General Biological Resources Assessment

Permanent Fire Station 5 Rebuild
Santa Rosa, California

Prepared for:
City of Santa Rosa
Transportation and Public Works Department

Prepared by:

MIG, Inc.
800 Hearst Avenue | Berkeley, California | 94710

October 2021

MIG Project Number 10860

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Prepared for:
City of Santa Rosa
Transportation and Public Works Department
C/O Cheryl Everson
69 Stony Circle
Santa Rosa, California 95401
City Project ID: C02184

Prepared by:
MIG, Inc.
800 Hearst Avenue, Berkeley California 94710
www.migcom.com
Project Manager: Ray Pendro | rayp@migcom.com

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LIST OF ABBREVIATED TERMS

AMSL	Above Mean Sea Level
AST	Above-ground Storage Tank
BMP	Best Management Practice
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
CFP	California Fully Protected Species
CFR	Code of Federal Regulations
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CRPR	California Rare Plant Rank
CWA	Clean Water Act
EPA	United States Environmental Protection Agency
FESA	Federal Endangered Species Act
GBRA	General Biological Resources Assessment
HCP	Habitat Conservation Plan
IPaC	Information for Planning and Consultation
LID	Low Impact Development
LSAA	Lake and Streambed Alteration Agreement
MBPA	Migratory Bird Protection Act
MBTA	Migratory Bird Treaty Act
NCCP	Natural Community Conservation Plan
NOAA	National Oceanic and Atmospheric Administration
NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation Service
NWI	National Wetland Inventory
RWQCB	Regional Water Quality Control Board
SSC	California Species of Special Concern
SWPPP	Stormwater Pollution Prevention Program
SWRCB	State Water Resources Control Board
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VegCAMP	Vegetation Classification and Mapping Program
WDR	Waste Discharge Requirements

1.0 INTRODUCTION

This report presents the results of MIG Inc.'s (MIG) general biological resources assessment (GBRA) for the Permanent Fire Station 5 Rebuild Project (Project) located on Stagecoach Road within the City of Santa Rosa in Sonoma County, California.

The purpose of this assessment is to identify sensitive biological resources that may occur within the project site and vicinity and identify the potential impacts to these resources resulting from construction and operation of the project. This report provides the following:

- A description of the physical characteristics of the project area.
- A list of the federal, state, and local regulations that may pertain to project activities.
- A description of the methodology used to evaluate biological resources in the project area, including literature review and field work.
- A description of the environmental conditions in the project area, including vegetation communities and associated wildlife habitats present.
- A discussion of special-status plant and animal species and sensitive communities that are known to occur or that could potentially occur within the project area.
- An evaluation of the potential impacts to biological resources that may occur as a result of the project. The evaluation of potential project impacts is consistent with the biological resources thresholds of significance in Appendix G of the California Environmental Quality Act (CEQA) Guidelines.
- Recommendations to avoid or minimize the significance of those impacts, as needed, to ensure that the project remains in compliance will all applicable federal, state, and local regulatory requirements and avoids significant unavoidable impacts under CEQA.

The report will be used during project planning, environmental review, and in support of applications for resource agency permits, if required.

2.0 PROJECT LOCATION AND DESCRIPTION

2.1 Project Location and Site Description

The project site is located in a hillside neighborhood and is comprised of approximately two (2) acres of mostly undeveloped land. Access to the site is provided by a gravel paved road that is located approximately 100 feet south of the intersection of Fountaingrove Parkway and Stagecoach Road. The 2017 Tubbs Fire burned several trees within the project site that have since been removed. The project site has an irregular shape and includes a rectangular-shaped area at its western end adjacent to Fountaingrove Parkway and a narrow strip resembling a panhandle that follows parallel to Stagecoach Road. The proposed fire station will be located in the rectangular portion of the project site that includes a large pad area. There is a drainage that begins from a culvert opening from under Fountaingrove Parkway and flows approximately southwest to northeast before going underground at Stagecoach Road.

2.2 Project Description

The project involves designing a new permanent fire station that will meet or exceed the latest design standards including current fire safety standards in the wildland urban interface to provide for maximum resiliency to the future threats of wildland fire. Non-combustible or fire-resistive construction is essential, with defensible space surrounding the facility. The building

will be fully compliant with Accessibility Requirements of the California Building Code, meeting all qualifications for a public access building. It will have three (3) drive through apparatus bays for a minimum one (1) Type-1 structural fire engine, one (1) Type-3 wildland fire engine, and one (1) utility vehicle/ hazardous materials response unit.

The inside living space of the station will include six (6) dorm rooms to allow sleeping area for three (3) firefighters on duty, and the ability to upstaff the station to six (6) firefighters during times of emergency. It will also include a kitchen, dining area, living/day room, gym facility, an office space with three (3) work stations, and a public lobby area with a community meeting room/training room. The training room is to have the capabilities to be used as a forward command post to manage emergencies in the northern area of the city. There will also be a fuel tank and emergency generator housed in a small separate structure. Other features will include an above-ground fuel storage tank for fueling fire apparatus, a hose drying rack, station security fence/gates, and an exhaust removal system.

This report will be utilized to inform final design placement and decisions, and any subsequent required environmental regulatory permits.

3.0 REGULATORY SETTING

3.1 Federal

3.1.1 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973, as amended, provides the regulatory framework for the protection of plant and animal species (and their associated critical habitats), which are formally listed, proposed for listing, or candidates for listing as endangered or threatened under FESA. FESA has the following four major components: (1) provisions for listing species, (2) requirements for consultation with the United States Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries, (3) prohibitions against “taking” (i.e., harassing, harming, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting to engage in any such conduct) of listed species, and (4) provisions for permits that allow incidental “take”. Recovery plans and the designation of critical habitat for listed species are defined in FESA.

Under Section 7 of FESA, any federal agency that is authorizing, funding, or carrying out an action that may jeopardize the continued existence of federally listed threatened or endangered species or result in the destruction or adverse modification of critical habitat for these species must consult with the federal agency that oversees the protection of that species, typically the USFWS and/or NOAA Fisheries, depending on the species that may be affected. Non-federal agencies and private entities can seek authorization for take of federally listed species under Section 10 of FESA, which requires the preparation of a Habitat Conservation Plan (HCP).

3.1.2 Migratory Bird Treaty Act

The United States Migratory Bird Treaty Act (MBTA; 16 USC §§ 703 et seq., Title 50 Code of Federal Regulations [CFR] Part 10) states it is “unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill; attempt to take, capture or kill; possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export any migratory bird, any part, nest, or egg of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or in part, of any such bird or any part, nest or egg thereof…” In short, under the MBTA it is illegal to disturb a nest that is in active

use, since this could result in killing a bird, destroying a nest, or destroying an egg. The USFWS enforces MBTA. The MBTA does not protect birds that are non-native or human-introduced or that belong to families that are not covered by any of the conventions implemented by MBTA.

