



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 2, 2022

Derik Michaelson, Planner II
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA, 95403
derik.michaelson@sonoma-county.org

Subject: Mountain View Avenue Minor Subdivision Project, Mitigated Negative Declaration, SCH No. 2022100666, Sonoma County

Dear Mr. Michaelson:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the County of Sonoma (County) for the Mountain View Avenue Minor Subdivision Project (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the County, 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: Hogan Land Services, on behalf of John and Maria Fagundes.

Objective: The project would subdivide an existing parcel 8.52-acre parcel into separate parcels of 5.18 acres (Lot 1) and 3.34 acres (Lot 2). Lot 1 contains both developed and undeveloped portions. The developed Lot 1 portion of the site includes an existing residence, barn, septic field, private well, and driveway improvements. Lot 2

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.

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 2

is currently undeveloped and comprised of mostly non-native annual grassland habitat. Development potential for Lot 2 includes future construction of one primary residence, one accessory dwelling unit, and related site improvements for a new access entry and driveway, septic system, and private well.

Location: The project is located at 184 Mountain View Avenue in unincorporated Sonoma County, California. The project site is directly south of the city limits of the City of Santa Rosa. The project site is on an Assessor's Parcel Number 045-022-019 in the Santa Rosa, California, United States Geographical Survey 7.5-minute Topographic Quadrangle Map, Township 6 North, Range 8 West (Latitude 38.379084° North; Longitude -122.707873° West).

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. **The project has the potential to result in take of California tiger salamander (*Ambystoma californiense*), a listed as threatened species, and Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limanthes vinculans*), Burke's goldfields (*Lasthenia burkei*), and many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*), which are listed as endangered species, as further described below.** 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.

Fully Protected Species

Fully Protected species, such as white-tailed kite (*Elanus leucurus*), 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). **Thank you for including an impacts analysis for white-tailed kite in the MND.**

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take,

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 3

possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below CDFW concludes that an MND is appropriate for the project. **Attachment 1** includes a Draft Mitigation Monitoring and Reporting Program for CDFW's recommended mitigation measures.

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?

Environmental Setting and Mitigation Measures, and Related Impact Shortcoming

COMMENT 1: Page 11-13

Issue: The MND indicates that no seasonal wetlands are present on-site, and therefore, the project will not impact four federally and CESA listed as endangered plants included in the Santa Rosa Plain Conservation Strategy: Sonoma sunshine, Sebastopol meadowfoam, Burke's goldfields, and many-flowered navarretia. However, the California Aquatic Resources Inventory (<https://www.sfei.org/cari>) and Sonoma County fine scale vegetation and habitat map (<https://sonomavegmap.org/>) indicate that wetlands classified as "vernal pools" and "Western North America Vernal Pool", respectively, are present on site.

Even if no seasonal wetlands are present on-site, development of the project site may alter the hydrologic regime in surrounding land. Both Sonoma sunshine and Sebastopol meadowfoam have been documented on the parcel directly south of the project site (California Natural Diversity Database (CNDDDB) Occurrence Numbers 18 and 12, respectively). The Sonoma sunshine CNDDDB occurrence is considered "possibly extirpated", however the Sebastopol meadowfoam CNDDDB occurrence is approximately 140 feet south of the project site and includes a known population that also occurs on the unrelated proposed Horn 6 mitigation site, approximately 670 feet south of the project site. The MND does not discuss potential indirect impacts to these species from project activities.

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 4

Specific impacts and why they may occur and be significant: If the above CESA and federally listed plants may be within wetlands on or adjacent to the project site where they could be directly or indirectly impacted, the plants would go undetected and the project may result in loss of the species through direct impacts or degradation of habitat adjacent to ground disturbance. These species are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA and federally listed plants are present on or adjacent to the project site where they may 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).

Recommendation: For an adequate environmental setting and to reduce impacts to Sonoma sunshine, Sebastopol meadowfoam, Burke's goldfields, and many-flowered navarretia to less-than-significant, CDFW recommends including the following mitigation measure in the MND.

MM-BIO-1. Prior to ground disturbance, the project shall submit the wetland assessment and an evaluation of potential indirect impacts to any adjacent off-site wetland habitat, such as modification of hydrological conditions, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.

