, including a detailed map, reasonably foreseeable future phases of the Project, and sufficient information to evaluate and review the Project's environmental impact. It is unclear if the draft EIR is for a Project level or program level EIR. For a Project level draft EIR, please include a complete description of the following Project components in the Project description:

- Encroachments into riparian habitats, wetlands or other sensitive areas
- 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 and greenhouse gas generation, traffic generation, and other features per site.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Construction schedule, activities, equipment and crew sizes.

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If this is a program level EIR, the CEQA Guidelines §15168(c)(4) states, “Where the subsequent 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 covered in the program EIR.” CDFW recommends developing the checklist with the draft EIR to determine the future review level of CEQA appropriate for future projects. It should outline when a project should develop individual CEQA documentation. It should also outline how habitat will be analyzed per species or habitat type, how impacts will be assessed, and any mitigation necessary.

## ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand the Project's, and its alternative's (if applicable), significant impacts on the environment (CEQA Guidelines, §§15125 and 15360).

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 all rare, threatened, or endangered species (CEQA Guidelines, §15380). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- coho salmon (*Oncorhynchus kisutch*), State and Federal Endangered
- steelhead trout (*Oncorhynchus mykiss irideus*), Federal Threatened
- California tiger salamander (*Ambystoma californiense*), State and Federal Threatened
- California red-legged frog (*Rana draytonii*), Federal Threatened
- western pond turtle (*Emys marmorata*)
- foothill yellow-legged frog (*Rana boylei*), State Candidate Threatened
- California giant salamander (*Dicamptodon ensatus*)
- red-bellied newt (*Taricha rivularis*)
- California freshwater shrimp (*Syncaris pacifica*), State and Federal Endangered
- bank swallow (*Riparia riapria*), State Threatened
- American badger (*Taxidea taxus*)
- hoary bat (*Lasiurus cinereus*)
- pallid bat (*Antrozous pallidus*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- western bumble bee (*Bombus occidentalis*), State Candidate Endangered
- golden larkspur (*Delphinium luteum*), State and Federal Endangered
- Pitkin Marsh lily (*Lilium pardalinum* ssp. *Pitkinesense*), State and Federal Endangered
- Sonoma spineflower (*Chorizanthe valida*), State and Federal Endangered
- Sonoma Alopecurus (*Alopecurus aequalis* var. *sonomensis*), Federal Endangered
- Sonoma sunshine (*Blennosperma bakeri*), State and Federal Endangered
- Sebastopol meadowfoam (*Limnanthes vinculans*), State and Federal Endangered
- Burke's goldfields (*Lasthenia burkei*), State and Federal Threatened
- other special-status plant species

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Habitat descriptions and species profiles should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, and findings from “positive occurrence” databases such as California Natural Diversity Database (CNDDDB). Based on the data and information from the habitat assessment, the CEQA document can then adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at:  
<https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and require the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at:  
<https://www.wildlife.ca.gov/Conservation/Plants>.

## **IMPACT ANALYSIS AND MITIGATION MEASURES**

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

- Potential for “take” of 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, overhanging banks);
- 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 also should 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 listed 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 (§§ 15021, 15063, 15071, 15126.2, 15126.4 and 15370) direct the lead agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts in the draft EIR, and/or mitigate significant impacts of the Project on the

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environment. This includes a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the U.S. Fish and Wildlife Service, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species may not be taken or possessed at any time (Fish and Game Code § 3511). Therefore, the draft EIR is advised to include measures to ensure complete take avoidance of these fully protected species.

## **REGULATORY REQUIREMENTS**

### *California Endangered Species Act*

Please be advised that a CESA Permit must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (CEQA §§ 21001(c), 21083, and CEQA Guidelines §§ 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with Fish and Game Code § 2080.

### *Lake and Streambed Alteration Agreement*

CDFW will require an LSA Agreement, pursuant to Fish and Game Code §§ 1600 et. seq. for Project-related activities within any 1600-jurisdictional waters within the proposed Project area. 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. 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 (Public Resources Code § 21000 et seq.) as the responsible agency.

## **FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game 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.

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If you have any questions, please contact Mr. James Hansen, Environmental Scientist, at (707) 576-2869 or [James.Hansen@Wildlife.ca.gov](mailto:James.Hansen@Wildlife.ca.gov); or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at [Karen.Weiss@Wildlife.ca.gov](mailto:Karen.Weiss@Wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse