



**RESPONSE TO COMMENTS AND ERRATA  
ON THE PUBLIC DRAFT  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION**

**SAMUEL L. JONES HALL HOMELESS SHELTER IMPROVEMENTS  
4020 FINLEY AVENUE  
SANTA ROSA, CALIFORNIA  
APN 035-141-013**

*Prepared for:*



**City of Santa Rosa  
Transportation & Public Works  
69 Stony Circle  
Santa Rosa, California 95401**

*Prepared by:*



**EBA Engineering  
825 Sonoma Avenue, Suite C  
Santa Rosa, California 95404**

**AUGUST 2024**

---



## TABLE OF CONTENTS

CHAPTER 1.0 – INTRODUCTION.....	1
1.1 Purpose of this Document.....	1
1.2 Environmental Review Process .....	2
CHAPTER 2.0 – COMMENTS AND RESPONSES.....	3
CHAPTER 3.0 – ERRATA.....	11
CHAPTER 4.0 – FINAL MITIGATION MEASURES .....	13

## APPENDICES

<b>Appendix A –</b>	<b>CDFW Comment Response Letter</b>
<b>Appendix B –</b>	<b>Mitigation Monitoring Reporting Program</b>



## **CHAPTER 1.0 – INTRODUCTION**

### **1.1 Purpose of this Document**

This document provides responses to comments received on the April 2024 circulated Public Draft Initial Study/Proposed Mitigated Negative Declaration (IS/MND) for the Samuel L. Jones Hall Homeless Shelter Improvements property (Project) located at 4020 Finley Avenue in Santa Rosa, California. The City of Santa Rosa (City) circulated this IS/MND between April 24, 2024, and June 3, 2024. This initiated a public comment period for agencies and the public to submit comments on the IS/MND. The IS/MND identified the likely environmental impacts associated with the Project, and recommended mitigation measures to reduce potentially significant impacts. It should be noted that the City of Santa Rosa received a request from the California Department of Fish & Wildlife (CDFW) in an email correspondence on May 7, 2024, to extend the State Review Comment Period for the IS/MND an extra additional two weeks. As such, the closing of the public comment period was extended from May 20, 2024, to June 3, 2024.

The California Environmental Quality Act (CEQA) and CEQA Guidelines require a lead agency to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. One comment letter was received during the public comment period from the CDFW recommending additional mitigation measures which constitute “significant new information” requiring recirculation of the environmental document. A copy of CDFW’s response letter is included as Appendix A. Responses to the comment letter received on the IS/MND are provided herein and are organized by comment number, with the full text of the comment replicated, below which is the response to the comment.

All comments included in this document are formally acknowledged for the record and will be forwarded to the decision-making bodies as part of the Final IS/MND for their consideration in reviewing the Project. This Response to Comments and Errata, together with the Public Draft IS/MND, Public Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program (incorporated by reference), will comprise the Final IS/MND for use by the City of Santa Rosa in its review and consideration of the Samuel L. Jones Homeless Shelter Improvements Project following recirculation of the document for the second public comment period.

This document includes the following contents:

- Public Draft IS/MND (incorporated by reference herein and provided under separate cover).
- Public Draft IS/MND Appendices (incorporated by referenced herein and provided under separate cover).
- Responses to Written Comments on the Public Draft IS/MND (Section 2 of this document). This Section includes the name of the agency which commented on the IS/MND and contains reproductions of the comments received and responses



to those comments. The responses to each comment are keyed to the comments which precede them.

- Errata. This chapter describes text revisions/amendments to the Public Draft IS/MND and does not include the entire IS/MND. Specifically, excerpts from the subsection that contains the text proposed for modification is copied into the errata, and newly proposed text in the errata is bold and underlined, and unchanged text remains in normal font. Only excerpts from the subsections of the original IS/MND that are proposed for modification are copied into the errata, subsections that do not contain proposed changes are not copied into the errata.
- Mitigation Monitoring and Reporting Program.

## **1.2 Environmental Review Process**

CEQA requires lead agencies to consult with public agencies having jurisdiction over a proposed project, and to provide the general public and project applicant with an opportunity to comment on the IS/MND. The Response to Comments and Errata included herein has been prepared to respond to the comments received on the IS/MND from the CDFW.

A Notice of Completion (NOC) and Notice of Intent (NOI) were originally filed with the Office of Planning and Research State Clearinghouse (SCH) on April 24, 2024, and SCH commenced through June 3, 2024. A NOI was published in the Santa Rosa Press Democrat on April 24, 2024, and local review commenced on April 24, 2024, and originally ended on May 24, 2024. However, due to a request from the CDFW to extend the review period, both the local and SCH review were extended to June 4, 2024, at 5 pm, and a revised NOI extending the local review was published in the Press Democrat. Pursuant to the CDFW's comments requiring recirculation of this environmental document, a revised NOI has been filed and the local and SCH periods will be extended another 30 days. The local NOI contains a link to electronic copies of the IS/MND documents.

As discussed herein, the additions made in this document constitute "significant new information" requiring recirculation of the environmental document pursuant to Public Resources Code section 21092.1 and CEQA Guidelines Section 15088.5 due to CDFW's request to add a Mitigation Measure related to potential significant impacts to burrowing owls.



## **CHAPTER 2.0 – COMMENTS AND RESPONSES**

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074, the City of Santa Rosa, as the lead agency, evaluated the comments received on the Public Draft IS/MND for the Samuel L. Jones Homeless Shelter Improvements Project, and has prepared the following responses to the comments received. This Response to Comments and Errata document will become part of the Final IS/MND for the Project following the extended public comment period.