If direct or indirect impacts to wetlands may occur, the project shall conduct two years of botanical surveys in conformance with the 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, including but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts, and obtain CDFW's written acceptance of the survey results. Surveys conducted during drought conditions may not be acceptable. If impacts to CESA listed plants may occur based on the survey results, the project shall obtain a CESA ITP from CDFW and comply with the ITP, including providing habitat compensation at a 3:1 mitigation to impact ratio unless otherwise approved in writing by CDFW. Alternatively, with CDFW's written approval the project may assume presence of CESA listed plants, forgo surveys, and obtain and comply with an ITP including providing habitat compensation as described above.

Impacts to suitable habitat for federally listed plant species shall be mitigated according to the 2020 U.S. Fish and Wildlife Service (USFWS) programmatic Biological Opinion for projects on the Santa Rosa Plain, which requires a 1:5:1 ratio for mitigation within the same core area as the impact, and a 3:1 ratio if within a different core area.

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 5

COMMENT 2: Page 13-14

Issue: The MND states that California tiger salamander have a low potential to occur in the annual grasslands within the project limits. However, California tiger salamander are known to occur in the immediate vicinity of the project. Adult California tiger salamander have been documented on the northern edge of the Horn 6 mitigation site, directly adjacent to Horn Avenue and approximately 650 feet south of the project site (CNDDDB Occurrence Number 79). In addition, the MND also states “Breeding habitat within 1.3 miles of the project is located on the opposite westerly side of the Highway 101,” and “No breeding occurrences within 1.3 miles of the property exists on the easterly project-side of the Highway (U.S. Route [U.S.] 101).” However, California tiger salamander breeding has been documented at the Horn Mitigation Bank (a different mitigation site than the above-described Horn 6 mitigation site), approximately 0.7 mile northeast of the project and on the eastern side U.S. 101 (CNDDDB Occurrence Number 71). Additionally, based on a review of aerial imagery, ponds within the proposed Horn 6 mitigation site approximately 650 feet south of the project site, and parcels immediately east and south of Horn 6, appear potentially suitable to support breeding CTS.

The MND includes Mitigation BIO-3.1 which states “Should the on-site biological monitor as required under Mitigation BIO-3 identify presence of CTS during the course of activities, all work shall be halted and CDFW consulted for obtaining a CESA Section 2081 Take Permit.” Even with a qualified biological monitor on-site during construction, it is possible that an individual California tiger salamander may be killed or injured during construction activities, which would constitute “take” under CESA. California tiger salamander spend the majority of the year in underground refugia and can be difficult to detect. Due to its secretive nature, if a California tiger salamander was killed or injured during construction activities, it is possible that the injured individual or carcass would not be discovered by a biological monitor.

Specific impacts and why they may occur and be significant: The project may result in injury or mortality of California tiger salamanders from ground disturbing activities on or adjacent to the project site, such as sedimentation off-site. California tiger salamander is considered threatened under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if California tiger salamander are present on or directly adjacent to the project site, 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).

Recommendation: For an adequate environmental setting and to reduce impacts to California tiger salamander to less-than-significant, CDFW recommends the MND includes a thorough analysis of the potential for CTS to occur within the project site

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 6

considering the information provided above. The MND should describe the potential for CTS occurrence at a greater likelihood based on the above information.

In addition, CDFW recommends including the following mitigation measure in the MND.

MM-BIO-2. Prior to commencing construction-related activities on the project site, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. Copies of the ITP shall be provided to the County prior to the commencement of construction-related activities. The project shall 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 Santa Rosa Plain Conservation Strategy (Strategy). Please note that the CESA ITP habitat compensation requirements are often consistent the Strategy but may differ based on site-specific conditions.

Would the Project 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 CDFW or USFWS?

Environmental Setting and Mitigation Measures, and Related Impact Shortcoming

COMMENT 3: Page 14

Issue: The project is within the wintering distribution of burrowing owl (*Athene cunicularia*) and contains and is adjacent to grasslands that may be suitable wintering habitat for the species (Klute et al. 2003). Burrowing owls have been documented overwintering in the project vicinity (CNDDDB Occurrence Numbers 564, 921, and 2023). The Biological Resources Report supporting the MND indicates that burrowing owl would not be impacted by the project because no suitably sized burrows or evidence of potential burrows are present on or immediately adjacent to the project site. However, suitable burrows may be excavated within a single day by, for example, American badger (*Taxidea taxus*) (Ministry of Environment Ecosystems 2007 as cited in Brehme et al. 2015). Additionally, burrowing owls can be impacted up to 500 meters or 1,640 feet away from a project from auditory and visual disturbances and may utilize burrow surrogates, such as culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures (CDFW 2012). Therefore, the absence of natural burrows does not necessarily exclude burrowing owls.

