



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



June 10, 2024

Jen Santos, Deputy Director – Parks
City of Santa Rosa
55 Stony Point Road
Santa Rosa, CA 95401
JSantos@srcity.org

Subject: Roseland Creek Community Park Master Plan, Environmental Impact Report,
SCH No. 2022080148, Sonoma County

Dear Ms. Santos:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Environmental Impact Report (EIR) from the City of Santa Rosa (City) for the Roseland Creek Community Park Master Plan (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted a letter dated September 7, 2022 in response to the EIR Notice to Preparation (NOP) for the project.

CDFW is submitting comments on the EIR to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Santa Rosa

Objective: The project proposes to construct a new community park to serve the Roseland neighborhood. Trails, interpretive signs, and upland habitat restoration in

¹ 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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existing grasslands are proposed for the northern section of the park. The central portion of the project site contains the oak (*Quercus* sp.) woodland habitat, which would be left intact and would also contain trails and interpretive signs. A nature center and restroom building would be constructed near the parking lot on the west side of the park, north of Roseland Creek. A picnic area and outdoor classroom or community garden would be located along the northern side of the riparian corridor along Roseland Creek at the edge of the oak woodland. On the south side of the riparian corridor, there would be a restroom near the parking lot, picnic areas (including single-use BBQs), a nature-themed play area, a lawn area, and sports court. A trail surrounding the lawn and play areas would include fitness stations. The existing purple needlegrass (*Stipa pulchra*) grassland area near the southeast corner of the site would be preserved, with trails encircling it. The site currently consists of primarily undeveloped land. Habitat on-site consists of annual grasslands, oak and riparian woodlands, and Roseland Creek.

Location: The 19.49-acre project site is located at 1027 McMinn Avenue, and 1360, 1370 and 1400 Burbank Avenue (Assessor's Parcel Numbers 125-331-001, 125-252-003, 125-252-002, and 125-252-004) in the City of Santa Rosa and in Section 27, Township 7 North, Range 8 West of the Mount Diablo Meridian U.S. Geological Survey 7.5' quadrangle map, at approximately Latitude 38.423440°N, Longitude 122.733154°W.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. **As indicated in CDFW's NOP response letter and further described below, the project has the potential to result in take of California tiger salamander (*Ambystoma californiense*), which is CESA listed as threatened species, and Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnathes vinculans*), and Burke's goldfields (*Lasthenia burkei*), which are CESA listed as endangered species.** 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, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the

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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

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

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. **Attachment 1** includes a Draft Mitigation Monitoring and Reporting Program for CDFW's recommended mitigation measures.

- I. Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?***

COMMENT 1: Page 42-43, Environmental Setting and Related Impact Shortcoming

Issue: The EIR indicates that wetlands are present within the project site. Wetlands in the Santa Rosa Plain may support Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields. Sebastopol meadowfoam has been documented one mile southwest of the project site (California Natural Diversity Database [CNDDDB] Occurrence Number 1).

As noted in CDFW's NOP response letter, *the Santa Rosa Plain Conservation Strategy, Appendix D: Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (<https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy>) and CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*

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(<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>) provide guidelines for acceptable survey documentation for protocol-level surveys for CESA and federally listed plants on the Santa Rosa Plain. According to the EIR, protocol-level surveys were conducted in March, April, and May 2018, and one follow-up site visit in May 2022, with negative results. However, the above Santa Rosa Plain Conservation Strategy (Strategy) protocols require two years of surveys with a minimum of three visits during the growing season per year to be considered valid. Only one site visit was made during 2022, therefore this survey may not be considered valid. In addition, survey reports were not included with the EIR so it is unclear if all elements of the survey were completed in conformance with the above protocols.

Specific impacts and why they may occur and be significant: Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields are CESA and federally listed as endangered species. These species may be directly or indirectly impacted by the project, and due to inadequate surveys, they may be present on-site but remain undetected resulting in mortality of individuals or indirect impacts from degradation of habitat adjacent to ground disturbance due to altering hydrological conditions or other factors. Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if these species are present on or adjacent to the project site where they would be directly or indirectly impacted, the project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an adequate environmental setting, to comply with CESA and the federal Endangered Species Act (ESA), and to reduce impacts to Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields to less-than-significant, CDFW recommends including the following mitigation measure in the EIR.

