



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



Governor's Office of Planning & Research

August 6, 2020

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STATE CLEARINGHOUSE

Mr. Andrew Trippel, City Planner
City of Santa Rosa
Planning & Economic Development
100 Santa Rosa Avenue #3
Santa Rosa, CA 95404
atrippel@srcity.org

Subject: Yolanda Industrial Project, Mitigated Negative Declaration,
SCH No. 2020070228, City of Santa Rosa, Sonoma County

Dear Mr. Trippel:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Santa Rosa (City) for the Yolanda Industrial Project (project) pursuant to the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed project.

CDFW ROLE

CDFW is a trustee agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a responsible agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Allan Henderson

Objective: Rezone five commercial parcels and one residential parcel to light industrial, which constitutes a General Plan Amendment. Demolish two existing buildings and expand and rebuild them with a warehouse and a cannabis dispensary, including cultivation and manufacturing. Also, improve an existing industrial warehouse, construct sidewalks, bike lanes, and electric vehicle charging stations, and plant trees for landscaping.

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Location: The project is in the City of Santa Rosa, Sonoma County southeast of the Yolanda Avenue and Santa Rosa Avenue intersection at 324, 324, 326, 328, 330, 340, 350 and 368 Yolanda Avenue. It is centered at approximately 38.412480 degrees latitude and -122.711491 degrees longitude on Assessor Parcel Numbers 044-072-006, -007, -008, -009; 044-081-024, -029; and 044-390-061.

Timeframe: The project is anticipated to take one year to complete.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's below recommendations, CDFW concludes that an MND is appropriate for the project.

Environmental Setting

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 U.S. Fish and Wildlife Service (USFWS)?

Comment 1: MND Pages 10 and 45

Issue: The project could adversely impact pallid bat (*Antrozous pallidus*), a special-status species, and other bat species.

Specific impacts and why they would occur: Buildings that may be occupied by breeding or roosting pallid bats and other bat species would be demolished, resulting in potential injury or mortality. Pallid bats are known to inhabit man-made structures and have been documented roosting in buildings in Sonoma County (CDFW CWHR; Baker et al. 2008; Tatarian 1999). There is a California Natural Diversity Database record of the species approximately six miles northeast of the project location, indicating that it occurs in the general area.

Evidence impact would be significant: Pallid bat is a California Species of Special Concern (SCC). The SSC designation is given to species native to California satisfying one or more of the following criteria: 1) is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role; 2) is listed as federally-, but not State threatened or endangered; 3) meets the State definition of threatened or endangered but has not formally been listed; 4) is experiencing, or formerly experienced, serious (nonyclical) population declines or range retractions (not

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reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; or 5) has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status. Pallid bat also has a State Ranking of S3, meaning it is at moderate risk of extirpation in the state due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors. Based on the foregoing, impacts to pallid bat would be potentially significant.

Recommended Mitigation Measures: To reduce impacts to less-than-significant, the following measures should be included in the CEQA document and implemented. CDFW staff is available to assist the City with review of the referenced materials.

- A qualified bat biologist shall conduct surveys for pallid bats prior to project construction. Biologist resumes and a survey methodology shall be submitted to the City for approval.
- Biologist resumes shall reflect at least two years of experience conducting bat surveys that resulted in detections of pallid bat including the project name, dates, and person who can verify the experience. Ideally, the resume should also indicate that the biologist possesses a state-issued Scientific Collecting Permit for the relevant species.
- The survey methodology shall include an initial habitat assessment and survey several months before project construction, to facilitate sufficient time to implement the exclusion plan described below, and the types of equipment used for detection.
- An exclusion plan shall be submitted to the City for approval if bats are detected during the above survey. The plan shall be implemented prior to project construction and allow bats to leave the building unharmed.

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Comment 2: MND Pages 6 (Figure 2), 10, and 45

Issue: The project could adversely impact nesting birds.

Specific impacts and why they would occur: Buildings that may be occupied by nesting birds would be demolished, potentially resulting in nest destruction and loss of young. The project would occur directly adjacent to possible nest trees and cause auditory and visual disturbances potentially resulting in nest abandonment and loss of young, or reduced health and vigor of young. Impacts to nesting birds are prohibited under Fish and Game Code section 3503 et seq. and the federal Migratory Bird Treaty Act (MBTA).

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Evidence impact would be significant: The removal of habitat for birds from human activities has contributed to the loss of a significant proportion of birds in the United States and Canada since the 1970s. According to a study published in 2019 entitled Decline of the North American Avifauna authored by Kenneth V. Rosenberg et al., 90 percent of the total loss is attributable to 12 bird families including sparrows, warblers, blackbirds, and finches, which may utilize the buildings to be demolished or adjacent trees for breeding and foraging. Based on the foregoing, impacts to nesting birds would be potentially significant.

Recommended Mitigation Measures: To reduce impacts to less than significant and comply with Fish and Game Code section 3503 et seq. and the MBTA, the following measures should be included in the CEQA document and implemented.

- If the project occurs between February 1 and August 31, a qualified biologist shall conduct nesting bird surveys within 500 feet of the project site no more than seven days before project construction begins and anytime a lapse of seven days or more in construction occurs.
- For all identified active nests, prior to construction activities a qualified biologist shall conduct a survey to establish a behavioral baseline of birds using each nest. The qualified biologist shall provide training for all project site personnel regarding nesting bird protection measures and State and federal laws.
- The qualified biologist shall establish a minimum no-disturbance buffer around active nests with the buffer distance based on the tolerance level of the species. The buffer area shall include clear visual markers for project site personnel such as high visibility fencing and posted signs. These buffers shall remain in place until the breeding season has ended or until the qualified biologist determines that the young have fledged and are no longer reliant upon the nest or parental care for survival.
- Once project activities begin, the qualified biologist shall continuously monitor active nests to detect behavioral changes resulting from the project. If behavioral changes occur, project activities causing that change shall halt and no-disturbance buffers shall be increased to ensure the birds are not disturbed. If continuous monitoring of active nests by a qualified wildlife biologist is not feasible, more conservative no-disturbance buffers shall be established by the qualified biologist.

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be

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operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions into the final CEQA document for the project. CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Melanie Day, Senior Environmental Scientist (Specialist), at Melanie.Day@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at Karen.Weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH# 2020070228)

REFERENCES

Baker, Michael D., Michael J. Lacki, Greg A. Falxa and others. 2008. Habitat Use of Pallid Bats in Coniferous Forests of Northern California. Northwest Science: Vol. 82, No. 4.

California Department of Fish and Wildlife (CDFW). California Wildlife Habitat Relationships System (CWHR). Pallid Bat. Accessed online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2349>

Tatarian, G. 1999. Use of buildings and tolerance of disturbance by pallid bats *Antrozous pallidus*. Bat Research News 40:11-12.