In 2017, the USFWS issued a memorandum stating that the MBTA does not prohibit incidental take; therefore, the MBTA is currently limited to purposeful actions, such as directly and knowingly removing a nest to construct a project, hunting, and poaching. However, California Fish and Game Code (CFGC) and the California Migratory Bird Protection Act (MBPA) also protects nesting birds (see Section 3.2, below).

3.1.3 Clean Water Act

The Clean Water Act (CWA) is the primary federal law regulating water quality. The implementation of the CWA is the responsibility of the United States Environmental Protection Agency (EPA). However, the EPA depends on other agencies, such as the individual states and the United States Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." Section 404 and 401 of the CWA apply to activities that would impact waters of the U.S. The USACE enforces Section 404 of the CWA and the California State Water Resources Control Board (SWRCB) enforces Section 401, as well as state water laws (see Section 3.2, below).

Section 404

As part of its mandate under Section 404 of the CWA, the EPA regulates the discharge of dredged or fill material into "waters of the U.S.". "Waters of the U.S." include territorial seas, tidal waters, and non-tidal waters in addition to wetlands and drainages that support wetland vegetation, exhibit ponding or scouring, show obvious signs of channeling, or have discernible banks and high-water marks.

Wetlands are defined as those areas "that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (33 CFR 328.3(b)).

The discharge of dredged or fill material into waters of the U.S. is prohibited under the CWA except when it is in compliance with Section 404 of the CWA. Enforcement authority for Section 404 was given to the USACE, which it accomplishes under its regulatory branch. The EPA has veto authority over the USACE's administration of the Section 404 program and may override a USACE decision with respect to permitting.

Projects that minimally affect waters of the U.S. may meet the conditions of one of the existing Nationwide Permits, provided that certain conditions are satisfied. Substantial impacts to waters of the U.S. may require an Individual Permit, which, among other requirements, involves an alternatives analysis to demonstrate why impacts cannot be avoided. A Water Quality Certification or waiver pursuant to Section 401 of the CWA is required for Section 404 permit actions (see Section 3.2 below).

Section 401

Any applicant for a federal permit to impact waters of the U.S. under Section 404 of the CWA, including Nationwide Permits where pre-construction notification is required, must also provide

to the USACE a certification or waiver from the State of California. The “401 Certification” is provided by the State Water Resources Control Board through the local Regional Water Quality Control Board (RWQCB).

The RWQCB issues and enforces permits for discharge of treated water, landfills, storm-water runoff, filling of any surface waters or wetlands, dredging, agricultural activities and wastewater recycling. The RWQCB recommends the “401 Certification” application be made at the same time that any applications are provided to other agencies, such as the USACE, USFWS, or NOAA Fisheries. The application is not final until completion of environmental review under CEQA. The application to the RWQCB must include:

- a description of the habitat that is being impacted,
- how much habitat is being impacted temporarily and permanently,
- a description of how the impact is proposed to be minimized, and
- mitigation measures with goals, schedules, and performance standards. Mitigation must include a replacement of functions and values, and replacement of wetland at an amount to be determined by RWQCB. The RWQCB looks for mitigation that is on site and in-kind, with functions and values as good as or better than the water-based habitat that is being removed.

3.2 State

3.2.1 California Environmental Quality Act

CEQA (Public Resources Code Sections 21000 et. seq.) requires public agencies to review activities which may affect the quality of the environment so that consideration is given to preventing damage to the environment. When a lead agency issues a permit for development that could affect the environment, it must disclose the potential environmental effects of the project. This is done with an “Initial Study and Negative Declaration” (or Mitigated Negative Declaration) or with an “Environmental Impact Report”. Certain classes of projects are exempt from detailed analysis under CEQA.

The CEQA Guidelines Section 15380 define endangered, threatened, and rare species for purposes of CEQA and clarifies that CEQA review extends to other species that are not formally listed under the state or federal Endangered Species Acts but that meet specified criteria. The state maintains a list of sensitive, or “special-status”, biological resources, including those listed by the state or federal government or the California Native Plant Society (CNPS) as endangered, threatened, rare or of special concern due to declining populations. During CEQA analysis for a proposed project, the California Natural Diversity Data Base (CNDDB) is usually consulted. CNDDB relies on information provided by the California Department of Fish and Wildlife (CDFW), USFWS, and CNPS, among others. Under CEQA, the lists kept by these and any other widely recognized organizations are considered when determining the impact of a project.

3.2.2 California Endangered Species Act

The California Endangered Species Act (CESA; CFGC 2050 et seq.) generally parallels the FESA. It establishes the policy of the State to conserve, protect, restore, and enhance threatened or endangered species and their habitats. Section 2080 of the CFGC prohibits the

take, possession, purchase, sale, and import or export of endangered, threatened, or candidate species, unless otherwise authorized by permit or by the regulations. “Take” is defined in Section 86 of the CFGC as to “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” This definition differs from the definition of “take” under FESA. CESA is administered by CDFW. CESA allows for take incidental to otherwise lawful projects but mandates that State lead agencies consult with the CDFW to ensure that a project would not jeopardize the continued existence of threatened or endangered species.

3.2.3 Native Plant Protection Act

The Native Plant Protection Act (NPPA) was created in 1977 with the intent to preserve, protect, and enhance rare and endangered plants in California (CFGC sections 1900 to 1913). The NPPA is administered by CDFW, which has the authority to designate native plants as endangered or rare and to protect them from “take.” CDFW maintains a list of plant species that have been officially classified as endangered, threatened or rare. These special-status plants have special protection under California law and projects that directly impact them may not qualify for a categorical exemption under CEQA guidelines.

3.2.4 Fully Protected Species and Species of Special Concern

The classification of California fully protected (CFP) species was the CDFW’s initial effort to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, amphibians and reptiles, birds, and mammals. Most of the species on these lists have subsequently been listed under CESA and/or FESA. The CFGC sections (§5515 for fish, §5050 for amphibian and reptiles, §3511 for birds, §4700 for mammals) deal with CFP species and state that these species “…may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected species” (CDFW Fish and Game Commission 1998). “Take” of these species may be authorized for necessary scientific research. This language makes the CFP designation the strongest and most restrictive regarding the “take” of these species. In 2003, the code sections dealing with CFP species were amended to allow the CDFW to authorize take resulting from recovery activities for state-listed species.

California species of special concern (SSC) are broadly defined as animals not listed under the FESA or CESA, but which are nonetheless of concern to the CDFW because they are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. This designation is intended to result in special consideration for these animals by the CDFW, land managers, consulting biologists, and others, and is intended to focus attention on the species to help avert the need for costly listing under FESA and CESA and cumbersome recovery efforts that might ultimately be required. This designation also is intended to stimulate collection of additional information on the biology, distribution, and status of poorly known at-risk species, and focus research and management attention on them. Although these species generally have no special legal status, they are given special consideration under CEQA during project review.

3.2.5 California Fish and Game Code Sections 3503 and 3513

Nesting birds, including raptors, are protected under CFGC Section 3503, which reads, “It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.” In addition, under CFGC Section 3503.5, “it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant

thereto". Passerines and non-passerine land birds are further protected under CFGC 3513. As such, CDFW typically recommends surveys for nesting birds that could potentially be directly (e.g., actual removal of trees/vegetation) or indirectly (e.g., noise disturbance) impacted by project-related activities. Disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by CDFW.