### **2.1 Comments Received**

During the public comment period for the IS/MND, the City received a letter response from Erin Chappell, Regional Manager, Bay Delta Region for California Department of Fish & Wildlife (CDFW).

#### **California Department of Fish & Wildlife Comments**

Comments and responses to comments from the CDFW are discussed below. CDFW's comment letter is included in Appendix A.

#### **CDFW Comments and Recommendations**

The CDFW comments not discussed herein provided information regarding the commentors role, the project description, and the regulatory setting, and introduces comments that follow. These comments not discussed herein do not address the adequacy of the environmental analysis. The comments are noted for the record and no further response is required.

***1. 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: MND Page 42, Environmental Setting and Related Impact Shortcoming**

**Issue:** The MND indicates that wetlands within the site may support Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields. Sebastopol meadowfoam has been documented 150 feet west of the project site (California Natural Diversity Database [CNDDB] Occurrence Number 2).

The Santa Rosa Plain Conservation Strategy, Appendix D: Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain (<https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy>) and CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>) provide guidelines for acceptable survey documentation for protocol-level surveys for CESA and federally listed plants on the Santa Rosa Plain. According to the MND, protocol-level surveys were conducted in 2022 and 2023 with negative results. However, it is unclear if surveys covered adjacent wetlands that may be indirectly impacted or if indirect impacts



to these wetlands were considered in the MND, in accordance with the Santa Rosa Plain Conservation Strategy and above CDFW 2018 protocols. In addition, the California Aquatic Resources Inventory (CARI) depicts the entire area west and south of the existing shelter as vernal pool habitat.

**Specific impacts and why they may occur and be significant:** If CESA and federally listed plants that may be directly or indirectly impacted by the project go undetected, the project may result in mortality of individuals from direct impacts or indirect impacts from degradation of habitat adjacent to ground disturbance due to altering hydrological conditions or other factors. CESA and federally listed plant mentioned above are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA and federally listed plants are present on or adjacent to the project site where they may be directly or indirectly impacted, the project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

**Recommended Mitigation Measure:** For an adequate environmental setting, to comply with CESA, and to reduce impacts to Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields to less-than-significant, CDFW recommends including the following mitigation measure in the MND:

**MM-BIO-1.** The project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should 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 Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 *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 above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. In addition, the project shall consult with the U.S. Fish and Wildlife Service (USFWS) for any indirect impacts to suitable habitat for plants listed under the federal Endangered Species Act (ESA, i.e., wetlands) and provide compensatory habitat mitigation as required.



### **Response to Comment 1**

*The concerns of the commentor over possible presence of special-status plant species on the project site, including CESA and federally-listed species is noted. A discussion of the potential for presence of special-status plant species on the project site is provided in Section 4.4, Biological Resources, of the Public Draft IS/MND, and is also summarized in the Biological Assessment of December 7, 2023, prepared by the applicant's consulting biologist. As concluded in the Public Draft IS/MND, during the completion of two consecutive years of protocol-level special-status plant species surveys including reference site surveys to for Burke's goldfields, Sonoma sunshine and Sebastopol meadowfoam no special-status plant species were detected or are suspected to occur on the project site based on the negative results of systematic surveys conducted during six site visits occurring in 2022 and 2023. These two consecutive seasons are valid and adequate surveys to make the determination that special-status plant species do not occur at the project site. These negative results combined with the systematic surveys conducted in 2022 and 2023 as described in the Biological Assessment provide adequate documentation for CEQA purposes that no special-status plant species occur on the project site property. It is further important to note that routine mowing and other disturbances have further reduced the project site property's suitability to support special-status plant species. The project proponent will submit the results of the two years of botanical survey results for CDFW's written approval.*

*It is up to CDFW to make the determination on whether the applicant has fulfilled the necessary botanical surveys in accordance with their permitting authority under CESA. The additional MM-BIO-1 recommended by the commentor is not believed to be warranted under CEQA, given the negative results of the rare plant surveys conducted during six site visits in 2022 and 2023. No additional mitigation measure or revisions to the Public Draft IS/MND are considered necessary in response to this comment.*

*With regards to the CDFW comments concerning whether or not surveys covered adjacent wetlands that may be indirectly impacted or if indirect impacts to these wetlands were considered in the MND, in accordance with the Santa Rosa Plain Conservation Strategy and above CDFW 2018 protocols, EBA has added additional protective measures to Mitigation Measure BIO-4 and amended text detailed in Chapter 3.0 Errata, below.*



**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 CDFW or U.S. Fish and Wildlife Service?**

**COMMENT 2: MND Page 38, Environmental Setting and Related Impact Shortcoming**

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

**Specific impacts and why they may occur and be significant:** If burrowing owl that may be impacted by the project are not detected, the project may result in reduced health and vigor, or mortality, of owls from direct impacts to occupied wintering habitat or from wintering burrow abandonment caused by auditory and visual disturbances. Burrowing owl is a California Species of Special Concern and protected under Fish and Game Code sections 3503 and 3503.5 and the federal MBTA. Therefore, if wintering burrowing owl are present on or within 1,640 feet of the project site, project impacts to burrowing owl would be potentially significant.

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

**MM-BIO-2.** If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) 2012 *Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report, available here: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet where suitable habitat occurs, unless otherwise approved in writing by CDFW. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified





biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections of burrowing owl.

Detected burrowing owl 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 owl (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.

