



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



Governor's Office of Planning & Research

JAN 27 2023

January 26, 2023

STATE CLEARING HOUSE

Jackson Ford, Senior Environmental Specialist
County of Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
Jackson.Ford@sonoma-county.org

Subject: Wildlife Exclusion Perimeter Fence Project, Mitigated Negative Declaration, SCH No. 2023010070, Sonoma County

Dear Mr. Ford:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from County of Sonoma (County) for the Wildlife Exclusion Perimeter Fence 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), the 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.

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 Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields**

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.

Jackson Ford
County of Sonoma
January 26, 2023
Page 2

(*Lasthenia burkei*), Sebastopol meadowfoam (*Limanthes vinculans*), and many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*), all listed as endangered species, as 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.

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, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **Project activities would impact Redwood Creek, Airport Creek, Upper Ordinance Creek, Lower Ordinance Creek, and potentially other streams; therefore, an LSA Notification is warranted, as described below.** 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.

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).

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, 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.

Jackson Ford
County of Sonoma
January 26, 2023
Page 3

PROJECT DESCRIPTION SUMMARY

Proponent: Charles M. Schulz Sonoma County Airport, County of Sonoma

Objective: The Project would involve the construction of a wildlife exclusion perimeter fence and improvements to existing fence infrastructure in seven 'Gap' locations to maintain a safe operating environment and meet recommended Federal Aviation Administration National Part 139 CertAlert Wildlife Exclusion Fencing criteria. The Project includes adding barbed wire to approximately 34,201 feet (6.48 miles) of fence line, replacing 1,655 feet of a 6-foot fence with an 8-foot fence, adding 1,841 feet of a new 8-foot fence, installing four debris racks, creating 20 swale crossings for the fence, and installation of below-ground fencing and creek-crossing fencing designed to exclude animals from burrowing under or passing through airport boundary lines. Final designs for creek-crossing fencing are still undecided and will involve additions to existing culverts. Construction activities would take place over a linear distance of 8.76 miles. Primary Project activities include site preparation, grading, and fence installation utilizing heavy equipment as required.

Location: The Project site is the Charles M. Schulz Sonoma County Airport located in unincorporated Sonoma County at approximately 38.507035°N and -122.814171°W, three miles south of the City of Windsor. The approximately 27.5-acre airport comprises Assessor's Parcel Number 059-200-002. Surrounding land use is mixed and includes light industrial use, residential, grazing, and vineyards.

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 a MND is appropriate for the Project. **Attachment 1** includes a Draft Mitigation Monitoring and Reporting Program for CDFW's recommended mitigation measures.

I. Environmental Setting and Related Impact Shortcoming

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: Special-status plants, page 43

Issue: The MND indicates that Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, and many-flowered navarretia have the potential to occur within the

Jackson Ford
County of Sonoma
January 26, 2023
Page 4

Project site, the Project would result in temporary impacts to 0.570 acres and permanent impacts to 16.29 square feet of habitat for these species and impacts to these species are not expected based on negative results of protocol level plant surveys. However, Burke's goldfields were identified within the Project site in 2014 according to the California Natural Diversity Database (CNDDDB) (Occurrence Number: 7), the negative survey results do not appear to be consistent with the 2014 detection of Burke's goldfields which in some cases appear to overlap with the Project site, the Project site encompasses potential habitat for the above plant species, and it's unclear if the plant surveys were conducted pursuant to the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* and CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* which provide guidelines for acceptable survey documentation for protocol-level surveys for CESA and federally listed plants on the Santa Rosa Plain. While Table 5 in the MND provides a partial list of the information required by the above survey protocols, a full report of the protocol-level surveys was not provided. Therefore, CDFW concludes that Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, and many-flowered navarretia may be impacted by the Project. Additionally, wetlands impacted by the Project may support other special-status plant species.

Specific impacts and why they may occur and be significant: If Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, many-flowered navarretia or other special-status plant species that may be impacted by the Project go undetected due to inadequate surveys, the Project may result in mortality of individuals from direct impacts or degradation of habitat adjacent to ground disturbance. These impacts could be generated indirectly via material storage, equipment staging and operation, access roads, and modification of hydrological conditions. Sonoma sunshine, Burke's goldfields, Sebastopol meadowfoam, and many-flowered navarretia are listed as endangered under CESA and therefore, are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA and federally listed plants are present on or directly adjacent to the Project site and would be 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). Impacts to other special-status plants would be potentially significant.

Recommended mitigation measure: For an adequate environmental setting and to reduce impacts to special-status plants to less-than-significant, CDFW recommends including the following additional mitigation measure in the MND.

Special-Status Plants. The Project shall submit to CDFW two years of completed botanical surveys and associated reports and obtain CDFW's written approval of the reports prior to initiation of Project activities. The botanical surveys and reports shall follow CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status*

Jackson Ford
County of Sonoma
January 26, 2023
Page 5

Native Plant Populations and Sensitive Natural Communities 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*. 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 Sebastopol meadowfoam, Burke's goldfields, Sonoma sunshine, and many-flowered navarretia. 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* 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*, 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 these species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of CESA listed plants that may be impacted by the Project, including Sebastopol meadowfoam, Burke's goldfields, Sonoma sunshine, and many-flowered navarretia, 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. If other special-status plants are detected and would be impacted, the Project shall prepare and implement a mitigation plan approved in writing by CDFW that includes restoration or compensatory habitat at a minimum 3:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW.