3.2.6 California Migratory Bird Protection Act

The CFGC section 3513 states that Federal authorization of take or possession is no longer lawful under the state CFGC if the Federal rules or regulations are inconsistent with state law. The MBPA was passed in September 2019 to provide a level of protection to migratory birds in California consistent with the MBTA prior to the 2017 rule change limiting protection of migratory birds under the MBTA to purposeful actions (i.e., directly and knowingly removing a nest to construct a project, hunting, and poaching). Thus, under the MBPA protections for migratory birds in California are consistent with rules and regulations adopted by the United States Secretary of the Interior under the MBTA before January 1, 2017, or those adopted subsequent to that date as long as they are consistent with the Fish and Game Code. The MBPA reverts to existing provisions of the MBTA on January 20, 2025.

3.2.7 California Fish and Game Code Sections 4150-4155

Sections 4150-4155 of the CFGC protects non-game mammals, including bats. Section 4150 states "A mammal occurring naturally in California that is not a game mammal, fully protected mammal, or fur-bearing mammal is a nongame mammal. A non-game mammal may not be taken or possessed except as provided in this code or in accordance with regulations adopted by the commission". The non-game mammals that may be taken or possessed are primarily those that cause crop or property damage. Bats are classified as a non-game mammal and are protected under CFGC.

3.2.8 Sensitive Vegetation Communities

Sensitive vegetation communities are natural communities and habitats that are either unique in constituent components, of relatively limited distribution in the region, or of particularly high wildlife value. These communities may or may not necessarily contain special-status species. Sensitive natural communities are usually identified in local or regional plans, policies or regulations, or by the CDFW (i.e., CNDDB) or the USFWS. The CNDDB identifies a number of natural communities as rare, which are given the highest inventory priority (Holland 1986; CDFW 2016). Impacts to sensitive natural communities and habitats must be considered and evaluated under the CEQA (CCR: Title 14, Div. 6, Chap. 3, Appendix G).

3.2.9 California Oak Woodland Statute

In September 2004, State Bill 1334 was passed and added to the State Public Resources Code as Statute 21083.4, requiring Counties to determine in their CEQA documents whether a project in its jurisdiction may result in a conversion of oak woodlands that will have a significant effect on the environment. In addition, if the County determines that a project may result in a significant impact to oak woodlands, the County shall require one or more of the following mitigation alternatives to mitigate for the impact:

- Conserving oak woodlands through the use of conservation easements.
- Plant an appropriate number of trees, including maintaining the plantings and replacing dead or diseased trees; required maintenance of trees terminates seven years after the trees are planted; this type of mitigation shall not fulfill more than half of the mitigation

requirement for the project; this type of mitigation may also be used to restore former oak woodlands.
- Contribute funds to the Oak Woodlands Conservation Fund.
- Other mitigation measures developed by the County.

The CFGC (Section 1361) defines oak woodland habitat as "an oak stand with a greater than 10 percent canopy cover or that may have historically supported greater than 10 percent canopy cover."

3.2.10 Other Sensitive Plants – California Native Plant Society

The CNPS is a non-profit plant conservation organization that publishes and maintains an Inventory of Rare and Endangered Vascular Plants of California in both hard copy and electronic version (http://www.rareplants.cnps.org/).

The Inventory assigns plants to the following categories:

1A Presumed extinct in California;
1B Rare, threatened, or endangered in California and elsewhere;
2 Rare, threatened, or endangered in California, but more common elsewhere;
3 Plants for which more information is needed – A review list; and
4 Plants of limited distribution – A watch list.

Additional endangerment codes are assigned to each taxon as follows:

1 Seriously endangered in California (over 80% of occurrences threatened/high degree of immediacy of threat).
2 Fairly endangered in California (20-80% occurrences threatened).
3 Not very endangered in California (<20% of occurrences threatened or no current threats known).

Plants that are Rank 1A, 1B, and 2 of the CNPS Inventory consist of plants that may qualify for listing by the CDFW, as well as other state agencies (e.g., California Department of Forestry and Fire Protection). As part of the CEQA process, such species should be fully considered, as they meet the definition of threatened or endangered under the NPPA and Sections 2062 and 2067 of the CFGC. California Rare Plant Rank (CRPR) 3 and 4 species are considered to be plants about which more information is needed or are uncommon enough that their status should be regularly monitored. Such plants may be eligible or may become eligible for state listing, and CNPS and CDFW recommend that these species be evaluated for consideration during the preparation of CEQA documents.

3.2.11 California Fish and Game Code Sections 1600-1607

Sections 1600-1607 of the CFGC require that a Notification of Lake or Streambed Alteration Agreement (LSAA) application be submitted to CDFW for "any activity that may substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake." CDFW reviews the proposed actions in the application and, if necessary, prepares a LSAA that includes measures to protect affected fish and wildlife resources, including mitigation for impacts to bats and bat habitat.

3.2.12 Porter-Cologne Water Quality Act

The intent of the Porter-Cologne Water Quality Control Act (Porter-Cologne) is to protect water quality and the beneficial uses of water, and it applies to both surface and ground water. Under this law, the SWRCB develops statewide water quality plans, and the RWQCBs develop basin plans, which identify beneficial uses, water quality objectives, and implementation plans. The RWQCBs have the primary responsibility to implement the provisions of both statewide and basin plans. Waters regulated under Porter-Cologne, referred to as "waters of the State," include isolated waters that are not regulated by the USACE. Projects that require a USACE permit, or fall under other federal jurisdiction, and have the potential to impact waters of the State are required to comply with the terms of the Water Quality Certification Program. If a proposed project does not require a federal license or permit, any person discharging, or proposing to discharge, waste (e.g. dirt) to waters of the State must file a Report of Waste Discharge and receive either waste discharge requirements (WDRs) or a waiver to WDRs before beginning the discharge.

3.3 Local

3.3.1 City of Santa Rosa General Plan (and Citywide Creek Master Plan)

State law requires each California city and county to prepare a general plan. A general plan is defined as "a comprehensive, long-term plan for the physical development of the county or city, and any land outside its boundaries which in the planning agency's judgment bears relation to its planning." Within the Open Space and Conservation Element of the Santa Rosa General Plan, the following policies will apply to the project site:

- **OSC-B-2**: Minimize alteration of the topography, drainage patterns and vegetation of land with slopes of ten percent or more. Prohibit alteration of slopes greater than 25 percent.
- **OSC-B-4:** Require that graded areas within new developments be revegetated.
- **OSC-D-1:** Utilize existing regulations and procedures, including Subdivision Guidelines, Zoning, Design Review, and environmental law, to conserve wetlands and rare plants. Comply with the federal policy of no net loss of wetlands using mitigation measures such as:
    - Avoidance of sensitive habitat;
    - Clustered development;
    - Transfer of development rights; and/or
    - Compensatory mitigation, such as restoration or creation.
- **OSC-H-1:** Preserve trees and other vegetation, including wildflowers, both as individual specimens and as parts of larger plant communities.
- **OSC-H-2:** Preserve and regenerate native oak trees.
- **OSC-H-4:** Require incorporation of native plants into landscape plans for new development, where appropriate and feasible, especially in areas adjacent to open space areas or along waterways.
- **OSC-H-5:** Plant trees on public property including park strips, open space and park areas and encourage tree planting on private property to help offset carbon emissions.