### **Response to Comment 2**

*The concerns of the commentor over the possible presence of the burrowing owl on the project site is noted. As discussed on page 38 of Section 4.4 Biological Resources the project site property provides very limited habitat suitability for this species. No medium or large burrows were observed at the project property, which significantly limits the suitability of the project site for nesting. Furthermore, because the project site has significant human activity and is heavily trafficked (including pedestrians, dog walking and bike riding), it is highly unlikely that this species utilizes habitats at the project site. Finally, it should be noted that there are no CNDDDB occurrences of this species within 5-miles of the project site property.*

*However, the City of Santa Rosa accepts CDFW’s recommended Mitigation Measure MM-BIO-2, detailed below. Please note that the recommended Mitigation Measure is identified as BIO-9 (MM-BIO-2-CDFW) and has been added to the attached Mitigation Monitoring and Reporting Program included as Appendix B.*

**MM-BIO-2.** *If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet where suitable*



*habitat occurs, unless otherwise approved in writing by CDFW. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections of burrowing owl.*

*Detected burrowing owl 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 owl (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.*



***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 3: MND Page 33, Environmental Setting and Related Impact Shortcoming**

**Issue:** The project would permanently impact two roadside drainages supporting wetlands which may constitute streams under Fish and Game Code section 1600 et seq., therefore such impacts may require the project to submit an LSA Notification to CDFW and obtain an LSA Agreement. Based on aerial imagery, these roadside drainages may provide flow into an unnamed blue-line stream identified in the CARI database approximately 0.33-mile south of the project.

**Specific impacts and why they may occur and be potentially significant:** The project may permanently impact roadside drainages which may constitute streams including substantial alteration of the bed, bank, and channel. Stream habitat including connected wetlands is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When stream habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. Removing connected wetland habitat may also result in the degradation of stream habitat. Therefore, if the above impacts to stream habitat occur, project impacts to stream habitat would be potentially significant.

**Recommended Mitigation Measure:** For an adequate environmental setting and to reduce impacts to streams to less-than-significant, CDFW recommends including the following mitigation measure in the MND:

**MM-BIO-3.** The project shall consult with CDFW to determine if aquatic features that would be impacted are subject to Fish and Game Code section 1600 et seq. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction (See: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>). If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored on-site in the same year as the impact. Restoration shall include preparing a restoration plan, a minimum of five years of monitoring and maintenance, and achieving success criteria.

An LSA Agreement for this project, if issued, would likely include the above recommended mitigation measures, as applicable, and additional measures to protect fish and wildlife resources.



### **Response to Comment 3**

*All of the aquatic habitats at the project site have been determined to be seasonal wetland depressions and swales by the Project applicant's biologist, Wiemeyer Ecological Sciences. The roadside drainages are fully vegetated and have been determined to be seasonal wetlands swales, not a seasonal, ephemeral or intermittent stream. Although, surface water flowing through these seasonal wetlands swales may eventually connect to a blue-line stream west of South Wright Road, approximately 0.33-miles from the project site, this is a significant distance that includes culverts and road crossings and the seasonal wetland swales should not be considered CDFW jurisdictional aquatic habitat.*

*The additional MM-BIO-3 recommended by the commentor is not believed to be warranted under CEQA, given the above information. No additional mitigation measure or revisions to the Public Draft IS/MND are considered necessary in response to this comment.*



## **CHAPTER 3.0 – ERRATA**

This chapter includes text revisions to the Public Draft IS/MND that were made in response to CDFW comments. These text revisions include amplifications of the Public Draft IS/MND with respect to potential indirect impacts to biological resources as requested by the CDFW. In each case, the revised page and location on the page is presented, followed by the textual, tabular, or graphical revision. Underlined text represents language that has been added to the Public Draft IS/MND.

### **3.1 Biological Resources**

The text in Section 4.4 Biological Resources on pages 41 and 42 of the Public Draft IS/MND is hereby amended as follows:

MM BIO-4: Mitigate for the permanent fill of 0.21-acres of seasonal wetland habitat through the purchase of seasonal wetland habitat credits at a 1:1 ratio, totaling 0.21-acres, at an agency approved wetland mitigation.

The Project will result in the impact of 0.22-acres of seasonal wetland habitat, which provides suitable habitat for federally endangered plants. The project site is located within the Southern Core Zone for Burke's goldfields, Sonoma sunshine and Sebastopol meadowfoam according to the USFWS Programmatic Biological Opinion - Reinitiation of Formal Consultation of Issuance of Clean Water Act, Section 404 Permits by the USACE on the Santa Rosa Plain, Sonoma County, California. However, with implementation of mitigation measures **BIO-3**, and **BIO-5**, impacts as a result of the Project would be less than significant. It is notable that a cyclone fence is present that separates the Project site property from the adjacent Preserve that acts as a barrier to prevent inadvertent encroachment into the Preserve during construction activities. In addition, indirect impacts to the wetlands located on the adjacent Preserve will be avoided by implementation of best management practices (BMPs) as part of the proposed construction Stormwater Pollution Prevention Plan (SWPPP) (included as **MM HYDRO-1**) for the Project prior to construction activities to prevent any turbid water runoff from impacting the wetlands on the adjacent Preserve and to protect jurisdiction waters of the U.S./State that will remain. Construction exclusion zones will be established by installing appropriate construction fencing, silt fencing, wildlife friendly hay wattles (no monofilament netting), gravel wattles, and other protective measures between project activities, seasonal wetlands, and along the fence separating the project site property from the adjacent Preserve.

