



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



March 22, 2024

Governor's Office of Planning & Research

Mar 25 2024

Jen Chard, Planner I
Sonoma County Permit Sonoma
2500 Ventura Avenue
Santa Rosa, CA 95403
Jen.Chard@sonoma-county.org

STATE CLEARINGHOUSE

Subject: Marietta Farms Winery and Tasting Room; File No. PLP22-0023,
Mitigated Negative Declaration, SCH No. 2024020975, Sonoma County

Dear Ms. Chard:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the Marietta Farms Winery and Tasting Room; File No. PLP22-0023 Project (project) pursuant to the California Environmental Quality Act (CEQA).¹

CDFW is submitting comments on the MND to inform the Sonoma County Permit Sonoma (Sonoma 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 for commenting on projects that could impact fish, plant, and wildlife resources (Pub. Resources Code, § 21000 et seq.; Cal Code Regs., tit. 14, § 15386)). 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 and Native Plant Protection 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

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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over the life of the project. **The project has the potential to result in impacts to Burke's goldfields (*Lasthenia burkei*), Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*), and many-flowered navarretia (*Navarretia plieantha*), all 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 Sonoma County including as a mitigation measure the requirement for an LSA Agreement for project activities occurring within stream or riparian habitat, such as the proposed bridge.** 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: Scott Bilbro, Etta Farm, LLC

Objective: The project would include construction of a new winery including a new tasting room, a new agricultural workshop building, a new approximately 30,000-square-foot winery building, and associate access and parking. The project also includes a proposed bridge crossing an unnamed tributary to the Russian River.

Location: The project is located in an unincorporated area of the County of Sonoma, at address 11971 Old Redwood Highway, Healdsburg on a 16.3-acre parcel,

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approximately 450 feet southeast of the intersection of Old Redwood Highway and Sargent Road and 450 feet northwest of the intersection of Old Redwood Highway and Lazeretti Road; Latitude 38.579413°, Longitude -122.845393°; Assessor's Parcel Number 086-120-047.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist Sonoma 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 included 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?

COMMENT 1: Section 4, Mitigation Measure Shortcoming

Issue: Mitigation Measure (MM) BIO-1 would not reduce potential impacts to CESA listed plant species, including Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia to less-than-significant because the survey requirement is inadequate. The MND indicates that there is potentially suitable wetland or vernal pool habitat for these species on-site.

Specific impact and why impact would occur: The project could result in the removal of Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia and their habitat or impacts to these species from hydrological modification or other indirect impacts where suitable habitat occurs on the project site, resulting in mortality and take, and a potential violation of CESA.

Evidence impact would be potentially significant: Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia are CESA listed as endangered species and therefore are considered an endangered species pursuant to Section 15380 of the CEQA Guidelines. Impacts to Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia could substantially reduce the species' populations or restrict their ranges, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, or many-flowered navarretia or their habitat is present in the project area and would be impacted, project impacts would be potentially significant.

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Recommended mitigation measure: To reduce impacts to Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia to less-than-significant and comply with CESA, CDFW recommends including the following mitigation measure.

Special Status Plants Survey and Permitting. The project shall submit to CDFW a minimum of two years of completed botanical surveys and associated reports and obtain CDFW's written acceptance 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* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>) and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (<https://www.fws.gov/media/santa-rosa-plain-conservation-strategy-appendix-c-through-e>). 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 Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, 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 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 Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia, or the presence of these species is assumed, and avoidance is not possible, the project shall obtain a CESA Incidental Take Permit (ITP) from CDFW prior to construction and comply with all requirements of the ITP. If impacts to the above species may occur, the project shall provide compensatory habitat mitigation at a minimum 3:1 occupied habitat preservation to impact ratio, unless otherwise approved in writing by CDFW.

The project shall also consult with the U.S. Fish and Wildlife Service (USFWS) to determine their survey and mitigation requirements, as these species are also listed under the federal Endangered Species Act (ESA) and implement any associated requirements.

II. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or

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special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?

