



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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April 13, 2023

Hannah Spencer
Sonoma County
2550 Ventura Ave
Santa Rosa, CA 95403
Hannah.Spencer@sonoma-county.org

Subject: Bloomfield Minor Subdivision, Mitigated Negative Declaration,
SCH No. 2023030499, Sonoma County

Dear Ms. Spencer:

The California Department of Fish and Wildlife (CDFW) received a Notice of intent to adopt a Mitigated Negative Declaration (MND) for the Bloomfield Minor Subdivision (project) pursuant to the California Environmental Quality Act (CEQA).¹

CDFW is submitting comments on the MND to inform Sonoma County (County), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive 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 a Lake and Streambed Alteration (LSA) Agreement, 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 Permit 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 impacts to California tiger salamander (*Ambystoma californiense*), a CESA listed as**

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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threatened species; and Sebastopol meadowfoam (*Limnanthes vinculans*), a CESA listed as endangered species, as further described below. Issuance of a CESA permit 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 Permit.

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 CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with Fish and Game Code section 2080.

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 appreciates the lead agency including as a mitigation measure the requirement for an LSA Agreement if any project activities occur within stream or riparian habitat.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

PROJECT DESCRIPTION SUMMARY

Proponent: Sonoma County

Objective: Subdivision of an approximately 347-acre parcel resulting in two parcels at 3225 Bloomfield Road in unincorporated Sebastopol: Lot 1 approximately 134 acres and Lot 2 approximately 213 acres in size. Currently the property contains approximately 178 acres of vineyards and associated agricultural infrastructure and a single-family residence located on what will be Lot 2. No new structures are proposed currently, however future development could include one single family dwelling on Lot 1. It is unclear if additional future development would occur.

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Location: The project is located at 3225 Bloomfield Road, in an unincorporated area of Sonoma County. The project is centered at approximate coordinates 38.335742 degrees latitude and -122.817750 degrees longitude.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations 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, in part through implementation of CDFW's recommendations below and in **Attachment 1**, CDFW concludes that an MND is appropriate for the project.

I. **Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?**

Environmental Setting and Project Description and Related Impact Shortcomings

COMMENT 1: Section 4.a

Issue: The MND does not adequately evaluate potential impacts to California tiger salamander. California Natural Diversity Database (CNDDDB) records indicate a California tiger salamander breeding occurrence from 2010 within 1.3 miles of the project site, which is within the dispersal distance of the species, and other potential breeding ponds occur in closer proximity. The project site is located within the predicted California Wildlife Habitat Relationships (CWHR) range for the species and supports potentially suitable grassland habitat.

Additionally, although it appears future development would be limited to single-family dwellings on Lot 1, the extent of future development and ground-disturbing activities are unclear.

Specific impact and why impact would occur: The project could result in the removal of California tiger salamander habitat and impacts to California tiger salamander including take in the form of catch, capture, or mortality and a violation of CESA.

Evidence impact would be potentially significant: California tiger salamander is a CESA listed as threatened species and therefore, is considered a threatened species pursuant to Section 15380 of the CEQA Guidelines. Impacts to California tiger salamander could substantially reduce the species' population or restrict its range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if California tiger salamander

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is present in the project area and would be impacted, project impacts would be potentially significant.

Recommended Mitigation Measures: For an adequate environmental setting and project description, and to reduce impacts to California tiger salamander to less-than-significant and comply with CESA, CDFW recommends that the MND: 1) clarify the extent of potential future project development and ground-disturbing activities in order to accurately evaluate impacts on biological resources such as California tiger salamander; and 2) include a requirement for a habitat assessment to thoroughly analyze the potential for California tiger salamander to occur within the project site and the project to obtain CDFW's approval of the assessment, prior to ground-disturbing activities. If it is determined through the habitat assessment that California tiger salamander may occur on-site and be impacted, then prior to commencing construction-related activities on the project site, the project shall obtain a CESA Incidental Take Permit (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 U.S. Fish and Wildlife Service (USFWS) for impacts to California tiger salamander and comply with the authorization.