3.3.2 City of Santa Rosa Tree Ordinance

Section 17-24.050 of the Santa Rosa City Code outlines requirements for tree alteration, removal, or relocation on properties proposed for development. Heritage trees are defined as follows:

Species/Common Name	Diameter (in inches)	Circumference (in inches)
1. Oak family		
a) *Quercus lobata*—valley oak	6	19
b) *Quercus agrifolia*—live oak	18	57
c) *Quercus kelloggii*—black oak	18	57
d) *Quercus garryana*—Oregon or white oak	18	57
e) *Quercus chrysolepis*—canyon oak	18	57
f) *Quercus douglasii*—blue oak	6	19
g) *Quercus wislizenii*—interior live oak	18	57
2. *Sequoia sempervirens*—redwood	24	75
3. *Umbelluloria californica*—California bay	24	75
4. *Arbutus menziesii*—madrone	12	38
5. *Aesculus californica*—buckeye	6	19
6. *Pseudotsugas menzesii*—Douglas fir	24	75
7. *Alnus oregona*—red alder	18	57
8. *Alnus rhombifolia*—white alder	18	57
9. *Acer macrophyllum*—big leaf maple	24	75

Requirements for alteration, removal, or relocation of heritage trees on property proposed for development are as follows:

A. All development proposals and subdivision applications shall clearly designate all trees and heritage trees on the property by trunk location and an accurate outline of each tree's drip line and shall indicate those trees which are proposed to be altered, removed, or relocated and those trees proposed to be designated protected trees. The reasons for the proposed removal of any tree shall be stated in writing. The development plan or tentative subdivision map shall indicate the genus and species, the shape, the drip line and the trunk circumference of each tree and heritage tree. These tree delineations must also be shown on every page of the development and improvement plans where any work is proposed within the root zone of any tree. The owner of the property and the person in control of the proposed development shall protect and preserve each tree and heritage tree situated within the site of the proposed development during the period the application(s) for the proposed development is being considered by the City. The proposed development shall be designed so that:
    1. The proposed lots and/or improvements preserve and protect any heritage trees to the greatest extent possible.
    2. The road and lot grades protect heritage trees to the greatest extent possible and the existing grade shall be maintained within each such tree's root zone.
B. If the proposed project is approved, the recordation of the final map or issuance of a grading permit or building permit for the project shall constitute a permit to alter, remove, or relocate any trees designated for alteration, removal, or relocation upon the project's approved plans. Any change in the trees to be altered, removed, or relocated as designated on the approved development plan or tentative map shall only be permitted upon the written approval of the Director of the City's Department of Community Development (now the Director of Planning & Economic Development) (Director) or,

when the Director determines that the proposed change may be substantial, by the Planning Commission.

C. **Tree Replacement Program**. A person owning or controlling a development project shall be required to replace trees and heritage trees approved for removal as part of the approval of the project in accordance with subdivision 1; each protected tree removed or damaged shall be replaced in accordance with subdivision 2.
    1. For each six inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director.
    2. For each six inches or fraction thereof of the diameter of a tree which was not approved for removal, four trees of the same genus and species as the removed tree (or another species, if approved by the Director), each of a minimum 15-gallon container size, shall be planted on the project site, provided however, that an increased number of smaller size trees of the same genus and species may be planted if approved by the Director, or a fewer number of such trees of a larger size if approved by the Director.
    3. If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of $100.00 per 15-gallon replacement tree on condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City.

D. **Protected Trees.** The following requirements shall apply to every person who develops any property upon which a protected tree is located:
    1. Before the start of any clearing, excavation, construction or other work on the site, every protected tree shall be securely fenced off at the "protected perimeter," which shall be either the root zone or other limit as may be established by the City. Such fences shall remain continuously in place for the duration of all work undertaken in connection with the development. The area so fenced off shall not be used as a storage area or altered or disturbed except as may be permitted under this subsection.
    2. If the proposed development, including any site work for the development, will encroach upon the protected perimeter of a protected tree, special measures shall be utilized, as approved by the Director or the Planning Commission, to allow the roots to obtain oxygen, water, and nutrients as needed. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the Director, shall be minimized and subject to such conditions as may be imposed by the Director. No significant change in existing ground level shall be made within the drip line of a protected tree. No burning or use of equipment with an open flame shall occur near or within the protected perimeter. All brush, earth and other debris shall be removed in a manner which prevents injury to the protected tree.
    3. No oil, gas, chemicals or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter of any protected tree, or at any other location on the site from which such substances might enter the perimeter

of a protected tree. No construction materials shall be stored within the protected perimeter of a protected tree.

4. Underground trenching for utilities shall avoid major support and absorbing tree roots of protected trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service as many units as possible. Trenching within the drip line of protected trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.
5. No concrete or asphalt paving shall be placed over the root zones of protected trees. No artificial irrigation shall occur within the root zone of oaks.
6. No compaction of the soil within the root zone of protected trees shall occur.
7. If the trees proposed to be removed can be economically relocated, the developer shall move the trees to a suitable location on the site shown on the approved plans.

4.0 METHODS

This assessment of biological resources within the project site involved a review of available background information pertaining to sensitive species and habitats on the site and in the nearby vicinity and a field survey. The methods of the background review and field survey are summarized below.

4.1 Database and Literature Review

The following databases were queried to gather background date regarding biological resources on the project site prior to the site visit:

- CDFW CNDDB record search of the United States Geological Survey (USGS) 7.5-Minute quadrangle containing the project site and the eight (8) surrounding quadrangles (Santa Rosa, Mark West Springs, Calistoga, Kenwood, Glen Ellen, Cotati, Two Rock, Sebastopol, and Healdsburg) (CDFW 2020a; Appendix A);
- CNPS Rare Plant Program *Inventory of Rare and Endangered Plants of California* record search of the USGS 7.5-Minute quadrangle containing the project site and the eight (8) surrounding quadrangles (Santa Rosa, Mark West Springs, Calistoga, Kenwood, Glen Ellen, Cotati, Two Rock, Sebastopol, and Healdsburg) (CNPS 2020; Appendix A);
- USFWS Information for Planning and Consultation (IPaC) (USFWS 2020a; Appendix A);

4.2 Field Survey

MIG biologists Melinda Mohamed and Tay Peterson conducted a reconnaissance-level survey of the project site on November 11, 2020. Biologists traversed the project site on foot, examining habitat within the project boundary and within line-of-sight up to approximately 100 feet. Plant and wildlife species observed were recorded and identified to the lowest taxonomic level possible.