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.

II. Mitigation Measures and Related Impact Shortcoming

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?

COMMENT 2: Burrowing owl, Pages 44 and 48

Issue: The MND indicates that burrowing owl (*Athene cunicularia*) have been documented at the Project site and includes a mitigation measure requiring pre-construction surveys, a buffer zone of up to 250 feet, and the potential for eviction of burrowing owls from their burrows or burrow surrogates. However, the proposed pre-construction survey may be insufficient to detect burrowing owls, burrowing owls can be

Jackson Ford
County of Sonoma
January 26, 2023
Page 6

impacted up to 500 meters or 1,640 feet away from a project from auditory and visual disturbances, and eviction can result in injury or mortality of owls. Therefore, the proposed mitigation measure would not reduce impacts to burrowing owl to less-than-significant.

Recommended mitigation measure: To reduce impacts to burrowing owl to less-than-significant, CDFW recommends implementing the following mitigation measure.

Burrowing Owl. A qualified biologist shall conduct a habitat assessment for wintering burrowing owl, and surveys if habitat is present. The qualified biologist shall follow 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 prior to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys 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. Surveys shall include four non-breeding season surveys spread evenly throughout the non-breeding season pursuant to the CDFW 2012 Staff Report. 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. 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 and implementation of a long-term management plan prior to Project construction.

COMMENT 3: Nesting birds, Page 48

Issue: The MND includes a mitigation measure for nesting white-tailed kite, yellow warbler (*Dendroica petechia brewsteri*), grasshopper sparrow (*Ammodramus savannarum*), and other nesting birds requiring a pre-construction nesting bird survey within 300 feet of the Project site, which may not be adequate to detect and avoid impacts to special-status and common nesting raptors such as white-tailed kite, a California Fully Protected species. In addition, the provided measures are not sufficient

Jackson Ford
County of Sonoma
January 26, 2023
Page 7

to detect and address behavioral disturbances to nesting birds caused by Project-related activities.

Recommended mitigation measure: To reduce impacts to nesting birds to less-than-significant, CDFW recommends replacing the nesting bird mitigation measure with the one below.

Nesting Birds. If construction, grading, vegetation removal, or other Project-related activities are scheduled during the nesting season, January 1 to August 31, a focused survey for active nests shall be conducted by a Qualified Biologist within 5 days prior to the beginning of Project-related activities. The survey shall consist of the entire project limits; as well as a minimum 500-foot buffer. If a lapse in project-related work of five days or longer occurs, another focused survey shall be required before project work can be reinitiated. If an active nest is found during surveys, qualified biologist shall establish site- and species-specific no-work buffers. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. 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.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT 4: Riparian habitat and LSA Notification, Page 48

Issue: The MND includes a mitigation measure to reduce impacts to stream and riparian habitat; however, the measure does not require the Project to submit an LSA Notification to CDFW and only requires a 1:1 mitigation ratio for permanent impacts, which is insufficient to reduce impacts to less-than-significant because the result would be a significant permanent net loss of riparian habitat.

Jackson Ford
County of Sonoma
January 26, 2023
Page 8

Recommended Mitigation Measures: To reduce impacts to stream and riparian habitat to less-than-significant and comply with Fish and Game Code section 1600 et seq., CDFW recommends including the following mitigation measures in the MND.

Lake and Streambed Alteration Agreement. Prior to commencement of construction, the Project shall notify CDFW for potential impacts to streams and obtain an LSA Agreement if required by CDFW. The notification should be submitted online via the Environmental Permit Information Management System (EPIMS) at <https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS>. The Project shall comply with all measures of an LSA Agreement if issued. If any wetlands hydrologically connected to the stated creeks will be impacted, please include such impacts in the notification.

Restoration Plan. Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs and grasses. Permanently impacted areas within stream habitat including the riparian zone shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration shall occur in the same year of the impacts. Trees within the riparian zone shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW.

Oak (*Quercus* sp.) trees:

- 4:1 replacement for trees up to 7 inches diameter at breast height (DBH)
- 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH
- 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks

Non-oak trees:

- 1:1 replacement for non-native trees
- 1:1 replacement for native trees up to 3 inches DBH
- 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH
- 6:1 replacement for trees greater than 6 inches DBH

Alternatively, appropriate credits from a conservation bank may be purchased at a 3:1 ratio with written approval from CDFW.

Please be advised that the above recommended mitigation measures would likely be included in an LSA Agreement for the Project, as applicable. Note that an LSA

Jackson Ford
County of Sonoma
January 26, 2023
Page 9

Agreement may include protection measures for roosting bats, reptiles, amphibians, and other species.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports 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>.