COMMENT 2: Section 4.a

Issue: The MND does not adequately evaluate potential impacts to Sebastopol meadowfoam. CNDDDB records indicate an occurrence from 1992 of Sebastopol meadowfoam within 0.75 miles of the project site.

Specific impact and why impact would occur: The project could result in the removal of Sebastopol meadowfoam and its habitat or off-site impacts to the species from hydrological modification or other indirect impacts where suitable habitat occurs adjacent to the project site, resulting in impacts including mortality and take, and a violation of CESA.

Evidence impact would be potentially significant: Sebastopol meadowfoam is a CESA listed as endangered species and therefore, is considered an endangered species pursuant to Section 15380 of the CEQA Guidelines. Impacts to Sebastopol meadowfoam could substantially reduce the species' population or restrict its range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if Sebastopol meadowfoam or their habitat is present in the project area and would be impacted, project impacts would be potentially significant.

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

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Sebastopol Meadowfoam Habitat Assessment. The project shall conduct a habitat assessment for Sebastopol meadowfoam within and adjacent to the project site and shall obtain CDFW's written approval of the assessment, prior to ground-disturbing activities. If it is determined through the habitat assessment that habitat for Sebastopol meadowfoam occurs on-site or adjacent to the site where it may be impacted, then the following Special-Status Plant Survey mitigation measure below shall be implemented.

Special-Status Plants Survey and Permitting. 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. 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 the 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, 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.

- II. 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 the CDFW or USFWS?**

Mitigation Measures and Related Impact Shortcoming

COMMENT 3: Section 4.a

Issue: Mitigation measure (MM) BIO-3 may not reduce potential impacts to California red-legged frog (*Rana draytonii*) to less-than-significant. CNDDDB records indicate an

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occurrence from 2009 of California red-legged frog within one mile of the project site. The site is located within the CWHR predicted range for the species and supports potentially suitable habitat.

Specific impact and why impact would occur: Removal of suitable habitat in the vicinity of the unnamed tributaries to Blucher Creek could result in injury or direct mortality of California red-legged frog if they occur on-site. Frogs can migrate long distances and occupy riparian habitat and any area with persistent summer moisture as they search for new breeding habitat. MM BIO-3 does not require adequate survey methodology for California red-legged frog prior to the commencement of project activities.

Evidence impact would be potentially significant: California red-legged frog is listed as threatened under the federal Endangered Species Act (ESA) and is a California Species of Special Concern (SSC), and their populations throughout the state have experienced ongoing and drastic declines and many have been extirpated (Thompson et al. 2016). Habitat loss from growth of cities and suburbs, mining, overgrazing by cattle, invasion of nonnative plants, impoundments, water diversions, stream maintenance for flood control, degraded water quality, and introduced predators, such as bullfrogs are the primary threats to the species (Thompson et al. 2016; USFWS 2017b). Therefore, if California red-legged frog is present in the project area and would be impacted, project impacts to California red-legged frog would be potentially significant.

Recommended Mitigation Measure: To reduce impacts to California red-legged frog to less-than-significant, CDFW recommends replacing MM BIO-3 with the following mitigation measure:

California Red-Legged Frog Habitat Assessment and Surveys. At least two weeks prior to the commencement of ground-disturbing activities, the project area and nearby vicinity, including a minimum 500-foot radius surrounding the project activity area, shall be assessed by a Qualified Biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a Qualified Biologist. The results of the habitat feature assessment and survey shall be submitted to CDFW for written acceptance prior to starting project activities. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; project activities shall avoid habitat features to the extent feasible. If California red-legged frog are encountered during the assessment or project activities, the project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own

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volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the project. If California red-legged frog is encountered or the Qualified Biologist determines that impacts to the species are likely to occur, the project shall consult with USFWS pursuant to the federal ESA and receive written approval from CDFW prior to the impact. In this case, CDFW may require additional protection measures which shall be implemented by the project.

