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August 5, 2016

Mr. Kevin Pohlson
Brookfield Bay Area Builders, Inc.
500 La Gonda Way, Suite 100
Danville, CA 94526

Re: Anderson 53: California Tiger Salamander and Endangered Plants

Dear Kevin:

The purpose of this letter is to provide a summary discussion of the status of the California tiger salamander (*Ambystoma californiense*) (CTS) and endangered plants reported to occur in seasonal wetlands at the Anderson 53 site.

BACKGROUND

The Anderson 53 site occurs on the Santa Rosa Plain as it was designated initially by the U.S. Army Corps of Engineers (Corps). and ultimately memorialized in the Santa Rosa Plain Conservation Strategy (Conservation Strategy).¹ One of the products of the Conservation Strategy was the designation for each parcel concerning the occurrence or possible occurrence of CTS and/or endangered plants, which is shown on Figure 3 of the Conservation Strategy.

In 2007, the U.S. Fish and Wildlife Service issued a Programmatic Biological Opinion (PBO)² to the Corps to apply to project subject to the Corps' permitting authority that may affect CTS and the three endangered plant species known to occur in seasonal wetlands on the Santa Rosa Plain. The three endangered plant species include Burke's goldfields (*Lasthenia burkei*), Sonoma sunshine (*Blennosperma bakeri*) and Sebastopol meadowfoam (*Limnanthes vinculans*). Enclosure 1 of the PBO is a map showing the designations assigned to each parcel generally patterned after Figure 3 of the Conservation Strategy, with some differences in the designations assigned to each parcel and with much less detail.

¹ Santa Rosa Conservation Strategy. Final Report. December 1, 2005.

² Programmatic Biological Opinion (Programmatic) for U.S. Army Corps of Engineers (Corps) Permitted Projects that May Affect California Tiger Salamander and Three Endangered Plant Species on the Santa Rosa Plain, California (Corps File Number 223420N) dated November 9, 2007. U.S. Fish and Wildlife Service File 81420-2008-F-0261.

In 2014, the U.S. Fish and Wildlife Service issued the Draft Recovery Plan for the Santa Rosa Plain (Recovery Plan)³, and the Recovery Plan was approved in its final form on May 31, 2016. The Anderson 53 site lies outside the planning areas for the Recovery Plan for CTS and the endangered plants, and is not included in any of the core or management areas defined in the Recovery Plan for CTS and endangered plants. Core areas comprise the heart of the species historical (and current) range and represent central blocks of contiguously occupied habitat that function to allow for dispersal, genetic interchange between populations, and metapopulation dynamics. Management areas are occupied habitat peripheral to the species' core range (the core areas).

CALIFORNIA TIGER SALAMANDER

The designation for the Anderson 53 site in the Programmatic Biological Opinion (PBO) is *No Effect* and in the Santa Rosa Plain Conservation Strategy as *Presence of CTS is not likely and there are no listed plants in this area*. The Anderson 53 site lies outside the planning areas for the Recovery Plan for CTS, and is not included in any of the core or management areas defined in the Recovery Plan for CTS.

Summary of CTS Surveys in Vicinity of Anderson 53

Potential CTS breeding habitat occurring on the Anderson 53 and the University District LLC properties currently under development west of Petaluma Hill Road was sampled in 1994, 1995, 1996, 2000, 2001 and 2002 and 2003 following aquatic survey protocols of the California Department of Fish and Game⁴ (Biosearch Wildlife Surveys 1996, 1997, 2000, 2001, 2003). No CTS larvae were detected during any of these surveys. A protocol CTS upland survey was conducted in winter and spring 2002-2003 and no adult CTS were captured during that survey⁵. Further, no CTS were detected during aquatic sampling

³ U.S. Fish and Wildlife Service. 2014. Draft Recovery Plan for the Santa Rosa Plain: *Blennosperma bakeri* (Sonoma sunshine); *Lasthenia burkei* (Burke's goldfields); *Limnanthes vinculans* (Sebastopol meadowfoam); Sonoma County Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. vi + 132 pp.

