



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



September 7, 2022

Jen Santos  
City of Santa Rosa  
Recreation and Parks Department  
55 Stony Point Road  
Santa Rosa, CA 95401  
[jsantos@srcity.org](mailto:jsantos@srcity.org)



Subject: Roseland Creek Community Park Master Plan, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2022080148, Sonoma County

Dear Ms. Santos:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) from the City of Santa Rosa (City) for the Roseland Creek Community Park Master Plan (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

CDFW is submitting comments on the NOP to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

## CONSULTATION HISTORY

In June 2022, WRA, Inc. consulted with CDFW on behalf of the Project regarding potential project impacts to California tiger salamander (CTS, *Ambystoma californiense*), a state threatened and federally endangered species. CDFW provided the below information to WRA.

- Based on the figures provided, it appears that the Project would remove oak woodland/grassland habitat which is potentially suitable habitat for CTS and may be occupied by dispersing or aestivating CTS if refugia such as leaf litter, cracks, or burrows are present on or adjacent to the impact site (subterranean refugia may extend laterally). If impacts to CTS habitat would occur, compensatory habitat mitigation is warranted pursuant to the Santa Rosa Plain Conservation Strategy, and to comply with the California Endangered Species Act (CESA), the City should obtain an Incidental Take Permit (ITP). Please note that ITP habitat mitigation requirements are often consistent with the Santa Rosa Plain Conservation Strategy; however, they may differ based on site-specific conditions or other factors.

<sup>1</sup> CEQA is codified in the California Public Resources Code in Section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with Section 15000.

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- Three projects in the vicinity of the Project obtained ITPs for CTS: A housing development approximately 160 feet to the south, a housing development a few parcels to the south, and the Burbank Elementary School across the street.
- If suitable habitat for state and federally listed plants, such as Sebastopol meadowfoam (*Limnanthes vinculans*), Sonoma sunshine (*Blennosperma bakeri*), and Burke's goldfields (*Lasthenia burkei*), may be directly or indirectly impacted, two years of protocol botanical surveys should be conducted during appropriate conditions pursuant to the Santa Rosa Plain Conservation Strategy. If impacts to state listed plants may occur based on the above surveys, the City should also obtain an ITP for those species.
- The City should consult with the U.S. Fish and Wildlife Service (USFWS) for impacts to CTS and any federally listed plant habitat for compliance with the federal Endangered Species Act.
- Impacts to the Roseland Creek bed, bank, or channel would likely require submitting a Lake and Streambed Alteration (LSA) notification to CDFW.

## CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under CESA, the LSA Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

## PROJECT DESCRIPTION AND LOCATION

The Project would construct a new community park to serve the Roseland neighborhood on an approximately 19.49-acre site. The Project includes two vehicle entrances to the park, both from Burbank Avenue; a small parking lot, the northerly lot containing 19 parking spaces and the southerly lot containing 17 parking spaces; a multi-use trail running from the southwest corner of the site to the northeast corner, following the south side of the Roseland Creek riparian corridor across the southern portion of the site and crossing the creek near the eastern park boundary; and a network of smaller trails and walkways providing pedestrian circulation throughout the park. Permeable paving would be used except where required for extra stability at Americans with Disabilities Act parking areas, walkways, and multi-use trails. The Project is located at 1027 McMinn Avenue, and 1360, 1370, and 1400 Burbank Avenue in the Roseland area of Santa Rosa, Sonoma County, at approximately 38.423308°N and -122.733105°W.

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The CEQA Guidelines require that the draft 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, as applicable:

- 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, or 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.

## REGULATORY AUTHORITY

### California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in take<sup>2</sup> of plants or animals listed under CESA, either during construction or over the life of the Project. If the Project will impact CESA listed species, early consultation with CDFW is encouraged, as significant modification to the Project and mitigation measures may be required to obtain an ITP. **The Project may impact CTS and CESA listed plants as described above.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program.

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, & 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 Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

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<sup>2</sup> Take is defined in Fish and Game Code section 86 as hunt, pursue, catch, capture, or kill, or attempt any of those activities.