Environmental Setting and Related Impact Shortcoming

COMMENT 4: Section 4.a

Issue: The MND does not sufficiently evaluate potential impacts to western pond turtle (*Emys marmorata*). CNDDDB records indicate an occurrence from 2012 of western pond turtle within one mile of the project site. The site is located within the CWHR predicted range for the species and supports potentially suitable habitat.

Specific impact and why impact would occur: The project could result in the removal of suitable habitat within western pond turtle dispersal distance from aquatic habitat and could result in direct mortality of the species. Western pond turtles can move more than four miles up or down stream; therefore, the project area is within the mobility range of western pond turtle observations (Holland 1994). The species may also survive outside of aquatic habitat for several months in uplands up to several hundred feet from aquatic habitat (Purcell et al. 2017; Zaragoza et al. 2015). The MND does not require a survey for western pond turtle prior to the commencement of project activities.

Evidence impact would be potentially significant: Western pond turtle is an SSC. Therefore, if western pond turtle is present in the project area and would be impacted, project impacts to western pond turtle would be potentially significant.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to western pond turtle to less-than-significant, CDFW recommends including the following mitigation measure:

Western Pond Turtle Surveys. A Qualified Biologist shall conduct a pre-construction survey for the western pond turtle and their nests within 48 hours of the commencement of project activities. If western pond turtle or their nests are detected at any time CDFW shall be notified immediately, and the Qualified Biologist shall relocate the turtle to appropriate habitat within suitable stream habitat closest to where it was found. The project shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtle or their nests are found, if required and approved by CDFW.

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COMMENT 5: Section 4.a

Issue: The MND does not evaluate potential impacts to burrowing owl (*Athene cunicularia*). CNDDDB records indicate an occurrence from 1986 of burrowing owl within three miles of the project site. The site is located within the CWHR predicted winter range for the species and supports potentially suitable overwintering habitat.

Specific impact and why impact would occur: The project could result in the removal of burrowing owl habitat and direct disturbance or mortality of wintering burrowing owl, or auditory or visual disturbances.

Evidence impact would be potentially significant: Burrowing owl is an SSC. Therefore, if burrowing owl is present in or adjacent to the project area and would be impacted, 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 including the following mitigation measure:

Burrowing Owl Surveys. To protect wintering burrowing owl, a Qualified Biologist shall conduct a habitat assessment, and surveys if warranted based on the habitat assessment, pursuant to the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)* survey methodology prior to project activities beginning during the non-breeding wintering season (September 1 to January 31), unless otherwise approved in writing by CDFW. Any deviations from the survey methodology must be approved in writing by CDFW. If burrowing owl is detected, CDFW shall be immediately notified and a Qualified Biologist shall establish suitable buffers pursuant to the above survey methodology to ensure the owl is not disturbed by project activities, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. 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.

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Please be advised that an LSA Agreement obtained for this project would likely require the above recommended mitigation measures, as applicable.

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, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CMNDDDB/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>.

FILING FEES

CDFW anticipates that the project will have an impact on fish and/or wildlife, and assessment of 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. To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions in the final CEQA document for the project.

Questions regarding this letter or further coordination should be directed to James Hansen, Environmental Scientist, at (707) 576-2869 or James.Hansen@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

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ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023030499)

REFERENCES

Holland, Dan C. 1994. The western pond turtle: habitat and history. Unpublished final report, U.S. Dept. of Energy, Portland, Oregon.

Purcell, Kathryn L.; McGregor, Eric L.; Calderala, Kathryn. 2017. Effects of drought on western pond turtle survival and movement patterns. *Journal of Fish and Wildlife Management*. 8(1): 15-27.

Thomson, R.C., A.N. Wright, and H.B. Shaffer. 2016. California amphibian and reptile species of special concern. University of California Press, Oakland, CA.

USFWS. 2017b. Species Account for California Red-legged frog. December 2017. Sacramento, CA.

Zaragoza, George; Rose, Jonathan P.; Purcell, Kathryn.; Todd, Brian. 2015. Terrestrial habitat use by western pond turtles (*Actinemys marmorata*) in the Sierra Foothills. *Journal of Herpetology*. 49(3): 437-441.

