



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Mar 10 2021**

March 9, 2021

## STATE CLEARINGHOUSE

Mr. Justin Klaparada, Planner  
Sonoma County Permit and Resource Management Department  
2550 Ventura Avenue  
Santa Rosa, CA 95403  
[ijklaparda@migcom.com](mailto:ijklaparda@migcom.com)

Subject: MNS18-0003 Wikiup Drive Minor Subdivision, SCH No. 2021020313,  
Sonoma County

Dear Mr. Klaparada:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the County of Sonoma (County) for the MNS18-0003 Wikiup Drive Minor Subdivision Project (project) pursuant the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the County, 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:** Kent Pearson

**Objective:** The project is in the boundary of the October 2017 fires, and the former residence and associated structures were burned. The project would subdivide 6.95 acres comprised of two existing parcels into four parcels and construct residences and a 425-foot-long private road including earthwork, grading, paving, concrete flatwork, and installation of underground utilities.

Mr. Justin Klaparada  
Sonoma County Permit and Resource Management Department  
March 9, 2021  
Page 2

**Location:** The project is located at 1100 Wikiup Drive, Santa Rosa, CA 95403, approximately 1,500 feet south of the Wikiup Drive and Vista Grande Drive intersection, north of the City of Santa Rosa in an unincorporated area of Sonoma County. It is on Assessor Parcel Numbers 039-180-003 and 039-180-004 at approximately 38.508161, -122.741020.

## **COMMENTS AND RECOMMENDATIONS**

CDFW offers the below comments and recommendations to assist the County 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.

*Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or the U.S. Fish and Wildlife Service?*

### **Mitigation Measures**

#### **Comment 1: MND Page 32**

The MND indicates that Mitigation Measure BIO-6 would mitigate impacts to a sensitive natural community (the removal of 11 oak trees) to less than significant by requiring adherence to the requirements of the Sonoma County Tree Protection Ordinance. However, BIO-6 (page 38) compensatory requirements are unclear.

To reduce impacts to less-than-significant, CDFW recommends:

- 1) Clarifying the number of trees that will be planted to mitigate the loss of 11 oak trees and the planting locations, which should be as close as possible to the impact location. As oak trees are often slow growing and provide important habitat value, a 10:1 mitigation to impact ratio should be required (i.e., planting 110 trees) to mitigate the temporal loss of canopy cover; and
- 2) Describing maintenance and monitoring requirements, and success criteria, including five years of maintenance and monitoring, and a success criteria of 85 percent survival. If the success criteria are not met after five years, additional plantings should require the same amount of monitoring and maintenance.

Mr. Justin Klaparada  
Sonoma County Permit and Resource Management Department  
March 9, 2021  
Page 3

## **Editorial Comment**

### **Comment 2: MND Page 27**

The MND indicates that foothill yellow-legged frog (*Rana boylei*) is a Candidate for State Listing under CESA. Please be advised that in 2020, five of the six clades of foothill yellow-legged frog in California were listed as threatened or endangered under CESA; however, the Northwest/North Coast clade was not listed under CESA, although it remains a Species of Special Concern.

## **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, 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 species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) and 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 and a Statement of Overriding Consideration (SOC). The CEQA Lead Agency’s SOC does not eliminate the project proponent’s obligation to comply with CESA.

### **Lake and Streambed Alteration**

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

Mr. Justin Klaparada  
Sonoma County Permit and Resource Management Department  
March 9, 2021  
Page 4

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

## ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

## 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 County 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](mailto:Melanie.Day@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
BE74D4C93C604EA...  
Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse (SCH No. 2021020313)