MM-BIO-1. The project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results shall follow CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>) and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (<https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy>). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of Sonoma

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sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>) and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (<https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy>), including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. In addition, the project shall consult with the U.S. Fish and Wildlife Service (USFWS) for any impacts to suitable habitat for plants listed under the federal ESA.

COMMENT 2: Page 44-45, Environmental Setting, Mitigation Measure, and Related Impact Shortcoming

Issue: The EIR states that California tiger salamander are unlikely to occur in the annual grasslands and oak woodlands within the project limits. However, several other projects in the immediate vicinity of the project site obtained ITPs for California tiger salamander as described in CDFW's NOP response letter. In addition, three occurrences of California tiger salamander have been documented within 0.75 mile of the project (CNDDDB Occurrence Numbers 11, 62, and 72) and California tiger salamander dispersal to the project site may be possible through the surrounding low-density development.

In addition, the EIR includes MM-BIOc.1-1, which states, "*Prior to the commencement of ground disturbing activities, the site shall be inspected for burrows or other refugia that could support CTS. If none are detected, work can proceed without further measures. If burrows or other refugia with potential to support CTS are detected and cannot be avoided, the project shall consult with CDFW to determine if any additional measures, including an incidental take permit, may be required.*" The project description is unlikely to feasibly avoid burrows and other upland refugia, especially south of Roseland Creek. In addition, any California tiger salamander may be effectively isolated from breeding and upland habitat by construction of the project, resulting in impacts to the species. Additionally, regardless of the current presence of California tiger salamander, the project would still result in permanent loss and likely temporary loss of suitable California tiger

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salamander habitat, further degrading any potential recovery of this threatened and imperiled species.

Specific impacts and why they may occur and be significant: California tiger salamander may be directly or indirectly impacted by the project resulting in mortality of individuals from direct impacts or indirect impacts from degradation of habitat adjacent to ground disturbance and other factors. Additionally, the project would result in the permanent and likely temporary loss of California tiger salamander habitat. California tiger salamander are considered threatened under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if California tiger salamander are present on or adjacent to the project site where they may be directly or indirectly impacted, or habitat loss occurs, the project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to California tiger salamander to less-than-significant and to comply with CESA and federal ESA, CDFW recommends including the following mitigation measure in the EIR.

MM BIO-2. Prior to commencing project construction, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. The project shall also obtain authorization from the USFWS for impacts to California tiger salamander and comply with the authorization. The project shall provide habitat compensation for California tiger salamander in accordance with the Strategy, CESA ITP, and USFWS authorization. Please note that the CESA ITP habitat compensation requirements are often consistent with the Strategy but may differ based on current information and site-specific conditions. CDFW staff are available to assist with the ITP process.

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 CNDDDB. The CNDDDB field survey form can be filled out and submitted online 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://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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ENVIRONMENTAL DOCUMENT FILING FEES


The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See: Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the EIR to assist the City in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nick Wagner, Senior Environmental Scientist (Specialist) at (707) 428-2075 or Nicholas.Wagner@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory) at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2022080148)
Vincent Griego, USFWS - Vincent_Griego@fws.gov

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1. The project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results shall follow CDFW's 2018 <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and the Santa Rosa Plain Conservation Strategy, Appendix D: <i>Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain</i> (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and the Santa Rosa Plain Conservation Strategy, Appendix D: <i>Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain</i> (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy), including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. In addition, the project shall consult with the USFWS for any impacts to suitable habitat for plants listed under the federal ESA.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

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<p>MM BIO-2. Prior to commencing project construction, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. The project shall also obtain authorization from the USFWS for impacts to California tiger salamander and comply with the authorization. The project shall also provide habitat compensation for California tiger salamander in accordance with the Strategy, CESA ITP, and USFWS authorization. Please note that the CESA ITP habitat compensation requirements are often consistent with the Strategy but may differ based on current information and site-specific conditions. CDFW staff are available to assist with the ITP process.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
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