⁴ Biosearch Wildlife Surveys. 1996. Special-status amphibian and reptile survey, Vast Oak West Property, Sonoma County CA. Prepared for: Quaker Hill Development Corporation; Biosearch Wildlife Surveys. 1997. Special-status amphibian and reptile survey, Vast Oak East Property, Sonoma County CA. Prepared for: Quaker Hill Development Corporation; Biosearch Wildlife Surveys. 2000. Habitat assessment and field studies for special-status wildlife, Vast Oak project site, Sonoma County. Submitted to Quaker Hill Development Corporation; Biosearch Wildlife Surveys. 2001. Special-status amphibian and reptile survey, Vast Oak Project site, Sonoma County, California. Submitted to Brookfield Homes; Biosearch Wildlife Surveys. 2003. Special-status amphibian and reptile survey, Vast Oak Project site, Sonoma County, California. Submitted to Brookfield Homes;

⁵ Biosearch Wildlife Surveys. 2003. Special-status amphibian and reptile survey, Vast Oak Project site, Sonoma County, California. Submitted to Brookfield Homes.

performed for special-status invertebrates for the University District LLC property west of Petaluma Hill Road (Entomological Consulting Services, Ltd. 1994) ⁶.

In 2006, University District LLC was authorized through permits from the U.S. Army Corps of Engineers, North Coast Regional Water Quality Control Board, California Department of Fish and Wildlife, and Sonoma County to construct approximately 8.60 acres of vernal pools and associated seasonal wetland habitat at the Anderson 48 Mitigation Site, located approximately 1,500 feet north of the Anderson 53 site. One of the conditions of the permit issued by the U.S. Army Corps of Engineers was implementation of CTS larval surveys for a five-year period following construction of the vernal pools and seasonal wetlands. These surveys were conducted between 2007 and 2011 and no CTS larvae were captured in any of the pools during these surveys⁷.

In an e-mail dated October 30, 2006, Mr. Vincent Griego (U.S. Fish and Wildlife Service) issued the following statement concerning the Anderson 53 site, which was known as the Ballfield Site at the time:

*This parcel is designated as "CTS Not Likely and Endangered Plants Not Present" under the Santa Rosa Plain Conservation Strategy and associated maps. Upon review of all available information, the Service concludes the proposed development on this property will not result in "take" of the endangered Sonoma County Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*) or result in effects to any of the listed plants. We confine this determination to this project site which may not apply to other sites in the area. Therefore, unless new information reveals effects of the proposed project that may affect a federally listed species in a manner or to an extent not considered, or a new species is listed or critical habitat is designated that may be affected by the proposed action, no further action pursuant to the Endangered Species Act of 1973, as amended, is necessary. If you have further questions, you can contact me at the number below.*

*Sincerely,
Vincent*

*Vincent Griego
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
2800 Cottage Way Room W-2605
Sacramento, CA 95841
(916) 414-6493 Fax (916) 414-6713*

⁶ Entomological Consulting Services, Ltd. 1994. Vast Oak West Project site near Rohnert Park. Surveys for Special-Status Aquatic Invertebrates. Letter report submitted to Mr. Craig R. Harrington, Quaker Hill Development, dated May 1, 1994.

⁷ Letter reports prepared by Biosearch Associates presenting findings of California tiger salamander monitoring at the Anderson 48 Mitigation Preserve, Sonoma County, CA for the years 2007, 2008, 2009, 2010 and 2011. Letter reports dated October 26, 2007, October 8, 2009 (mis-dated, should be 2008), October 8, 2009, November 9, 2010, and October 25, 2011.

In 2011, the U.S. Fish and Wildlife Service published its final rule designating approximately 47,383 acres of land on the Santa Rosa Plain as critical habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander (Sonoma CTS).⁸ The Anderson 53 site is outside the designated critical habitat for Sonoma CTS.