COMMENT 2: Section 4, Mitigation Measure Shortcoming

Issue: MM BIO-2 does not reduce potential impacts to California red-legged frog (*Rana draytonii*) to less-than-significant because the survey requirement is inadequate. The project site is located within the California Wildlife Habitat Relationships (CWHR) predicted range for the species and supports potentially high value habitat.

Specific impact and why impact would occur: Removal of suitable habitat in the vicinity of the unnamed tributary to the Russian River could result in injury or direct mortality of California red-legged frogs 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.

Evidence impact would be potentially significant: California red-legged frog is listed as threatened under the federal ESA and is a California Species of Special Concern (SSC). The SSC designation is given to species native to California satisfying one or more of the following criteria: 1) is extirpated from the State or, in the case of birds, is extirpated in its primary season or breeding role; 2) is listed as Federally-, but not State threatened or endangered; 3) meets the State definition of threatened or endangered but has not formally been listed; 4) is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status; or 5) has naturally small populations exhibiting high susceptibility to risk from any factor(s), that if realized, could lead to declines that would qualify it for State threatened or endangered status. California red-legged frog 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). 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 including 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

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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 frogs 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 in the context of an LSA Agreement which shall be implemented by the project.

COMMENT 3: Section 4, Mitigation Measure Shortcoming

Issue: MM BIO-2 does not reduce potential impacts to foothill yellow-legged frog (*Rana boylei*) North Coast distinctive population segment (DPS) to less-than-significant because the survey requirement is inadequate. California Natural Diversity Database (CNDDDB) records indicate an occurrence from 2018 of foothill yellow-legged frog within 2.1 miles 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 riparian habitat adjacent to the unnamed tributary to the Russian River could result in direct mortality of foothill yellow-legged frog. After breeding occurs in the spring, juvenile frogs can migrate long distances and occupy riparian habitat, moist grassland habitat, and any area with persistent summer moisture as they search for new breeding habitat.

Evidence impact would be potentially significant: Foothill yellow-legged frog North Coast DPS is listed as a SSC. Therefore, if foothill yellow-legged frog is present in the project area and would be impacted, project impacts to foothill yellow-legged frog would be potentially significant.

Recommended Mitigation Measure: To reduce impacts to foothill yellow-legged frog to less-than-significant, CDFW recommends including the following mitigation measure:

Foothill Yellow-Legged Frog - Survey Methodology: A CDFW-approved Qualified Biologist shall provide a foothill yellow-legged frog survey methodology for CDFW review and written approval at least 30 days prior to conducting project activities, unless otherwise approved in writing by CDFW. Project activities shall not begin until

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foothill yellow-legged frog surveys have been completed using a methodology approved by CDFW. Survey methodology is not required if the stream is dry and there are no areas of persistent summer moisture present in or within 500 feet upstream and downstream of the project area. Survey methodology shall target all life stages and shall include carefully searching under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks, no less than 50 feet from the streambed, where appropriate, and at least 500 feet upstream and downstream of the project area. Surveys should be conducted at different times of day and under variable weather conditions, if possible. Surveys should avoid windy days (15 miles per hour or greater), as ripples in the water make it more challenging to detect frogs.

Foothill Yellow-Legged Frog Surveys: Prior to starting project activities, a CDFW-approved Qualified Biologist shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. The results of the surveys shall be emailed to a CDFW representative, and the project shall receive written acceptance of the survey results from CDFW prior to starting project activities. The project shall install exclusionary fencing and prepare and implement a foothill yellow-legged frog Relocation and Habitat Improvement Plan if foothill yellow-legged frog or their eggs are found, if required and approved by CDFW.

If documentation is provided to CDFW that the stream has been completely dry for greater than 30 days prior to starting project activities, and no water or moist areas within the streambed exist within 500 feet upstream and downstream of the project site, then surveys for foothill yellow-legged frogs are not necessary.

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

COMMENT 4: Section 4, Mitigation Measure Shortcoming

Issue: MM BIO-6 does not reduce impacts to stream and associated riparian habitat to less-than-significant because the requirement to obtain a "CDFW 1600 Permit" does not address restoration to offset habitat impacts.