All non-native, invasive vegetation removed shall be discarded offsite and away from wetland areas to prevent reseeding.

Prior to implementation of the construction project, a biological monitor shall inspect installation of BMPs to ensure proper protection of the wetlands along the fence separating the project site from the adjacent Preserve are in place. BMPs shall thereafter



be routinely inspected by the construction manager to ensure BMPs remain in place for the duration of the construction project. Upon completion of project construction all exclusion fencing shall be removed along with any temporary BMPs. **Less than significant impact with implementation of mitigation measures BIO-3, BIO-4 and BIO-5.**



## **CHAPTER 4.0 – FINAL MITIGATION MEASURES**

This Section references the Mitigation Monitoring and Reporting Program (MMRP) that is included as Table 5.2 in Appendix B which lists all impacts and mitigation measures that were identified in the IS/MND that includes the requested additional Mitigation Measure from the CDFW *B/O-9 (MM-BIO-2-CDFW)*, and additional protective measures added to **MM-BIO-4** (already in the IS/MND as **MM-HYDRO-1**).

**APPENDIX A**

**CDFW COMMENT RESPONSE LETTER**





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](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**

**CHARLTON H. BONHAM, Director**



May 15, 2024

Dezire Perez-Barbante, Associate Civil Engineer

City of Santa Rosa

69 Stony Circle

Santa Rosa, CA 95401

[DPerezbarbante@srcity.org](mailto:DPerezbarbante@srcity.org)

Subject: Samuel L. Jones Hall Homeless Shelter Improvements Project, Mitigated Negative Declaration, SCH No. 2024040844, City of Santa Rosa, Sonoma County

Dear Ms. Perez-Barbante:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Santa Rosa (City) for the Samuel L. Jones Hall Homeless Shelter Improvements Project (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

## **CDFW ROLE**

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), 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.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** City of Santa Rosa

**Objective:** The project proposes to enhance the existing permanent shelter complex at the project site to accommodate the recent increase in occupants and the quality of the community services provided. The proposed Project includes exterior improvements

---

<sup>1</sup> 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.

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 2

such as ornamental landscaping features and groundwater planting/bio-retention areas, community service facilities, additional asphalt parking and a new dedicated entrance driveway, concrete pathways, curb and gutter improvements, pedestrian sidewalks and associated facilities, and modular shower and restroom structures. The site currently consists of a mixture of undeveloped and developed land. Vegetation on-site consists of annual grasslands, ornamental vegetation and seasonal wetlands.

**Location:** The 2.50-acre project site is located at 4020 Finley Avenue (Assessor's Parcel Numbers 035-141-013) in the City of Santa Rosa and is located in Section 29, Township 7 North, Range 8 West as depicted on the Mount Diablo Meridian U.S. Geological Survey 7.5' quadrangle map, at approximately Latitude 38.419405°N, Longitude 122.766453° °W.

## REGULATORY REQUIREMENTS

### California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. **The project has the potential to result in take of California tiger salamander (*Ambystoma californiense*), which is CESA listed as threatened, and Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnolobos vinculus*), and Burke's goldfields (*Lasthenia burkei*), which are CESA listed as endangered, as further described below. Thank you for including a requirement for the project to obtain a CESA ITP for take of California tiger salamander.** Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

### Lake and Streambed Alteration

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

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 3

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. **The project would fill two roadside drainages supporting wetlands which may constitute streams, therefore an LSA Notification may be required, as further 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.

### **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 (MBTA).

### **COMMENTS AND RECOMMENDATIONS**

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

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

#### **COMMENT 1: MND Page 42, Environmental Setting and Related Impact Shortcoming**

**Issue:** The MND indicates that wetlands within the site may support Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields. Sebastopol meadowfoam has been documented 150 feet west of the project site (California Natural Diversity Database [CNDDDB] Occurrence Number 2).

The Santa Rosa Plain Conservation Strategy, Appendix D: Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 4

Santa Rosa Plain (<https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy>) and CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>) provide guidelines for acceptable survey documentation for protocol-level surveys for CESA and federally listed plants on the Santa Rosa Plain. According to the MND, protocol-level surveys were conducted in 2022 and 2023 with negative results. However, it is unclear if surveys covered adjacent wetlands that may be indirectly impacted or if indirect impacts to these wetlands were considered in the MND, in accordance with the Santa Rosa Plain Conservation Strategy and above CDFW 2018 protocols. In addition, the California Aquatic Resources Inventory (CARI) depicts the entire area west and south of the existing shelter as vernal pool habitat.

**Specific impacts and why they may occur and be significant:** If CESA and federally listed plants that may be directly or indirectly impacted by the project go undetected, the project may result in mortality of individuals from direct impacts or indirect impacts from degradation of habitat adjacent to ground disturbance due to altering hydrological conditions or other factors. CESA and federally listed plant mentioned above are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA and federally listed plants are present on or adjacent to the project site where they may be directly or indirectly impacted, the project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

**Recommended Mitigation Measure:** For an adequate environmental setting, to comply with CESA, and to reduce impacts to Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields to less-than-significant, CDFW recommends including the following mitigation measure in the MND:

**MM-BIO-1.** The project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should 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 Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-*

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 5

*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 above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. In addition, the project shall consult with the U.S. Fish and Wildlife Service (USFWS) for any indirect impacts to suitable habitat for plants listed under the federal Endangered Species Act (ESA, i.e., wetlands) and provide compensatory habitat mitigation as required.