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### **Lake and Streambed Alteration**

CDFW requires an LSA notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also subject to notification. **The Project may impact Roseland Creek through construction of bridges or other Project activities. Any impacts to Roseland Creek or any other streams would likely require an LSA Notification as described above.** CDFW, as a responsible agency under CEQA, will consider the EIR for the Project. CDFW may not execute the final LSA Agreement until it has complied with CEQA as the responsible agency.

### **Nesting Birds**

CDFW also has authority over actions that may disturb or destroy active nest sites or take birds. Fish and Game Code sections 3503, 3503.5, and 3513 protect birds, their eggs, and nests. Migratory birds are also protected under the federal Migratory Bird Treaty Act.

### **Fully Protected Species**

Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

### **ENVIRONMENTAL SETTING**

The draft 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 draft EIR 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 draft EIR should describe aquatic habitats, such as wetlands, vernal pools, and/or waters of the U.S. or State, and

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any sensitive natural communities<sup>3</sup> or riparian habitat occurring on or adjacent to the Project site. Fully protected, threatened or endangered, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the Project area, include but are not limited to CTS and its federally designated critical habitat, the above CESA listed plants, burrowing owl (*Athene cunicularia*), white-tailed kite (*Elanus leucurus*), American badger (*Taxidea taxus*), western pond turtle (*Emys marmorata*), pallid bat (*Antrozous pallidus*), and valley oak woodland.

Habitat descriptions and the potential for species occurrence should include information from multiple sources, such as aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the Santa Rosa Plain Conservation Strategy; USFWS' Information, Planning, and Consultation System; findings from positive occurrence databases such as the California Natural Diversity Database (CNDDDB); California Aquatic Resources Inventory; and sensitive natural community information available on the Sonoma County fine scale vegetation map. Based on the data and information from the habitat assessment, the draft EIR should adequately assess which special-status species or sensitive natural communities are likely to occur on or near the Project site.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols<sup>4</sup> if available.

Botanical surveys<sup>5</sup> for special-status plant species, including those with a California Rare Plant Rank<sup>6</sup>, must be conducted during the blooming period for all species potentially impacted by the Project within the Project area and adjacent habitats that may be indirectly impacted by, for example, changes to hydrology, and require the identification of reference populations. More than one year of surveys may be necessary given environmental conditions.

## **IMPACT ANALYSIS AND MITIGATION MEASURES**

The draft EIR should discuss all direct and indirect impacts (temporary and permanent), including reasonably foreseeable impacts, that may occur with implementation of the Project (CEQA Guidelines, §§ 15126, 15126.2, & 15358). This includes evaluating and describing impacts such as:

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<sup>3</sup> For sensitive natural communities see <https://wildlife.ca.gov/Data/VegCAMP/Natural-Communities#sensitive%20natural%20communities>

<sup>4</sup> Survey and monitoring protocols and guidelines are available at <https://wildlife.ca.gov/Conservation/Survey-Protocols>.

<sup>5</sup> Please refer to CDFW protocols for surveying and evaluating impacts to rare plants, and survey report requirements at <https://wildlife.ca.gov/Conservation/Plants>

<sup>6</sup> <http://www.cnps.org/cnps/rareplants/inventory/>

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

The draft EIR 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 less-than-significant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact, e.g., reduction of habitat for a special-status species, should be considered cumulatively considerable.

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 feasible mitigation measures to avoid potentially significant impacts in the draft EIR and mitigate potentially significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 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. Project-specific measures should be incorporated as enforceable Project conditions to reduce impacts to biological resources to less-than-significant levels.

The draft EIR should include measures to ensure complete avoidance of fully protected species, such as white-tailed kite.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in EIRs 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 CNADB. The CNADB online field survey form and other methods for

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submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plantsand-Animals>.

## 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.

## CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources. If you have any questions, please contact Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov); or Craig Weightman, Environmental Program Manager, at (707) 339-1332 or [Craig.Weightman@wildlife.ca.gov](mailto:Craig.Weightman@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Erin Chappell*  
B77E9A6211EF486  
Erin Chappell  
Regional Manager  
Bay Delta Region

ec: State Clearinghouse (SCH No. 2022080148)

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