Specific impact and why impact would occur: The project would result in permanent impacts to stream and associated riparian habitat along the unnamed tributary to the Russian River from the proposed bridge, which will result in permanent shading impacts in addition to other potential impacts.

Recommended Mitigation Measures: To reduce impacts to stream and associated riparian habitat to less-than-significant, CDFW recommends that the MND require the

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below specific restoration requirements in addition to requiring the project to obtain an LSA Agreement.

Riparian Habitat Restoration: All permanent impacts to stream and associated riparian habitat shall be mitigated at a ratio no less than 3:1 (mitigation: impacts) and all temporary impacts to riparian habitat shall be restored. The project shall obtain CDFW's written approval of a restoration plan prior to initiating project construction, and then implement the plan. Habitat restoration shall occur in the same calendar year as the impact on-site or as close to the site as possible within the same stream or watershed and may consist of restoration or enhancement of riparian habitat. If mitigation is not possible within the same stream or watershed, mitigation ratios may increase at the discretion of CDFW.

To mitigate the removal of riparian trees, replacement trees shall be planted at the minimum replacement to removal ratios below, unless otherwise approved in writing by CDFW.

- 1:1 for removal of non-native trees;
- 1:1 for removal of native trees up to three inches diameter at breast height (DBH)
- 3:1 for removal of native trees greater than three inches to six inches DBH;
- 6:1 for removal of native trees greater than six inches DBH;
- 1:1 for removal of oak trees up to three inches DBH;
- 4:1 for removal of oak trees greater than three inches to six inches DBH;
- 8:1 for removal of oak trees greater than six inches to 15 inches DBH; and
- 10:1 for removal of oak trees greater than 15 inches DBH.

Replacement tree plantings shall consist of five-gallon or greater saplings and locally-collected seeds, stakes, or other suitable nursery stock as appropriate, and shall be native species to the area adapted to the lighting, soil, and hydrological conditions at the replanting site. If acorns are used for oak tree replanting, each planting will include a minimum of three acorns planted at an approximately two-inch depth to minimize predation risk. Large acorns shall be selected for plantings. Replacement oaks shall come from nursery stock grown from locally-sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.

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The project shall monitor and maintain, as necessary, all plants for five years to ensure successful revegetation. Planted trees and other vegetation shall each have a minimum of 85 percent survival at the end of five years. If revegetation survival and/or cover requirements do not meet established goals as determined by CDFW, the project is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.

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 Sonoma 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

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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

Attachment 1: Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024020975)

REFERENCES

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.

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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><u>Special Status Plants Surveys and Permitting</u>. The project shall submit to CDFW a minimum of two years of completed botanical surveys and associated reports and obtain CDFW's written acceptance 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> (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline) and the Santa Rosa Plain Conservation Strategy, Appendix D: <i>Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain</i> (https://www.fws.gov/media/santa-rosa-plain-conservation-strategy-appendix-c-through-e). 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 Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia. 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 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 Burke's goldfields, Sonoma sunshine, Sebastopol meadowfoam, and many-flowered navarretia, or the presence of these species is assumed, and avoidance is not possible, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. If impacts to the above species may occur, the project shall provide compensatory habitat mitigation at a minimum 3:1 occupied habitat preservation to impact ratio, unless otherwise approved in writing by CDFW.</p>	Prior to Ground Disturbance	Project Applicant