**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 CDFW or U.S. Fish and Wildlife Service?***

**COMMENT 2: MND Page 38, Environmental Setting and Related Impact Shortcoming**

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

**Specific impacts and why they may occur and be significant:** If burrowing owl that may be impacted by the project are not detected, the project may result in reduced health and vigor, or mortality, of owls from direct impacts to occupied wintering habitat or from wintering burrow abandonment caused by auditory and

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 6

visual disturbances. Burrowing owl is a California Species of Special Concern and protected under Fish and Game Code sections 3503 and 3503.5 and the federal MBTA. Therefore, if wintering burrowing owl are present on or within 1,640 feet of the project site, project impacts to burrowing owl would be potentially significant.

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

**MM-BIO-2.** If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) 2012 *Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report, available here: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet where suitable habitat occurs, unless otherwise approved in writing by CDFW. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections of burrowing owl.

Detected burrowing owl 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 owl (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.

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 7

***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 3: MND Page 33, Environmental Setting and Related Impact Shortcoming**

**Issue:** The project would permanently impact two roadside drainages supporting wetlands which may constitute streams under Fish and Game Code section 1600 et seq., therefore such impacts may require the project to submit an LSA Notification to CDFW and obtain an LSA Agreement. Based on aerial imagery, these roadside drainages may provide flow into an unnamed blue-line stream identified in the CARI database approximately 0.33-mile south of the project.

**Specific impacts and why they may occur and be potentially significant:** The project may permanently impact roadside drainages which may constitute streams including substantial alteration of the bed, bank, and channel. Stream habitat including connected wetlands is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When stream habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. Removing connected wetland habitat may also result in the degradation of stream habitat. Therefore, if the above impacts to stream habitat occur, project impacts to stream habitat would be potentially significant.

**Recommended Mitigation Measure:** For an adequate environmental setting and to reduce impacts to streams to less-than-significant, CDFW recommends including the following mitigation measure in the MND:

**MM-BIO-3.** The project shall consult with CDFW to determine if aquatic features that would be impacted are subject to Fish and Game Code section 1600 et seq. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction (See: <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>). If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored on-site in the same year as the

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 8

impact. Restoration shall include preparing a restoration plan, a minimum of five years of monitoring and maintenance, and achieving success criteria.

An LSA Agreement for this project, if issued, would likely include the above recommended mitigation measures, as applicable, and additional measures to protect fish and wildlife resources.

## **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 in order for the underlying project approval to be operative, vested, and final. (See: Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

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

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

Sincerely,

DocuSigned by:

*Erin Chappell*

.\_B77E9A6211EF486

Erin Chappell  
Regional Manager  
Bay Delta Region



Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 9

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024040844)  
Vincent Griego, USFWS - [Vincent\\_Griego@fws.gov](mailto:Vincent_Griego@fws.gov)

## REFERENCES

Brehme, C.S., S.A. Hathaway, R. Booth, B.H. Smith and R.N. Fisher. 2015. Research of American Badgers in Western San Diego County, 2014. Data Summary prepared for California Department of Fish and Wildlife and the San Diego Association of Governments. 24pp. (42pp. with Appendix)

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

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

Dezire Perez-Barbante  
 City of Santa Rosa  
 June 3, 2024  
 Page 10

**ATTACHMENT 1**  
**Draft Mitigation Monitoring and Reporting Program**

<b>Biological Resources (BIO)</b>		
<b>Mitigation Measure (MM) Description</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>
<p><b>MM-BIO-1.</b> The project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should follow CDFW's 2018 <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> and the <i>Santa Rosa Plain Conservation Strategy, Appendix D: 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 Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with CDFW's 2018 <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> and the <i>Santa Rosa Plain Conservation Strategy, Appendix D: 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 above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP. In addition, the project shall consult with the USFWS for any indirect impacts to suitable habitat for plants listed under the ESA (i.e., wetlands) and provide compensatory habitat mitigation as required.</p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant</p>
<p><b>MM-BIO-2.</b> If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) 2012 <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012 Staff Report, available here: <a href="https://wildlife.ca.gov/Conservation/Survey-">https://wildlife.ca.gov/Conservation/Survey-</a></p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant</p>

Dezire Perez-Barbante  
 City of Santa Rosa  
 June 3, 2024  
 Page 11

<p><a href="#">Protocols#377281284-birds</a>) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet where suitable habitat occurs, unless otherwise approved in writing by CDFW. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections of burrowing owl.</p> <p>Detected burrowing owl 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 owl (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation, implementation, and funding of a long-term management plan prior to project construction.</p>		
<p><b>MM-BIO-3.</b> The project shall consult with CDFW to determine if aquatic features that would be impacted are subject to Fish and Game Code section 1600 et seq. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction (see: <a href="https://wildlife.ca.gov/Conservation/Environmental-Review/LSA">https://wildlife.ca.gov/Conservation/Environmental-Review/LSA</a>). If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW.</p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant</p>

Dezire Perez-Barbante  
City of Santa Rosa  
June 3, 2024  
Page 12

<p>Temporary impacts shall be restored onsite in the same year as the impact. Restoration shall include preparing a restoration plan, a minimum of five years of monitoring and maintenance, and achieving success criteria.</p>		
--	--	--

**APPENDIX B**

**MITIGATION MONITORING AND  
REPORTING PROGRAM**

**Table 5.2**  
**Mitigation Monitoring Reporting Program**  
**Samuel L. Jones Hall Homeless Shelter Improvements**  
**4020 Finley Avenue, Santa Rosa, California**