4.3 Plant Communities and Wildlife Habitats

Vegetative communities are assemblages of plant species that occur together in the same area, which are defined by species composition and relative abundance. Where appropriate, the plant communities in the project area were classified using the Vegetation Classification and Mapping Program (VegCAMP; CDFW 2020b). However, in some cases it is necessary to identify variants

of plant community types or to describe non-vegetated areas that are not described in the literature.

4.4 Special-Status Species Habitat Assessment

The potential occurrence of special-status plant and wildlife species in the project site was initially evaluated by conducting a 9-quadrangle database records search of CNDDB, CNPS Electronic Inventory, and the USFWS IPaC database to ensure a complete list of species was generated for the habitat assessment. Results of these database searches are provided in Appendix A. Following the records search, a refined list of special-status species was developed based on the general suitability of habitat types. Appendix B presents this list of special-status plants and wildlife that have the potential to occur the project site, their habitat requirements, and a ranking of their potential for occurrence.

The potential for occurrence of special-status species was evaluated based on the habitat requirements of each species relative to the conditions observed during the field survey conducted by the MIG biologist. Each species was evaluated for its potential to occur on or in the immediate vicinity of the project site according to the following criteria:

> *Not Expected:* CNDDB or other documents do not record the occurrence of the species within or reasonably near the project area and within the last 10 years, and/or no components of suitable habitat are present within or adjacent to the project area.
>
> *Low Potential:* The CNDDB or other documents may or may not record the occurrence of the species within a 5-mile radius of the project area. However, few components of suitable habitat are present within or adjacent to the project area.
>
> *Moderate Potential*. Species does not meet all terms of High or Low category. For example: CNDDB or other reputable documents may record the occurrence of the species near but beyond a 5-mile radius of the project area, or some of the components representing suitable habitat are present within or adjacent to the project area, but the habitat is substantially degraded or fragmented.
>
> *High Potential:* The CNDDB or other reputable documents record the occurrence of the species off-site, but within a 5-mile radius of the project area and within the last 10 years. All or most of the components representing suitable habitat are present within the project area.
>
> *Present or Assumed Present*. Species was observed on the project area, or recent species records (within five years) from literature are known within the project area.

The list of special-status animals and plants that have the potential to occur in or near the project area, their habitat requirements, and a ranking of potential for occurrence in the project area is included in Appendix B.

5.0 EXISTING CONDITIONS

5.1 Physical Characteristics

The project site is gently sloped and is approximately 500 feet above mean sea level (AMSL). There is a depression approximately 1-2 feet in depth following the intermittent drainage from southwest to northeast and the land begins to generally slope upward immediately south of the drainage outside of the project site boundary.

The United States Department of Agricultural Natural Resources Conservation Service (USDA NRCS) Web Soil Survey (USDA 2020) has mapped the following soil within the boundary of the project site as shown on Appendix C and described in detail below.

Goulding Cobbly Clay Loam, 15-30 percent slopes
Goulding soils are on hills and mountains. Slopes are 5 to 75 percent. These soils formed from metavolcanic rocks, mostly greenstone, or metasedimentary rocks. Elevation typically ranges from 1,500 to 5,000 feet (although the project site is approximately 500 feet AMSL). At elevations below 3,500 feet, these soils are on north or sheltered aspects or have semi-dense or dense vegetative cover.

Spreckels Loam, 15-30 percent slopes
Spreckels soils occur on sloping to hilly uplands of tuffaceous sediments. They occur at elevations of 100 to 800 feet.

5.2 Plant Communities and Habitats

Plant communities are assemblages of plant species that occur together in the same area and are defined by species composition and relative abundance. As described in Section 4 (Methods), vegetation communities within the project site were mapped in the field onto Google Earth satellite imagery (Figure 1) and were evaluated to determine if they are considered sensitive under federal, state, or local regulations or policies. A list of plant and wildlife species observed on the site during the November 11, 2020 survey is presented in Appendix D. Nomenclature for wildlife follows CDFW's Complete List of Amphibian, Reptile, Bird, and Mammal Species in California (CDFW 2016) and any changes made to species nomenclature as published in scientific journals since the publication of CDFW's list were updated accordingly. Representative photographs of each vegetation community or land cover type are provided in Appendix E. A description of the plant communities is provided below.

Developed/Mediterranean Scrub and Grassland Formation (1.87 acres)

Developed land includes commercial and industrial land uses and paved and dirt parking lots, driveways, and access roads. These areas are generally devoid of vegetation or are very sparsely vegetated. A representative photograph of developed portions of the project site is provided in Appendix E.

Interspersed with developed areas, including access roads and driveways, is Mediterranean scrub and grassland formation as defined by the Classification of the Vegetation Alliances and Associations of Sonoma County, California (CDFW et al 2015). The majority of the project site is Mediterranean Scrub and Grassland Formation, which typically includes species belonging to the genuses: *Adenostoma*, *Arctostaphylos*, *Ceanothus*, *Quercus*, *Artemisia*, *Eriodictyon*, *Heterotheca*, *Baccharis*, *Gaultheria*, *Toxicodendron*, *Eschscholzia*, *Lasthenia*, *Plagiobothrys*, *Elymus*, *Nassella*, *Avena*, *Brassica*, *Centaurea*, *Cynosurus*, among many others.

Figure 1. Vegetation Communities and Project Location

NatureServe Explorer describes, “Mediterranean scrub and grassland includes sclerophyllous scrub and herbaceous vegetation, which develops in Mediterranean climates (moderately dry, warm-temperate, maritime climates with little or no summer rain)…Sclerophyll-leaved growth forms prevail, but facultatively drought-deciduous "soft chaparral" forms may also occur. Mixed annual and perennial grasslands and non-grass "forblands" may also occur, with only scattered scrub. Shrub growth forms range from low, open subshrubs (<1 m) to arborescent (2 to 5 m tall) shrubs with a closed canopy, in response to moisture, fire and other factors. Dominant plants are affected by frequent fires…Sclerophyll woodlands and forest are excluded from this classification of Mediterranean Scrub & Grassland. Grasslands are a mix of annual and perennial growth forms” (2020).

California Bay Forest and Woodland (0.15 acres)

Coast live oak (*Quercus agrifolia*) alliance stands in Sonoma County cover the range from mesic woodlands (in which coast live oak mixes with *Umbellularia* and *Arbutus*), to relatively dry, open woodlands with grassy understories. The alliance typically occurs in alluvial benches, streamsides, valley bottoms, coastal bluffs, inland ridges, steep north-facing slopes, and rocky outcrops and in soils that are shallow to deep, sandy to clay loams (CNPS 2020b).

5.3 Hydrology and Aquatic Features

The majority of the City of Santa Rosa is located within the Santa Rosa Creek watershed, which originates from Hood Mountain in the Mayacamas Mountains to the east and discharges to Laguna de Santa Rosa, a large wetland complex downstream of the Santa Rosa urban area. Tributary basins to Santa Rosa Creek that lie primarily in the city are Brush Creek, Matanzas Creek, Paulin Creek, and Piner/Peterson Creek. All of these tributaries ultimately drain to the Laguna de Santa Rosa which drains into the Russian River and on out to the Pacific Ocean (ESA 2009).