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 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
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

Jackson Ford
County of Sonoma
January 26, 2023
Page 10

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

REFERENCES

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>

California Department of Fish and Wildlife. 2022. California Natural Diversity Database. Available online at: <https://wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>

U.S. Fish and Wildlife Service. 2005. Santa Rosa Plain Conservation Strategy. Available online at <https://www.fws.gov/media/santa-rosa-plain-conservation-strategy>

Jackson Ford
 County of Sonoma
 January 26, 2023
 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: Special-Status Plants. The Project shall submit to CDFW two years of completed botanical surveys and associated reports and obtain CDFW's written approval of the reports prior to initiation of Project activities. The botanical surveys and reports shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities 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. 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 Sebastopol meadowfoam, Burke's goldfields, Sonoma sunshine, and many-flowered navarretia. 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 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, 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 these species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of CESA listed plants that may be impacted by the Project, including Sebastopol meadowfoam, Burke's goldfields, Sonoma sunshine, and many-flowered navarretia, 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. If other special-status plants are detected and would be impacted, the</p> | <p>Prior to ground disturbance</p> | <p>Project Applicant</p> |

Jackson Ford
 County of Sonoma
 January 26, 2023
 Page 12

| | | |
|--|--|--------------------------|
| <p>Project shall prepare and implement a mitigation plan approved in writing by CDFW that includes restoration or compensatory habitat at a minimum 3:1 mitigation to impact ratio, unless otherwise approved in writing by CDFW.</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>MM-BIO-2: Burrowing Owl. A qualified biologist shall conduct a habitat assessment for wintering burrowing owl, and surveys if habitat is present. The qualified biologist shall follow 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 prior to Project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys 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. Surveys shall include four non-breeding season surveys spread evenly throughout the non-breeding season pursuant to the CDFW 2012 Staff Report. 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. 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 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</p> | <p>Prior to ground disturbance and ongoing during project implementation</p> | <p>Project Applicant</p> |

Jackson Ford
 County of Sonoma
 January 26, 2023
 Page 13

| | | |
|---|--|--------------------------|
| <p>by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to Project construction.</p> | | |
| <p>MM BIO-3: Nesting Birds. If construction, grading, vegetation removal, or other project-related activities are scheduled during the nesting season, January 1 to August 31, a focused survey for active nests shall be conducted by a Qualified Biologist within 5 days prior to the beginning of project-related activities. The survey shall consist of the entire project limits; as well as a minimum 500-foot buffer. If a lapse in project-related work of 5 days or longer occurs, another focused survey shall be required before project work can be reinitiated. If an active nest is found during surveys, qualified biologist shall establish site- and species-specific no-work buffers. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. 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 and ongoing during project implementation</p> | <p>Project Applicant</p> |
| <p>MM BIO-4: Lake and Streambed Alteration Agreement. Prior to commencement of construction, the Project shall notify CDFW for potential impacts to streams and obtain an LSA Agreement if required by CDFW. The notification should be submitted online via the Environmental Permit Information Management System (EPIMS) at https://wildlife.ca.gov/Conservation/Environmental-</p> | <p>Prior to ground disturbance and ongoing during project implementation</p> | <p>Project Applicant</p> |

Jackson Ford
 County of Sonoma
 January 26, 2023
 Page 14

| | | |
|---|---|--------------------------|
| <p>Review/EPIMS. The Project shall comply with all measures of an LSA Agreement if issued. If any wetlands hydrologically connected to the stated creeks will be impacted, please include such impacts in the notification.</p> | | |
| <p>MM BIO-5: Restoration Plan. Temporarily impacted areas within the riparian zone or other sensitive natural community shall be restored and planted with native trees, shrubs and grasses. Permanently impacted areas within stream habitat including the riparian zone shall be restored at a 3:1 mitigation to impact ratio for acreage and linear feet impacted. Restoration shall occur on-site to the extent feasible. If off-site restoration is necessary, it shall be as close the Project site as possible and within the same watershed, unless otherwise approved in writing by CDFW. Restoration shall occur in the same year of the impacts. Trees within the riparian zone shall be replaced at the following mitigation to impact ratios, unless otherwise approved in writing by CDFW.</p> <p>Oak (<i>Quercus</i> sp.) trees:</p> <ul style="list-style-type: none"> • 4:1 replacement for trees up to 7 inches diameter at breast height (DBH) • 5:1 replacement for trees greater than 7 inches and up to 15 inches DBH • 10:1 replacement for trees greater than 15 inches DBH, which are considered old-growth oaks <p>Non-oak trees:</p> <ul style="list-style-type: none"> • 1:1 replacement for non-native trees • 1:1 replacement for native trees up to 3 inches DBH • 3:1 replacement for trees greater than 3 inches DBH and up to 6 inches DBH • 6:1 replacement for trees greater than 6 inches DBH <p>Alternatively, appropriate credits from a conservation bank may be purchased at a 3:1 ratio with written approval from CDFW.</p> | <p>Within the same year as project implementation</p> | <p>Project Applicant</p> |