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DEPARTMENT OF FISH AND WILDLIFE
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Governor's Office of Planning & Research

Mar 15 2022

March 14, 2022

STATE CLEARINGHOUSE

Brian Oh
Permit Sonoma
County of Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
Brian.Oh@sonoma-county.org

Subject: Sonoma Development Center Specific Plan, Notice of Preparation of a Program Environmental Impact Report, SCH No. 2022020222, Sonoma County

Dear Mr. Oh:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a Program Environmental Impact Report (EIR) provided for the Sonoma Development Center Specific Plan (Project).

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant and wildlife 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 a permit pursuant to the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project.

PROJECT DESCRIPTION AND LOCATION

The Project will guide the development of the Sonoma Development Center (SDC) core campus and preserve open space and natural resources on the SDC property. The development program within the existing 180-acre development core campus is anticipated to include: a housing development ranging from 450 to 1,000 residential units; a non-housing development; parks, community gathering spaces, and other green spaces; creation of a new vehicular route; and adaptive reuse and new construction. The Project will also include policies to govern the retention and preservation of the open space surrounding the 180-acre core campus, which encompasses 765 acres. The Project site encompasses a total of approximately 945 acres. The Project site is located between the towns of Glen Ellen and Eldridge and is bounded by State Route 12 to the east, Sonoma Valley Regional Park to the north, and Jack London Historic Park to the west; Latitude 38.347548°, Longitude 122.518602°.

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The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description:

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.
- Construction schedule, activities, equipment, and crew sizes.

The NOP identifies that the draft EIR will be a Program EIR. While program EIRs have a necessarily broad scope, CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated *Appendix N Checklist*, and consistent with other program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the Program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the draft EIR. Future analysis should include all special-status species and sensitive habitat including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380.

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ENVIRONMENTAL SETTING

The EIR should provide sufficient information regarding the environmental setting (“baseline”) to understand the Project’s, and its alternative’s (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see: <https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>). Fully protected, threatened or endangered, candidate, and other special-status species that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

- Steelhead – Central California Coast Distinct Population Segment (*Oncorhynchus mykiss irideus* pop. 8), Federal Threatened (FT)
- California freshwater shrimp (*Syncaris pacifica*), State Endangered (SE), Federal Endangered (FE)
- California red-legged frog (*Rana draytonii*), California Species of Species Concern (SSC), FT
- Foothill yellow-legged frog (*Rana boylei*), Northwest/North Coast clade, SSC
- California giant salamander (*Dicamptodon ensatus*), SSC
- Western pond turtle (*Emys marmorata*), SSC
- Red-bellied newt (*Taricha rivularis*), SSC
- Pallid bat (*Antrozous pallidus*), SSC
- American badger (*Taxidea taxus*), SSC
- Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*), SE, FT
- Bank swallow (*Riparia riparia*), State Threatened (ST)
- White-tailed kite (*Elanus leucurus*), State Fully Protected (FP)
- Golden eagle (*Aquila chrysaetos*), FP, State Watch List
- Black swift (*Cypseloides niger*), SSC
- Yellow rail (*Coturnicops noveboracensis*), SSC

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- Grasshopper sparrow (*Ammodramus savannarum*), SSC
- California horned lark (*Eremophila alpestris actia*), State Watch List
- Ferruginous hawk (*Buteo regalis*), State Watch List
- Kenwood Marsh checkerbloom (*Sidalcea oregana* ssp. *valida*), SE, FE
- Two-fork clover (*Trifolium amoenum*), State Rare Plant Rank 1B.1, FT
- Legenere (*Legenere limosa*), California Rare Plant Rank (CRPR) 1B.1
- Sonoma sunshine (*Blennosperma bakeri*), SE, CRPR 1B.1, FE
- Baker's navarretia (*Navarretia leucocephala* ssp. *bakeri*), CRPR 1B.1
- Jepson's leptosiphon (*Leptosiphon jepsonii*), CRPR 1B.2
- Sonoma ceanothus (*Ceanothus sonomensis*), CRPR 1B.2
- Colusa layia (*Layia septentrionalis*), CRPR 1B.2
- Congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*), CRPR 1B.2
- Calistoga Ceanothus (*Ceanothus divergens*), CRPR 1B.2
- Napa false indigo (*Amorpha californica* var. *napensis*), CRPR 1B.2
- Franciscan onion (*Allium peninsulare* var. *franciscanum*), CRPR 1B.2
- Thin-lobed horkelia (*Horkelia tenuiloba*), CRPR 1B.2
- Fragrant fritillary (*Fritillaria liliacea*), CRPR 1B.2
- Cobb mountain lupine (*Lupinus sericatus*), CRPR 1B.2
- Narrow-anthered brodiaea (*Brodiaea leptandra*), CRPR 1B.2
- Big-scale balsamorhiza (*Balsamorhiza macrolepsis*), CRPR 1B.2
- Dwarf downingia (*Downingia pusilla*), CRPR 1B.2
- Oval-leaved viburnum (*Viburnum ellipticum*), CRPR 1B.2

Habitat descriptions and the potential for species occurrence should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System, and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Based on the data and information from the habitat assessment, the EIR should adequately assess which special-status species are likely to occur on or near the Project site, and whether they could be impacted by the Project.

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CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocol>.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (<http://www.cnps.org/cnps/rareplants/inventory/>), must be conducted during the blooming period within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrological conditions, and require the identification of reference populations. More than one year of surveys may be necessary based on environmental conditions. Please refer to CDFW protocols for surveying and evaluating impacts to special status plants available at: <https://www.wildlife.ca.gov/Conservation/Plants>.

IMPACT ANALYSIS AND MITIGATION MEASURES

The EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Encroachments into riparian habitats, wetlands or other sensitive areas
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alternation of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, vegetation overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features.

The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the lead agency to consider and describe all

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feasible mitigation measures to avoid potentially significant impacts in the EIR, and/or mitigate significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection 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 or NPPA, 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) & 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 of Overriding Consideration (FOC). The CEQA Lead Agency’s FOC does not eliminate the Project proponent’s obligation to comply with CESA.

Lake and Streambed Alteration Agreement

CDFW will require an LSA Notification, pursuant to Fish and Game Code sections 1600 et. seq. for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will 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, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

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FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. 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.

If you have any questions, please contact James Hansen, Environmental Scientist, at (707) 576-2869 or James.Hansen@Wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 428-2092 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell

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Erin Chappell
Regional Manager
Bay Delta Region

cc: State Clearinghouse No. 2022020222