The potentially jurisdictional perennial drainage on the project site is a tributary to the West Fork of Paulin Creek. Paulin Creek (with its tributary Poppy Creek) forms the main tributary to Piner Creek. Starting in the fir covered hillsides of Hidden Valley, the Paulin Creek drops 680 feet in elevation to Mendocino Avenue in the first half of its journey and, after disappearing under Highway 101, loses only an additional 60 feet in elevation before entering Piner Creek west of Marlow Road (City of Santa Rosa et al 2013). Piner Creek flows into Santa Rosa Creek downstream of its confluence with Paulin Creek.

A hill occupies much of the project site and slopes downward from the southern border of the site to Stagecoach Road (northern border), ranging from 528 to 454 feet. The only relatively level portion of the site is the northwest corner where the new fire station is proposed. The unnamed drainage flows downward from the western side of the site at 502 feet east to Stagecoach Road at 454 feet.

The potentially jurisdictional perennial drainage on the project site is unnamed and is not shown on the National Wetland Inventory (USFWS 2020b) or on creek maps in the Santa Rosa Citywide Creek Master Plan (City of Santa Rosa 2013). The unnamed drainage flows from south to north across the northwest corner of the project site before flowing into a culvert under Stagecoach Road and connecting to the West Fork of Paulin Creek downstream of the site. The unnamed drainage is approximately two feet wide and one to two feet deep. It appears to be perennial, based on a flowing condition observed in November and December 2020 after months with little rain and no recent rainstorms. The potentially jurisdictional perennial drainage and other mapped wetland (culvert area to the east of the project site [Figure 1]) is 0.05 acre (measured from the top of bank) and 407.33 linear feet.

There are three wetlands associated with the potentially jurisdictional perennial drainage, located adjacent to where the drainage flows under the existing chain link fence to the southern side of the fence, and adjacent to the culvert on each side of the existing access road. Wetlands were identified in a preliminary delineation of jurisdictional features based on hydrophytic vegetation, hydric soils, and hydrology. The dominant plant species associated with the wetlands is tall flatsedge (*Cyperus eragrostis*). The potentially jurisdictional areas, including the mapped, isolated culvert area on the east portion of the site in Figure 1, total 0.05 acre.

5.4 Sensitive Habitats

Approximately 0.15 acre of oak woodland within the project site meet the definition of California Bay Forest and Woodland, a plant community that has been designated as "sensitive" by CDFW in the CNDDB. Potentially jurisdictional areas, including the perennial drainage and culvert area described above, area also considered "sensitive" by CDFW. Impacts to sensitive natural communities and habitats must be considered and evaluated under CEQA guidelines for impacts to biological resources.

5.5 Wildlife Corridors and Movement

A wildlife corridor is a linear landscape element that serves as a linkage between historically connected habitats or landscapes that are otherwise separated (McEuen 1993) and is meant to provide avenues along which wildlife can travel, migrate, and meet mates; plants can propagate; genetic interchange can occur; and populations can move in response to environmental changes and natural disasters (Beir and Loe 1992).

Land uses surrounding the project site include the Fountaingrove Parkway to the west, Stagecoach Road to the north and east, and, and Keysight Technologies to the south. Residential and commercial development are all prevalent outside the borders of the project site. Creek corridors (including Paulin Creek to the south) and mature tree stands within the vicinity of the project site provide some migration opportunity for common wildlife species. However, the heavily trafficked road immediately adjacent and the small, fragmented characteristic of the habitat on the project site create sub-optimal corridor conditions for many common and special-status terrestrial wildlife species. The project site is expected to be mostly utilized for common wildlife species (skunks, raccoons, squirrels, etc.) and rarely utilized by wildlife for foraging and very rarely for breeding. The project site is not considered a formal wildlife corridor, although habitat surrounding the project site may provide wildlife movement opportunity.

5.6 Special-Status Species

5.6.1 Special-Status Plants

To determine the potential presence of special-status plant species, a habitat assessment of the project site was conducted November 11, 2020. Special-status plants are defined here to include: (1) plants that are federal- or state-listed as rare, threatened or endangered, (2) federal and state candidates for listing, (3) plants assigned a Rank of 1 through 4 by the CNPS Inventory, and (4) plants that qualify under the definition of "rare" in CEQA, section 15380.

According to the CNPS Inventory and CDFW's CNDDB, a total of 89 special-status plant species have been documented within the project site vicinity (Santa Rosa USGS 7.5 center quadrangle and eight surrounding). A table of special-status plant species with the potential to occur on the project site is provided in Appendix B1. The project site was determined to have no to low potential to support all 89 special-status plant species that were evaluated for their potential presence. Most of these plants occur in specialized habitats such as chaparral, vernal

pools, freshwater marshes, coastal prairie and scrub, and coniferous forest habitats which do not occur on or near the project site. Special-status plants that could occur in grassland habitat are not expected to occur within the project site due to ongoing land management (landscaping, pesticide use, etc.), including that observed during an MIG wetland delineation on December 9, 2020. These activities within the project site have resulted in a high cover and frequency of non-native and invasive plant species that have outcompeted native grasses and forbs, resulting in reduced species richness and disturbed habitat conditions

5.6.2 Special-Status Wildlife

Special-status wildlife species include those species listed as endangered or threatened under the FESA or CESA; candidates for listing by the USFWS or CDFW; species of special concern to the CDFW, and CDFW fully protected species. A list of all special-status wildlife species with the potential to occur in the project site is provided in Appendix B2.

A total of 34 special-status wildlife species were reported to have potential to occur within vicinity of the project site (Santa Rosa USGS 7.5 center quadrangle and eight surrounding), based on a search of the CNDDB and IPaC databases. 33 species are not expected to occur within the project site. Four (4) species were determined to have low potential to occur within the project site:

- western pond turtle (*Emys marmorata*; California Species of Special Concern)
- Cooper's hawk (*Accipiter cooperii*; CDFW Watch List)
- sharp-shinned hawk (*Accipiter striatus*; CDFW Watch List)
- white-tailed kite (*Elanus leucurus*; California Fully-Protected Species)

These determinations were based on the lack of suitable habitat, including freshwater stream and other aquatic features (i.e. permanently-inundated riparian corridors and/or vernal pools), poor or no nesting habitat, and/or the lack of interconnectivity to areas of occupied habitat due to development within and surrounding the site.

5.6.2 Nesting Birds

Despite the current level of site disturbance from adjacent traffic and access roads, vegetation communities within the project site could provide suitable nesting and foraging habitat for common species that may occur within project site. In addition, there is potential for special-status bird species to utilize adjacent and/or nearby habitat for foraging or nesting. Birds nesting and foraging outside, but near the project site have potential to be indirectly impacted by any construction activities. Most actively nesting birds are protected under the CFGC, MBTA, and MBPA. Construction activities including vegetation clearing, and noise and vibration have a potential to result in direct (i.e., loss of viable eggs and death or injury of young) and indirect (i.e., nest abandonment) impacts to nesting songbirds and raptors. The loss of an active nest of common or special-status bird species would be considered a violation of CFGC section 3503, 3503.5, 3513.