Specific impacts and why they may occur and be significant: If burrowing owls that may be impacted by the project are not detected, the project may result in

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 7

reduced health and vigor, or mortality, of owls from direct impacts to occupied wintering habitat or from wintering burrow abandonment caused by auditory and visual disturbances. Burrowing owl is a California Species of Special Concern and protected under Fish and Game Code sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act. Therefore, if wintering burrowing owls are present on or within 1,640 feet of the project site, project impacts to burrowing owl would be *potentially significant*.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to burrowing owl to less-than-significant, CDFW recommends implementing following mitigation measure:

MM-BIO-3. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) *2012 Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.

Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation, implementation, and funding of a long-term management plan prior to project construction.

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 8

COMMENT 4: Page 16

Issue: The MND Mitigation Measure BIO-4 requires a pre-construction nesting bird survey within the limits of the project site prior to all construction activities, which may not be adequate to avoid impacts to special-status and common nesting birds such as white-tailed kite, a California Fully Protected species. The mitigation measure also does not specify a timeframe prior to construction in which the surveys should take place.

Recommended Mitigation Measure: To reduce impacts to nesting birds to less-than-significant, CDFW recommends replacing Mitigation Measure BIO-4 with the following mitigation measure.

MM-BIO-4. If construction, grading, vegetation removal, or other project-related activities are scheduled during the nesting season, February 1 to August 31, a qualified biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of project-related activities. The survey shall consist of the entire project site and a minimum 500-foot buffer. If a lapse in project-related work of 7 days or longer occurs, another survey shall be conducted before project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, §

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 9

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>.

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. (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 MND to assist the County 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
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

Brehme, C.S., S.A. Hathaway, R. Booth, B.H. Smith and R.N. Fisher. 2015. Research of American Badgers in Western San Diego County, 2014. Data Summary prepared

Derik Michaelson, Planner II
County of Sonoma
December 2, 2022
Page 10

for California Department of Fish and Wildlife and the San Diego Association of Governments. 24pp. (42pp. with Appendix)

California Department of Fish and Wildlife (formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTPR6001-2003, Washington, D.C.

Derik Michaelson, Planner II
 County of Sonoma
 December 2, 2022
 Page 11

ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1. Prior to ground disturbance, the project shall submit the wetland assessment and an evaluation of potential indirect impacts to any adjacent off-site wetland habitat, such as modification of hydrological conditions, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.</p> <p>If direct or indirect impacts to wetlands may occur, the project shall conduct two years of botanical surveys in conformance with the 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, including but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts, and obtain CDFW's written acceptance of the survey results. Surveys conducted during drought conditions may not be acceptable. If impacts to CESA listed plants may occur based on the survey results, the project shall obtain a CESA ITP from CDFW and comply with the ITP, including providing habitat compensation at a 3:1 mitigation to impact ratio unless otherwise approved in writing by CDFW. Alternatively, with CDFW's written approval the project may assume presence of CESA listed plants, forgo surveys, and obtain and comply with an ITP including providing habitat compensation as described above.</p> <p>Impacts to suitable habitat for federally listed plant species shall be mitigated according to the 2020 USFWS programmatic Biological Opinion for projects on the Santa Rosa Plain, which requires a 1:5:1 ratio for mitigation within the same core area as the impact, and a 3:1 ratio if within a different core area.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Derik Michaelson, Planner II
 County of Sonoma
 December 2, 2022
 Page 12

<p>MM-BIO-2. Prior to commencing construction-related activities on the project site, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. Copies of the ITP shall be provided to the County prior to the commencement of construction-related activities. The project shall 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 Santa Rosa Plain Conservation Strategy (Strategy). Please note that the CESA ITP habitat compensation requirements are often consistent the Strategy but may differ based on site-specific conditions.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
<p>MM-BIO-3. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) <i>2012 Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012 Staff Report) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.</p> <p>Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Derik Michaelson, Planner II
 County of Sonoma
 December 2, 2022
 Page 13

<p>burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation, implementation, and funding of a long-term management plan prior to project construction.</p>		
<p>MM-BIO-4. If construction, grading, vegetation removal, or other project-related activities are scheduled during the nesting season, February 1 to August 31, a qualified biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of project-related activities. The survey shall consist of the entire project site and a minimum 500-foot buffer. If a lapse in project-related work of 7 days or longer occurs, another survey shall be conducted before project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird’s normal behavior to prevent nesting failure or abandonment. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.</p> <p>The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>