Mitigation Reference	Mitigation Measure	Method of Verification	Timing of Implementation	Responsible Party	Verification of Completion	
					Date	Initial
AIQ-1	<p>BAAQMD recommended Best Management Practices (BMPs) to control for fugitive dust and exhaust during all construction activities shall be incorporated into all building and grading construction plans and require implementation of the following:</p> <ol style="list-style-type: none"> <li>1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>2. All haul trucks transporting soil, sand, or other loose material shall be covered.</li> <li>3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>4. All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as practicable. Building pads shall be laid as soon as practicable after grading unless seeding or soil binders are used.</li> <li>6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper working condition prior to operation.</li> <li>8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action.</li> </ol>	Incorporate into Project design and monitoring during construction	Throughout construction	Project applicant and contractors and subcontractors		
AIQ-2	<ol style="list-style-type: none"> <li>1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</li> <li>1. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.</li> <li>2. All excavation, grading, and/or demolition activities shall be suspended when average wind speed 20 mph.</li> <li>3. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.</li> <li>4. The simultaneous occurrence of excavation, grading, and ground disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any given time.</li> <li>5. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</li> <li>6. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.</li> <li>7. Minimizing the idling time of diesel-powered construction equipment to two minutes.</li> <li>8. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent CARB fleet average.</li> <li>9. Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM.</li> <li>10. Requiring all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.</li> </ol>	Incorporate into Project design and monitoring during construction	Throughout construction	Project applicant and contractors and subcontractors		
BIO-1	Obtain permit authorization from the U.S Army Corps of Engineers (USACE) under the 404 Nationwide Permit Program for the permanent fill of 0.21-acres of seasonal wetland habitat. Implement all agency permit conditions.	Coordination with USACE; obtain authorized permits; purchase or dedication of land; purchase of mitigation credits	Prior to issuance of grading permit.	Applicant with the USACE.		
BIO-2	Obtain permit authorization from the Regional Water Quality Control Board (RWQCB) under the 401 Water Quality Certification Program for the permanent fill of 0.21-acres of seasonal wetland habitat. Implement all agency permit conditions.	Coordination with RWQCB; obtain authorized permits; purchase or dedication of land; purchase of mitigation credits	Prior to issuance of grading permit.	Applicant with the RWQCB.		
BIO-3	Request the USACE to append the project to the U.S Fish & Wildlife Service (USFWS) Programmatic Biological Opinion-Reinitiation of Formal Consultation of Issuance of Clean Water Act, Section 404 Permits by the USACE on the Santa Rosa Plain, Sonoma County, California dated June 11, 2020. Implement all conditions required by the USFWS under the Programmatic Biological Opinion.	Coordination with USACE and USFWS.	Prior to issuance of a grading permit.	Applicant with the USACE and USFWS.		

**Table 5.2**  
**Mitigation Monitoring Reporting Program**  
**Samuel L. Jones Hall Homeless Shelter Improvements**  
**4020 Finley Avenue, Santa Rosa, California**