Conditions remain unchanged at the Anderson 53 site. The nearest recent record of CTS breeding in the region of the Anderson 53 site is the Horn Mitigation Bank, which is approximately 3.5 miles northwest of the Anderson 53 site. The residential housing between this site and the Project Site form substantial barriers to southerly movement by CTS toward the Project Site and it is unlikely that salamanders would survive migration through the developed residential areas between the Horn Mitigation Bank site and the Anderson 53 site.

Summary

Multi-year CTS larval surveys conducted between 1994 and 2003 found no CTS larvae in marginal habitat located on or in the vicinity of the Anderson 53 site. No adult or juvenile CTS were captured during protocol CTS upland surveys conducted in 2002-2003 on the nearby University District LLC property to the west of the Anderson 53 site. Finally, no CTS larvae were found during the five years of aquatic surveys conducted at the Anderson 48 Mitigation Site, located approximately 1,500 feet north of the Anderson 53 site, between 2007 and 2011.

The most recent finding of adult CTS occurred at the Horn Mitigation Bank Number 2 located north of Hunter Lane in Santa Rosa, which is approximately 3.5 miles northwest of the Anderson 53 site and most of the area between the Horn Mitigation Bank and the Anderson 53 site consists of residential development, which is a barrier to migration of CTS. The same conditions exist between the Anderson 53 site and the nearest known CTS breeding site to the south.

Based on the lack of observation of CTS at the Anderson 53 site or nearby areas, CTS are not likely to be present at the Anderson 53 site. Further, based on the *No Effect* status for the Anderson 53 site in the PBO, CTS mitigation for activities at the Anderson 53 site should not be required.

ENDANGERED PLANTS

The designation for the Anderson 53 site in the Programmatic Biological Opinion (PBO) concerning the endangered plants (and CTS) is *No Effect*, and in the Santa Rosa Plain Conservation Strategy as *Presence of CTS is not likely and there are no listed plants in this area*. The Anderson 53 site is not included in any of the management or core areas defined in the Recovery Plan for endangered plants.

⁸ Department of the Interior, Fish and Wildlife Service, 50 CFR Part 17. Endangered and Threatened Wildlife and Plants: Revised Designation of Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander. Final Rule. Fed. Reg. Vol. 76, No. 169, Wednesday, August 31, 2011.

None of the endangered plants were observed in the wetlands during multiple surveys conducted at the nearby University District project site between 1995 and 2000, or the Anderson 48 mitigation site between 2008 and 2012, and none of the endangered plants were observed at the Anderson 53 during the 2006 and 2016 field surveys conducted for the delineation of potentially jurisdictional wetlands. The surveys conducted in the seasonal wetlands at the nearby Scenic Corridor mitigation area between 2008 and 2012 also resulted in negative findings for the endangered plants.

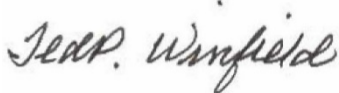
Surveys have been conducted recently at two sites along Keiser Avenue, which forms the northern boundary of the University District properties and none of the endangered plants were observed in the wetlands at these locations.

The Anderson 53 site lies outside the nearest core and management areas defined for the endangered plants in the Recovery Plan, and there are no observations reported in the California Natural Diversity Database in the vicinity of the Anderson 53 sites.

Based on the designation of the Anderson 53 as *Presence of CTS is not likely and there are no listed plants in this area*, and the lack of observations at the Anderson 53 site and other sites in the immediate vicinity of the Anderson 53 site, endangered plants known to occur in seasonal wetlands (vernal pools) on the Santa Rosa Plain are not expected to occur at the Anderson 53 site. Mitigation for impacts to wetlands, therefore, should not require plant mitigation following prescriptions of the PBO.

Please let me know if you need further discussion of the topics covered in this letter.

Sincerely,

A handwritten signature in cursive script that reads "Ted P. Winfield".

Ted P. Winfield, Ph.D.