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	The project shall also consult with the USFWS to determine their survey and mitigation requirements, as these species are also listed under the federal ESA and implement any associated requirements.		
MM-BIO-2	<p><u>California Red-legged Frog Habitat Assessment and Surveys.</u> 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 frogs 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 in the context of an LSA Agreement which shall be implemented by the project.</p>	Prior to Ground Disturbance	Project Applicant
MM-BIO-3	<p><u>Foothill Yellow-Legged Frog - Survey Methodology:</u> A CDFW-approved Qualified Biologist shall provide a foothill yellow-legged frog survey methodology for CDFW review and written approval at least 30 days prior to conducting project activities, unless otherwise approved in writing by CDFW. Project activities shall not begin until foothill yellow-legged frog surveys have been completed using a methodology approved by CDFW. Survey methodology is not required if the stream is dry and there are no areas of persistent summer moisture present in or within 500 feet upstream and downstream of the project area. Survey methodology shall target all life stages and shall include carefully searching under rocks, within vegetation such as sedges and other clumped vegetation, and under undercut banks, no less than 50 feet from the streambed, where appropriate, and at least 500 feet upstream and downstream of the project area. Surveys should be conducted at different times of day and under variable weather conditions, if possible. Surveys should avoid windy days (15 miles</p>	Prior to Ground Disturbance	Project Applicant

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	<p>per hour or greater), as ripples in the water make it more challenging to detect frogs.</p> <p><u>Foothill Yellow-Legged Frog Surveys:</u> Prior to starting project activities, a CDFW-approved Qualified Biologist shall conduct surveys for foothill yellow-legged frog using a CDFW-approved methodology. The results of the surveys shall be emailed to a CDFW representative, and the project shall receive written acceptance of the survey results from CDFW prior to starting project activities. The project shall install exclusionary fencing and prepare and implement a foothill yellow-legged frog Relocation and Habitat Improvement Plan if foothill yellow-legged frog or their eggs are found, if required and approved by CDFW.</p> <p>If documentation is provided to CDFW that the stream has been completely dry for greater than 30 days prior to starting project activities, and no water or moist areas within the streambed exist within 500 feet upstream and downstream of the project site, then surveys for foothill yellow-legged frogs are not necessary.</p>		
<p>MM-BIO-4</p>	<p><u>Riparian Habitat Restoration:</u> All permanent impacts to stream and associated riparian habitat shall be mitigated at a ratio no less than 3:1 (mitigation: impacts) and all temporary impacts to riparian habitat shall be restored. The project shall obtain CDFW's written approval of a restoration plan prior to initiating project construction, and then implement the plan. Habitat restoration shall occur in the same calendar year as the impact on-site or as close to the site as possible within the same stream or watershed and may consist of restoration or enhancement of riparian habitat. If mitigation is not possible within the same stream or watershed, mitigation ratios may increase at the discretion of CDFW.</p> <p>To mitigate for the removal of riparian trees, replacement trees shall be planted at the below minimum replacement to removal ratios, unless otherwise approved in writing by CDFW.</p> <ul style="list-style-type: none"> • 1:1 for removal of non-native trees; • 1:1 for removal of native trees up to three inches DBH • 3:1 for removal of native trees greater than three inches to six inches DBH; • 6:1 for removal of native trees greater than six inches DBH; • 1:1 for removal of oak trees up to three inches DBH; • 4:1 for removal of oak trees greater than three inches to six inches DBH; • 8:1 for removal of oak trees greater than six inches to 15 inches DBH; and • 10:1 for removal of oak trees greater than 15 inches DBH. 	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

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	<p>Replacement tree plantings shall consist of five-gallon or greater saplings and locally-collected seeds, stakes, or other suitable nursery stock as appropriate, and shall be native species to the area adapted to the lighting, soil, and hydrological conditions at the replanting site. If acorns are used for oak tree replanting, each planting will include a minimum of three acorns planted at an approximately two-inch depth to minimize predation risk. Large acorns shall be selected for plantings. Replacement oaks shall come from nursery stock grown from locally-sourced acorns, or from acorns gathered locally, preferably from the same watershed in which they are planted.</p> <p>The project shall monitor and maintain, as necessary, all plants for five years to ensure successful revegetation. Planted trees and other vegetation shall each have a minimum of 85 percent survival at the end of five years. If revegetation survival and/or cover requirements do not meet established goals as determined by CDFW, the project is responsible for replacement planting, additional watering, weeding, invasive exotic eradication, or any other practice, to achieve these requirements. Replacement plants shall be monitored with the same survival and growth requirements for five years after planting.</p>		
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