



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

April 27, 2021

**Apr 28 2021**

## STATE CLEARINGHOUSE

Mr. Eduardo Hernandez  
County of Sonoma  
2550 Ventura Avenue  
Santa Rosa, CA 95403  
[Eduardo.Hernandez@sonoma-county.org](mailto:Eduardo.Hernandez@sonoma-county.org)

Subject: PLP19-0037 5496 Skylane Blvd. Wine Warehouse, Mitigated Negative Declaration, SCH No. 2021040338, Sonoma County

Dear Mr. Hernandez:

California Department of Fish and Wildlife (CDFW) personnel have reviewed the Mitigated Negative Declaration (MND) for the 5496 Skylane Blvd. Wine Warehouse Project (Project). CDFW is submitting comments on the draft MND to inform the County of Sonoma, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW is submitting comments as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA), and is responsible for the conservation, protection, and management of the State's biological resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). 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) or the Native Plant Protection Act, a Lake and Streambed Alteration (LSA) Agreement, or approval under other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources.

### PROJECT LOCATION

The Project is located on a 1.84-acre undeveloped parcel located at 5496 Skylane Boulevard, in an unincorporated area of Sonoma County just south of the Town of Windsor. The Project site lies approximately 0.9 miles west of U.S. Highway 101 and approximately 0.3 miles north of Airport Boulevard and Skyland Boulevard intersection at approximately 38.515438, -122.798216.

### PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING

The Project includes construction of a 28,000 square foot wine warehouse on the undeveloped 1.84-acre Industrial Park-zoned parcel. The proposed building entry is 40 feet tall and the main warehouse structure is 32 feet tall.

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The Project would site includes approximately 0.02 acres of seasonal wetlands, which is potential habitat for State and federally listed plant species as described below. It also includes a total of approximately 1.42 acres of annual grasslands aestivation habitat for California tiger salamander (*Ambystoma californiense*, CTS). The Project is designed to avoid impacts to the remaining 0.19 acres of seasonal wetlands and 0.42 acres of CTS habitat on the Project site. The Project site is also within potentially suitable grassland habitat for burrowing owl (*Athene cunicularia*), as described below.

## **COMMENTS AND RECOMMENDATIONS**

### **Mitigation Measure BIO 2.2: CESA Take Authorization**

Mitigation Measure BIO 2.2 describes the need to obtain authorization from CDFW in the form of a CESA Incidental Take Permit (ITP) for impacts to CTS habitat and the Project has applied to CDFW for an ITP. Absent negative plant survey findings described below, CDFW recommends that this measure be revised to include obtaining an ITP for impacts to three State and federally listed as endangered plant species that have the potential to occur in the wetlands and be impacted, including Sebastopol meadowfoam (*Limnanthes vincularis*), Sonoma sunshine (*Blennosperma bakeri*), and Burke's goldfields (*Lasthenia burkei*). Pursuant to our letter to the Project dated August 12, 2019, two years of protocol-level plant surveys should be conducted pursuant to the Santa Rosa Plain Conservation Strategy Appendix D (see: <https://www.fws.gov/sacramento/es/Recovery-Planning/Santa-Rosa/santa-rosa-strategy.php>), and the reports should be provided to the Lead Agency and CDFW for written acceptance to document any negative findings. Be advised that the surveys must be conducted in accordance with CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* for CDFW to accept the results. The survey should include the Project site and any adjacent suitable habitat that may be indirectly impacted by the Project and must be conducted during appropriate conditions. All agency permit conditions should be implemented, including required mitigation.

### **Mitigation Measure BIO 2.3:**

Mitigation Measure BIO 2.3 describes the need to mitigate for the loss of 0.02 acres of seasonal wetland suitable to support federally listed plant species at a 1.5:1 ratio at an agency approved wetland mitigation bank or Permittee Responsible Mitigation site as required by the U.S. Fish and Wildlife Service (USFWS) Biological Opinion. CDFW recommends that this measure be revised to include any mitigation required under CDFW's ITP, if this permit is necessary based on the above comments. The ITP may require additional mitigation to fully mitigate impacts to the species. Please be advised that the Santa Rosa Plain Conservation Strategy references additional mitigation for impacts to *occupied* habitat.

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## **Burrowing Owl**

There are documented occurrences of burrowing owl within one mile of the Project site according to the California Natural Diversity Database (CNDDDB), and potentially suitable grassland habitat occurs within and adjacent to the Project site. Mitigation Measure BIO 3.1 does not provide adequate survey techniques to effectively identify nesting or non-nesting (wintering) burrowing owls in and near the Project site. In accordance with California Department of Fish and Game's (now CDFW) *Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report), owls may be disturbed up to 1,640 feet (500 meters) from a project (see <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>).

As burrowing owls on or adjacent to the Project site may be missed under the proposed survey methodology, the Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, or injury or mortality of adults. Burrowing owls are a California Species of Special Concern due to population decline and breeding range retraction. Based on the above, the Project may potentially significantly impact burrowing owls. To reduce impacts to less-than-significant CDFW recommends the following Mitigation Measure.

### **Mitigation Measure BIO 3.2: Burrowing Owl Habitat Assessment, Surveys, and Avoidance, and Habitat Compensation**

Prior to Project activities, a habitat assessment shall be performed following Appendix C: Habitat Assessment and Reporting Details of the CDFW 2012 Staff Report. The habitat assessment shall extend at least 150 meters from the Project area or more where direct or indirect effects could potentially extend off-site, and include burrows and burrow surrogates. If the habitat assessment identifies potentially suitable burrowing owl habitat, then a qualified biologist shall conduct surveys following the CDFW 2012 Staff Report survey methodology. Surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted. Time lapses between surveys or Project activities will trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the CDFW survey methodology resulting in detections. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report.

Any passive relocation plan for non-nesting owls shall be subject to CDFW review. Please be advised that CDFW does not consider exclusion of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Off-site habitat compensation shall also be required for any

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known nest burrows used within the last three year that would be removed. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before Project construction. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan.

## 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 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>.

## 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.

CDFW appreciates the opportunity to provide comments on the MND for the proposed Project and is available to meet with you to further discuss our concerns. Additionally, CDFW is available to work with the project applicant in order to complete their CESA Incidental Take Authorization. If you have any questions, please contact Mr. James Hansen, Environmental Scientist, at [James.Hansen@wildlife.ca.gov](mailto:James.Hansen@wildlife.ca.gov); or Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse No. 2021040338