5.6.3 Bats

Roosting bats are protected by CFGC. Bat species may very rarely utilize the oak trees within the project site for roosting and may utilize the project site for foraging. However, the small number of trees do not provide the thermal protection from extreme hot or cold temperatures required by bat species while roosting. In addition, the close proximity of Fountaingrove Parkway and Stagecoach Road create extensive disturbance to any potential roosting habitat, likely deterring any longer term use of the habitat.

6.0 BIOLOGICAL IMPACT ASSESSMENT

This section describes potential impacts to sensitive biological resources, including special-status plants, animals, and aquatic resources within and/or adjacent to the project site. Each impact discussion includes avoidance and minimization measures that would be implemented during the project to avoid, minimize, and/or compensate for direct and indirect impacts to each resource. Direct impacts are considered to be those that involve the loss, modification or disturbance of plant communities, which in turn, directly affect the species that occupy those habitats. Direct impacts also include the destruction of individual plants or wildlife, which may also directly affect regional population numbers of a species or result in the physical isolation of populations thereby reducing genetic diversity and population stability. Indirect impacts involve impaired water quality of nearby wetland and water resources, the effects of increased ambient levels of noise or light, and increased human disturbance. Indirect impacts may be associated with the subsequent day-to-day activities associated with commercial use of the area following project implementation.

Potential significant adverse impacts, either directly or through habitat modifications, to any special-status plant, animal, or habitat that could occur as a result of project construction, are discussed below. With the implementation of all mitigation measures, impacts to biological resources are anticipated to be reduced to less than significant pursuant to CEQA guidelines.

6.1 Significance Criteria

Potential impacts to biological resources should be determined in accordance with Appendix G of the CEQA Guidelines, which includes the following:

Impacts would be considered potentially significant if the proposed project will:

- 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 the CDFW or USFWS
- 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 the CDFW or USFWS
- Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrologic interruption, or other means
- 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
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plant (NCCP), or other approved local, regional, or state HCP

6.2 Sensitive Species

All special-status plant and wildlife species were determined to have low potential or are not expected within the project site. However, common nesting bird species and bat species protected by the CFGC and MBTA may utilized habitat on the project site for nesting and/or roosting, respectively.

Most actively nesting birds are protected under the CFGC, MBTA, and MBPA. Construction activities including vegetation clearing, and noise and vibration have a potential to result in direct (i.e., loss of viable eggs and death or injury of young) and indirect (i.e., nest abandonment) impacts to nesting songbirds and raptors.

Impacts to nesting bird species may be avoided with the implementation of measures outlined in Section 7.

6.3 Sensitive Natural Vegetation Communities

Approximately 0.15 acre of oak woodland within the project site meet the definition of California Bay Forest and Woodland, a plant community that has been designated as "sensitive" by CDFW in the CNDDB. Final project design will either avoid this habitat, or consult with CDFW to determine mitigation measures for any impacts to the habitat. With the avoidance of habitat and/or mitigation of any negative impacts according to guidance from CDFW, significant impacts will be avoided and/or mitigated.

The project site also includes 0.05 acre of freshwater wetland vegetation dominated by tall flatsedge. Areas dominated by wetland plants are also considered sensitive natural communities by CDFW.

6.4 Jurisdictional Waters

The proposed project would not impact the perennial drainage or associated potentially jurisdictional areas (Figure 1) on the site. In accordance with the City of Santa Rosa General Plan OSC-D-1 and the federal policy of no net loss of wetlands, the project will avoid all potentially jurisdictional areas (Figure 1). With the appropriate setback and/or mitigation, the project will not have a significant impact on jurisdictional waters and no permits will be required.

Indirect impacts to potentially jurisdictional waters will be avoided by best management practices (BMPs) to protect water quality and prevent erosion and sedimentation during and following construction. A stormwater pollution prevention plan (SWPPP) will be required to be prepared for the project and implemented during construction, and the project design utilizes low impact development (LID) strategies to ensure there is no net increase in stormwater runoff from the site after project construction, and stormwater from the new impervious surface area is treated and retained onsite. Above-ground storage tanks (ASTs) will be utilized in the project and associated fueling stations pose a high risk to potentially jurisdictional waters. Therefore, preventative measures such as secondary containment, will be provided for the ASTs and fueling locations.

6.5 Wildlife Corridors and Movement

The heavily trafficked road immediately adjacent and the small, fragmented characteristic of the habitat on the project site create sub-optimal corridor conditions for common and special-status terrestrial wildlife species. The project site is expected to be primarily utilized by common wildlife and urban/suburban-adapted wildlife species, and rarely utilized by special-status wildlife for foraging and very rarely for nesting birds. The project site is not considered a formal wildlife corridor, although habitat surrounding the project site may provide corridor habitat. The project site is in an urban area and the new fire station would not include new public roads or fences that would create a barrier to wildlife movement. No significant impacts to wildlife movement and corridors are anticipated from the proposed project.

6.6 Conflict with Local Policies

The project will comply with all local policies and regulations outlined in Section 3.3.

6.7 Conflict with Conservation Plan

The project site is not within any HCP, Natural Community Conservation Plan (NCCP), or other approved local, regional, or state HCP (CDFW 2020a).

7.0 CONCLUSIONS AND RECOMMENDATIONS

The project site provides little to no habitat for special-status wildlife and plant species. However, the 0.15 acre of California Bay Forest and Woodland and the potentially jurisdictional areas within the perennial drainage and culvert area on the eastern portion of the site require special consideration by regulatory agencies. Following the creation of final design, if any impacts are anticipated to either the California Bay Forest and Woodland or jurisdictional waters, CDFW, USACE, and the RWQCB will need to be consulted to determine specific avoidance and/or mitigation measures, or compensatory mitigation required for impacts to these habitat features.

Avoidance and minimization measures to prevent or avoid negative impacts to sensitive habitat and/or special-status species (i.e. nesting birds) during project implementation are described below.

7.1 Avoidance and Minimization Measures

7.1.1 Sensitive Habitat

1. Travel and parking of vehicles and equipment will be limited to pavement, existing roads, and previously disturbed areas. Ground disturbance and vegetation removal will not exceed the minimum amount necessary to complete work at the site.
2. Temporary work areas will be restored with respect to pre-existing contours and conditions upon completion of work. Restoration work including re-vegetation and soil stabilization will be evaluated upon completion of work and performed as needed.
3. The potential for adverse effects to water quality in aquatic habitat within the project site will be avoided by implementing Best Management Practices (BMPs). These BMPs will be used to minimize any erosion or other sources of water pollution. The following BMPs are suggested:
    a) Store, handle, and dispose of construction materials and wastes properly to prevent their contact with stormwater.
    b) Control and prevent the discharge of all potential pollutants, including solid wastes, paints, concrete, petroleum products, chemicals, wash water or sediment and non-stormwater discharges to storm drains and water courses.
    c) Avoid cleaning, fueling, or maintaining vehicles on site, except in a designated area in which run-off is contained and treated. If designated areas for these activities are allowed on site, spill kits must be immediately accessible on site.
    d) Perform clearing and earth moving activities during dry weather to the maximum extent practical.
    e) Delineate clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and discharge course with field markers.
    f) Remove spoils promptly and avoid stockpiling fill materials when rain is forecast. If rain threatens stockpiles soils and other materials shall be covered with a tarp or other waterproof material.
    g) Limit construction access routes and stabilize designated access points.
    h) Deposit trash and construction related solid wastes into a covered receptacle to prevent contamination and dispersal by wind.