Mitigation Reference	Mitigation Measure	Method of Verification	Timing of Implementation	Responsible Party	Verification of Completion	
					Date	Initial
BIO-4	<p>Mitigate for the permanent fill of 0.21-acres of seasonal wetland habitat through the purchase of seasonal wetland habitat credits at a 1:1 ratio, totaling 0.21-acres, at an agency approved wetland mitigation bank. <u>It is notable that a cyclone fence is present that separates the Project site property from the adjacent Preserve that acts as a barrier to prevent inadvertent encroachment into the Preserve during construction activities. In addition, indirect impacts to the wetlands located on the adjacent Preserve will be avoided by implementation of best management practices (BMPs) as part of the proposed construction Stormwater Pollution Prevention Plan (SWPPP) for the Project prior to construction activities to prevent any turbid water runoff from impacting the wetlands on the adjacent Preserve and to protect jurisdiction waters of the U.S./State that will remain. Construction exclusion zones will be established by installing appropriate construction fencing, silt fencing, wildlife friendly hay wattles (no monofilament netting), gravel wattles, and other protective measures between project activities, seasonal wetlands, and along the fence separating the project site property from the adjacent Preserve.</u></p> <p><u>All non-native, invasive vegetation removed shall be discarded offsite and away from wetland areas to prevent reseeding.</u></p> <p><u>Prior to implementation of the construction project, a biological monitor shall inspect installation of BMPs to ensure proper protection of the wetlands along the fence separating the project site from the adjacent Preserve are in place. BMPs shall thereafter be routinely inspected by the construction manager to ensure BMPs remain in place for the duration of the construction project. Upon completion of project construction all exclusion fencing shall be removed along with any temporary BM.</u></p>	<p>Project applicant shall provide proof of mitigation credits.</p> <p><u>Project Biologist shall oversee the installation of and implementation of BMPs.</u></p>	<p>Prior to issuance of a grading permit.</p> <p><u>Construction Manager shall routinely inspect BMPs for the duration of the Project.</u></p>	<p>City of Santa Rosa Planning Department. Construction Manager</p>		
BIO-5	<p>Mitigate for impacts to 0.22-acres of suitable federally endangered vernal pool plant habitat through the purchase of federally endangered vernal pool plant species credits at a 1.5:1 mitigation ratio, totaling 0.33-acres, at an agency approved plant preservation bank located within the Southern Core Zone for Burke's goldfields, Sonoma sunshine and Sebastopol meadowfoam. Mitigation shall be split evenly between all three endangered vernal pool plant species in accordance with the USFWS Programmatic Biological Opinion -Reinitiation of Formal Consultation of Issuance of Clean Water Act, Section 404 Permits by the USACE on the Santa Rosa Plain, Sonoma County, California dated June 11, 2020.</p>	<p>Project applicant shall provide proof of mitigation credits</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Santa Rosa Planning Department.</p>		
BIO-6	<p>Mitigate for the permanent impact to 1.23-acres of suitable upland aestivation habitat for California tiger salamander at a 3:1 mitigation ratio, totaling 3.690-acres, at an agency approved California tiger salamander conservation bank in accordance with the USFWS Programmatic Biological Opinion-Reinitiation of Formal Consultation of Issuance of Clean Water Act, Section 404 Permits by the USACE on the Santa Rosa Plain, Sonoma County, California dated June 11, 2020.</p>	<p>Project applicant shall provide proof of mitigation credits</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Santa Rosa Planning Department.</p>		
BIO-7	<p>Obtain a CDFW Incidental Take Permit (ITP). Implement all conditions required by the CDFW in the ITP.</p>	<p>Obtain ITP from CDFW; compliance with ITP requirements.</p>	<p>Prior to issuance of construction permit or construction activity</p>	<p>CDFW; City of Santa Rosa Planning Division</p>		
BIO-8	<p>In the event that construction activities are initiated (including land clearing and/or tree removal) within the avian nesting season (February 1 – August 31), a preconstruction survey shall be performed by a qualified biologist on the site to locate any active bird nests on the site including a 500-foot buffer of the project site. The preconstruction survey shall be performed within five days before initiation of construction activities. If active bird nests are identified, protective measures shall be implemented. An appropriate non-disturbance buffer zone shall be established – typically up to 500 feet for raptors and 100 feet for passerines, or as otherwise recommended by the biologist.</p> <p>These protection measures shall remain in effect until the young have left the nest and are foraging independently or the nest is no longer active, as determined by the biologist. If construction activities can be performed outside of the nesting season (August 31 - January 31), no preconstruction surveys for nesting birds are warranted.</p>	<p>Qualified Biologist's pre-construction survey results and submittal of survey documents; periodic on-site inspection/monitoring.</p>	<p>Five days prior to ground breaking if construction activities will take place between February 1 and August 31. If nesting birds are found, the qualified biologist should establish suitable buffers prior to ground breaking activities. To prevent encroachment, the established buffer(s) should be clearly marked by highly visibility material. The established buffer(s) should remain in effect until the young have fledged or the nest has been abandoned as confirmed by the qualified biologist.</p>	<p>Project applicant and contractors and subcontractors shall obtain approval from the City of Santa Rosa Planning Division, Building Division and CDFW, as appropriate.</p>		

**Table 5.2**  
**Mitigation Monitoring Reporting Program**  
**Samuel L. Jones Hall Homeless Shelter Improvements**  
**4020 Finley Avenue, Santa Rosa, California**

Mitigation Reference	Mitigation Measure	Method of Verification	Timing of Implementation	Responsible Party	Verification of Completion	
					Date	Initial
BIO-9 (MM-BIO-2-CDFW)	<p>If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: <a href="https://wildlife.ca.gov/Conservation/Survey-Protocols/377281284-birds">https://wildlife.ca.gov/Conservation/Survey-Protocols/377281284-birds</a>) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet where suitable habitat occurs, unless otherwise approved in writing by CDFW. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections of burrowing owl.</p> <p>Detected burrowing owl 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 owl (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>	Qualified Biologist's pre-construction survey results and submittal of survey documents.	If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction	Project applicant and CDFW		
CUL-1	If archaeological resources are encountered during site development activities, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5 [f]). Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).	Incorporate into Project design and monitoring during construction	Throughout construction	Project applicant and contractors and subcontractors		
CUL-2	The following actions are promulgated in the CEQA Guidelines Section 15064.5(d) and pertain to the discovery of human remains. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the county coroner contacted. If the coroner determines the remains are Native American, the coroner would contact the NAHC. The NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.	Incorporate into Project design and monitoring during construction	Throughout construction	Project applicant and contractors and subcontractors		
HAZ-1	In order to mitigate potential significant impacts associated with exposure to soils with elevated lead concentrations, the applicant shall conduct a Phase II Environmental Site Assessment to characterize the extent of lead impacted shallow soils around the perimeter of the original Samuel L. Jones Hall building. Soil samples shall be collected around the perimeter of the building and submitted for laboratory analysis for lead by a qualified Environmental Professional (EP). If lead is detected at concentrations that exceed regulatory screening levels, additional soil sample collection shall be performed until the lateral and vertical extents of the lead impacts are defined. Upon completion of the assessment of the lateral and vertical extents of any lead impacts, a proposal that includes the removal and disposal of all soils containing lead at concentrations above regulatory screening levels shall be submitted to the Santa Rosa Fire Department (SRFD) and mitigation measure HAZ-2 implemented.	Provide a copy of the Phase II ESA Work Plan and Summary Report to the SRFD for review and approval. Retain copy of the approved Work Plan on-site during construction.	Prior to construction/ground disturbance.	Environmental Professional/Health and Safety Officer  Santa Rosa Fire Department		



Table 5.2

Mitigation Monitoring Reporting Program  
 Samuel L. Jones Hall Homeless Shelter Improvements  
 4020 Finley Avenue, Santa Rosa, California