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ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
MM-BIO-1	<p>For an adequate environmental setting and project description, and to reduce impacts to California tiger salamander to less-than-significant and comply with CESA, CDFW recommends that the MND: 1) clarify the extent of potential future project development and ground-disturbing activities in order to accurately evaluate impacts on biological resources such as California tiger salamander; and 2) include a requirement for a habitat assessment to thoroughly analyze the potential for California tiger salamander to occur within the project site and the project to obtain CDFW's approval of the assessment, prior to ground-disturbing activities. If it is determined through the habitat assessment that California tiger salamander may occur on-site and be impacted, then 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 USFWS for impacts to California tiger salamander and comply with the authorization.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>
MM-BIO-2	<p>For an adequate environmental setting and to reduce impacts to special-status plants to less-than-significant, and comply with CESA, CDFW recommends including the following mitigation measures in the MND.</p> <p>Sebastopol Meadowfoam Habitat Assessment. The project shall conduct a habitat assessment for Sebastopol meadowfoam within the project site, the results of which shall be approved in writing by CDFW, prior to ground-disturbing activities. If it is determined through the habitat assessment that habitat for Sebastopol meadowfoam</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

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	<p>exists on-site, then the following Special-Status Plant Survey measure below shall be implemented.</p> <p>Special-Status Plants Survey. 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 <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> 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>. 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. 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> 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>, 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 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.</p>		
<p>MM-BIO-3</p>	<p>California Red-Legged Frog Habitat Assessment and Surveys. At least two weeks prior to the commencement of ground-disturbing activities, the project area and</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

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	<p>nearby vicinity, including a minimum 500-foot radius surrounding the project activity area, shall be assessed by a Qualified Biologist for the presence of California red-legged frog individuals and habitat features. Habitat features include both aquatic habitat such as plunge pools and ponds and terrestrial habitat such as burrows or other refugia. If habitat occurs, then no more than 48 hours prior to ground-disturbing activities the area shall be surveyed by a Qualified Biologist. The results of the habitat feature assessment and survey shall be submitted to CDFW for written acceptance prior to starting project activities. Burrows and refugia sites shall be flagged or otherwise marked for avoidance; project activities shall avoid habitat features to the extent feasible. If California red-legged frog are encountered during the assessment or project activities, the project shall not proceed or all work shall cease, and CDFW shall immediately be notified. Work shall not proceed until the frog, through its own volition, moves out of harm's way and CDFW has provided permission in writing to proceed with the project. If California red-legged frog is encountered or the Qualified Biologist determines that impacts to the species are likely to occur, the project shall consult with USFWS pursuant to the federal ESA and receive written approval from CDFW prior to the impact. In this case, CDFW may require additional protection measures which shall be implemented by the project.</p>		
MM-BIO-4	<p>Western Pond Turtle Surveys. A Qualified Biologist shall conduct a pre-construction survey for the western pond turtle and their nests within 48 hours of the commencement of project activities. If western pond turtle or their nests are detected at any time CDFW shall be notified immediately, and the Qualified Biologist shall relocate the turtle to appropriate habitat within the stream it was found. The project shall prepare and implement a Western Pond Turtle Habitat Improvement Plan, if western pond turtle or their nests are found, if required and approved by CDFW.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>
MM-BIO-5	<p>Burrowing Owl Surveys. To protect wintering burrowing owl, a Qualified Biologist shall conduct a habitat assessment, and surveys if warranted based on the habitat assessment, pursuant to the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012)</i> survey methodology prior to project activities beginning during the non-breeding wintering</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

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	<p>season (September 1 to January 31), unless otherwise approved in writing by CDFW. Any deviations from the survey methodology must be approved in writing by CDFW. If burrowing owl is detected, CDFW shall be immediately notified and a Qualified Biologist shall establish suitable buffers pursuant to the above survey methodology to ensure the owl is not disturbed by project activities, unless otherwise approved in writing by CDFW. To prevent encroachment, the established buffers shall be clearly marked by high visibility material. 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.</p>		
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