i) Maintain sanitary facilities on the project site at all times.

j) Take measures to collect or clean any accumulation or deposit of dirt, mud, sand, rocks, gravel, or debris on the surface of any street, alley, or public place or in public storm drain systems. The removal of aforesaid shall be done by street sweeping or hand sweeping. Water shall not be used to wash sediments into public or private drainage facilities.

k) Cease all grading work immediately in the event of rain.

l) Prepare and implement an erosion control plan during the wet season (September 15 through April 15). The following measures are suggested to be included in the plan:

- During the rainy season, all paved areas shall be kept clear of earth material and debris. The project site shall be maintained to minimize sediment-laden run-off to any storm drainage system, including existing drainage swales and water courses.
- Down slope drainage courses, streams, and storm drains will be protected with rock filled gravel bags, temporary swales, silt fences, and earth berms in conjunction with all landscaping.
- Inlet protection shall be installed and maintained at open inlets to prevent sediment from entering the storm drain system.
- Fiber rolls shall be placed at the toe of slopes and along the down slope perimeter of the project site.

4. Develop a hazardous spill plan prior to construction. The plan will describe what actions will be taken in the event of a spill. The plan will also incorporate preventative measures to be implemented, such as vehicle and equipment staging, cleaning, maintenance, and refueling; and contaminant (including fuel) management and storage. In the event of a contaminant spill, work at the site will immediately cease until the contractor has contained and mitigated the spill. The contractor will immediately prevent further contamination and notify appropriate authorities and mitigate damage as appropriate. Adequate spill containment materials, such as oil diapers and hydrocarbon cleanup kits, shall be available on site at all times. Containers for storage, transportation, and disposal of contaminated absorbent materials will be provided in the project site.
5. A SWPPP that complies with the statewide General Permit administered by the SWRCB the National Pollutant Discharge Elimination System will be developed and implemented to protect the water quality of aquatic resources that lie in or adjacent to the proposed project area. Appropriate erosion and sediment control and non-sediment pollution control (i.e., sources of pollution generated by construction equipment and material) BMPs will be prescribed in the SWPPP, and erosion and sediment control material included in the SWPPP will be certified as weed-free.
6. After construction is completed, a final cleanup will include removal of all stakes, temporary fencing, flagging, and other refuse generated by construction.

7.1.2 Special-Status Species

1. Employee Education Program. An employee education program shall be conducted, consisting of a brief presentation to explain biological resources concerns to contractors, their employees, and any other personnel involved in construction of the project. The program will include the following: a description of relevant special-status species and

nesting birds along with their habitat needs as they pertain to the project; a report of the occurrence of these species in the vicinity of the project site, as applicable; an explanation of the status of these species and their protection under the federal and state regulations; a list of measures being taken to reduce potential impacts to natural resources, including environmentally sensitive habitats, during project construction and implementation; and instructions if a special-status species is found onsite. A fact sheet conveying this information will be prepared for distribution to the above-mentioned people and anyone else who may enter the project site. Upon completion of training, employees will sign a form stating that they attended the training and agree to the conservation and protection measures.

2. Pre-construction Survey for Nesting Birds. To avoid impacts to nesting birds and violation of state and federal laws pertaining to birds, all construction-related activities (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading) should occur outside the avian nesting season (that is, prior to February 1 or after September 15). If construction and construction noise occurs within the avian nesting season (from February 1 to September 15), all suitable habitats located within the project's area of disturbance including staging and storage areas plus a 250-foot (passerines) and 1,000-foot (raptor nests) buffer around these areas shall be thoroughly surveyed, as feasible, for the presence of active nests by a qualified biologist no more than five days before commencement of any site disturbance activities and equipment mobilization. If project activities are delayed by more than five days, an additional nesting bird survey shall be performed. Active nesting is present if a bird is building a nest, sitting in a nest, a nest has eggs or chicks in it, or adults are observed carrying food to the nest. The results of the surveys shall be documented.

   If pre-construction nesting bird surveys result in the location of active nests, no site disturbance and mobilization of heavy equipment (including but not limited to equipment staging, fence installation, clearing, grubbing, vegetation removal, fence installation, demolition, and grading), shall take place within 250 feet of non-raptor nests and 1,000 feet of raptor nests, or as determined by a qualified biologist in consultation with the CDFW, as appropriate, until the chicks have fledged. Monitoring shall be required to insure compliance with relevant California Fish and Game Code requirements. Monitoring dates and findings shall be documented.

3. Nighttime Construction. To the extent possible, nighttime construction will be minimized.

4. Designation of Work Area. Prior to project activities, a qualified biologist will clearly delineate the work area Disturbance to sensitive vegetation communities shall be minimized to the greatest extent practicable.

5. Construction Site Sanitation. Food items may attract wildlife onto the construction site, which will expose them to construction-related hazards. The construction site shall be maintained in a clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, and other discarded items) will be placed in closed containers and properly disposed of.

6. Wildlife Entrapment. The contractor shall avoid the use of monofilament netting, including its use in temporary and permanent erosion control materials. All holes greater than one-foot deep must be sealed overnight to prevent the entrapment of wildlife. Where holes or trenches cannot be sealed, escape ramps that are no greater than 30 percent slope will be positioned such that entrapped wildlife will be able to escape. The

escape ramps should be at least one-foot wide and covered/fitted with a material that provides traction.

7. Species Discovery. If an animal is found at the work site and is believed to be a protected species, work must halt and the project biologist shall be contacted for guidance. Care must be taken not to harm or harass the species. No wildlife species shall be handled and/or removed from the project site by anyone except a qualified biologist.

8.0 REFERENCES

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Appendix A

Special-Status Plant and Wildlife Species Database Results

Appendix B

Special-Status Plant and Wildlife Species Evaluated for Potential to Occur in the Project Area

Appendix C

USDA Soil Map Database Information

Appendix D

List of Observed Species

Appendix E

Representative Photographs

Photo 1. Culvert area at the eastern edge of the project site. Taken December 9, 2020.

Photo 2. A view of the "panhandle" of the project site with Mediterranean Scrub and Grassland Formation, taken from the west looking east on November 11, 2020.

Photo 3. A view of the potentially jurisdictional perennial drainage, looking west toward Fountaingrove Parkway on December 9, 2020.

Photo 4. A view of inundation within the potentially jurisdictional perennial drainage, along the fenceline bording the southern portion of the project site. Taken November 11, 2020.

Photo 4. A view of the California Bay Forest and Woodland at the western edge of the project site on the access road, looking north, adjacent to Fountaingrove Parkway. Taken December 9, 2020.