Mitigation Reference	Mitigation Measure	Method of Verification	Timing of Implementation	Responsible Party	Verification of Completion	
					Date	Initial
HAZ-2	In order to remove all soils containing lead above regulatory screening levels, a Phase III Remediation proposal to excavate the lead impacted soils shall be submitted to the SRFD, and appropriate permits and regulatory approval obtained. The proposed remedial alternative of soil removal will be based on human health risk standards using residential exposure parameters and include consultation with the SRFD. The remedial approach of soil removal will also include details regarding the transport and disposal of soils impacted by lead at concentrations above the applicable regulatory screening levels for a residential land use scenario. Prior to initiating the soil removal activities, a work plan will be prepared outlining the proposed remedial approach, that includes a Site Health and Safety Plan (SHSP) that identifies potential hazards, materials handling procedure, dust suppression measures, necessary personal protective equipment (PPE) and training, and appropriate monitoring equipment. In addition to measures that protect on-site workers and occupants, the SHSP will include measures to minimize public exposure to any contaminated soil such as dust suppression measures, appropriate construction work zone security, restriction of public access to the areas of work, and posting of appropriate signage. The soils shall be remediated to the satisfaction of the SRFD, and a report of the Phase III Remediation submitted to the SRFD	Provide a copy of the Work Plan, Site Health and Safety Plan and Summary Report to the SRFD for review and approval. Retain copy of the approved documents on-site during construction.	Prior to construction/ground disturbance.	Environmental Professional/Health and Safety Officer  Santa Rosa Fire Department		
HAZ-3	In order to avoid a potential impact related to exposure to soils with petroleum hydrocarbons, the Project shall include preparation and implementation of a SGMP. The SGMP will require that a qualified and trained Environmental Professional (EP) and Health and Safety Officer (HSO) be retained (these may be a single individual). The HSO will work directly with the EP and will be present on site, as needed, to ensure proper identification, management characterization, and disposal or onsite reuse of potentially contaminated soil. The SGMP shall include protocols for the management of residual petroleum hydrocarbon concentrations that may be encountered during ground disturbing activities, in a manner that is protective of human health and the environment. The SGMP shall include, at a minimum, the following: health and safety; identification of contaminated soils; soil sampling and analysis; soil stockpile management; dust control; surface water protection; and soil disposal. If soils or groundwater encountered are suspected of containing residual petroleum contamination that require additional remediation, or if potentially hazardous materials are encountered, the EP will be notified. If the EP confirms the soil or groundwater are contaminated, or if hazardous materials are encountered, the applicable governing regulatory agency(s) will be notified. Prior to commencement of construction activities, a meeting shall be held with the property owner/developer, contractors, EP, and HSO to discuss the implementation objectives of the SGMP. Relevant regulatory agencies shall also be invited. The SGMP shall be submitted to the SRFD prior to commencement of ground disturbing activities.	Provide a copy of the Soil and Groundwater Management Plan to the SRFD for review and approval. Retain copy of the approved document on-site during construction.	Ongoing throughout construction.	Environmental Professional/Health and Safety Officer  Santa Rosa Fire Department		
HYDRO-1	The Project will have a site-specific Storm Water Pollution Prevention Plan developed and implemented during construction activities.	Incorporate into Project design and monitoring during construction	Throughout construction	Project applicant and contractors and subcontractors		
NOI-1	The following Best Construction Management Practices shall be implemented during all phases of construction to reduce construction noise levels emanating from the site, limit construction hours, and minimize disruption and annoyance:  <ul style="list-style-type: none"> <li>* Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturdays. No construction activities are permitted on Sundays and holidays.</li> <li>* Limit use of the concrete saw to a distance of 50 feet or greater from residences, where feasible.</li> <li>* Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment when located near adjoining sensitive land uses. Temporary noise barriers would provide a 5-dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receiver and if the barrier is constructed in a manner that eliminates any cracks or gaps.</li> <li>* Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.</li> <li>* Unnecessary idling of internal combustion engines shall be strictly prohibited.</li> <li>* Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. If they must be located near receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.</li> <li>* Utilize "quiet" air compressors and other stationary noise sources where technology exists.</li> <li>* Construction staging areas shall be established at locations that would create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> <li>* Locate material stockpiles, as well as maintenance/equipment staging and parking areas, as far as feasible from existing residences.</li> <li>* Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.</li> <li>* Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., bad muffler, etc.) and would require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</li> </ul>	Incorporate into Project design and monitoring during construction. Identify a disturbance coordinator to respond to any complaints and address as needed.	Throughout construction	Project applicant and contractors and subcontractors		

**Table 5.2**  
**Mitigation Monitoring Reporting Program**  
**Samuel L. Jones Hall Homeless Shelter Improvements**  
**4020 Finley Avenue, Santa Rosa, California**

Mitigation Reference	Mitigation Measure	Method of Verification	Timing of Implementation	Responsible Party	Verification of Completion	
					Date	Initial
TCUL-1	<p>If archaeological resources are encountered during site development activities, work at the place of discovery should be halted immediately until a qualified archaeologist can evaluate the finds (§15064.5 [f]). Prehistoric archaeological site indicators include: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains and fire-affected stones. Historic period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps).</p> <p>The following actions are promulgated in the CEQA Guidelines Section 15064.5(d) and pertain to the discovery of human remains. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the county coroner contacted. If the coroner determines the remains are Native American, the coroner would contact the NAHC. The NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.</p>	Incorporate into Project design and monitoring during construction	Throughout construction	Project applicant and contractors and subcontractors		