FIRSTCARBONSOLUTIONS™

Final Initial Study/Mitigated Negative Declaration
Stonebridge Subdivision Project
2220 Fulton Road
City of Santa Rosa, California

State Clearinghouse Number: 2020059046

Prepared for:
City of Santa Rosa
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404
707.543.4705

Contact: Adam Ross, Interim Senior Planner
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Contact: Mary Bean, Project Director
Liza Baskir, Project Manager

Date: April 20, 2021

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List of Appendices

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SECTION 1: INTRODUCTION

The City of Santa Rosa has considered the comments submitted regarding the proposed project and the Stonebridge Subdivision Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15074. Although not required, the City of Santa Rosa has prepared responses to significant environmental comments received on the Draft IS/MND. The Responses to Comments and Errata, which are included in this document, together with the Draft IS/MND, Draft IS/MND Appendices, and the Mitigation Monitoring and Reporting Program (MMRP), comprise the Final IS/MND for use by the City of Santa Rosa in its review and consideration of the Stonebridge Subdivision Project.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Comments:** Provides a list of the agencies, organizations, and individuals who commented on the Draft IS/MND. Copies of all of the letters received regarding the Draft IS/MND and responses thereto are included in this section.
- **Section 3—Errata:** Includes an addendum listing refinements and clarifications on the Draft IS/MND, which have been incorporated.

The Final IS/MND includes the following contents:

- Draft IS/MND (provided under separate cover)
- Draft IS/MND Appendices (provided under separate cover)
- Responses to Comments and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals that provided comments on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author **Author Code**

State Agencies

California Department of Fish and Wildlife ..... CDFW

Organizations

Lytton Rancheria of California ..... LYTTON RANCHERIA

Cool World Institute ..... COOL WORLD

(The letter from Cool World Institute was received by the City of Santa Rosa (City) on December 16, 2020, outside of the public comment period for the proposed project, which ran from May 29, 2020, to June 29, 2020. It is a late comment letter.)

Individuals

Karen Gunderson ..... GUNDERSON

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with California Environmental Quality Act (CEQA) Guidelines Section 15074, the City of Santa Rosa, as the lead agency, considered the comments received on the Draft IS/MND (State Clearinghouse No. 2020059046) for the Stonebridge Subdivision Project (proposed project), and has prepared the following responses to the significant environmental issues in the comments received. This Responses to Comments document becomes part of the Final IS/MND for the proposed project in accordance with CEQA Guidelines Section 15074. The Draft EIR was circulated to the public for review and comment from May 29, 2020, through June 29, 2020, and there was adequate time for comments to be submitted during that period. The letter from Cool World Institute was received by the City on December 16, 2020, outside of the public comment period for the proposed project. It is a late comment letter. A lead agency is only required to respond to environmental comments received during the comment period and is not required to provide responses to late comments. Public Resources Code § 21091(d)(1); State CEQA Guidelines 15207. However, in the interest of providing a full record for the decision-makers, responses to comments received after the close of the public comment period are included in this document.

2.2.2 - Project Background

The City of Santa Rosa evaluated the environmental impacts associated with the development of the proposed project site in various environmental review documents over the past 20 years. To provide further clarification and amplification regarding the context in which the City of Santa Rosa prepared the Stonebridge Subdivision Project IS/MND, three Environmental Impact Reports (EIRs) previously evaluated development of the Stonebridge Property at a programmatic level in accordance with State CEQA Guidelines Section 15168, as briefly described below.

- On July 2, 1991, the City of Santa Rosa certified an EIR for the 8-87 annexation (State Clearinghouse [SCH] No. 89031412). The annexation covered 184 acres in northwest Santa Rosa within Sonoma County jurisdiction. On May 19, 1997, the City of Santa Rosa amended the boundaries of the 8-87 annexation area to divide the property into a northerly and southerly annexation areas. In 2000, the City of Santa Rosa annexed about 40 acres in the southerly annexation area.
- On August 2003, the City of Santa Rosa prepared and published a Draft Subsequent EIR and in December 2003 certified a Final Subsequent EIR to annex the remaining 154-acre area in the northerly portion of the Northwest Santa Rosa Annexation (3-97) (SCH No. 2003022085). The proposed project site was included as part of the 22 parcels comprising 95.52 acres of remaining lands for which a specific residential development project was not proposed at that time. The Subsequent EIR evaluated a maximum of 166 to 667 dwelling units for the area, including the proposed project site.
- In June 2009, the City of Santa Rosa certified a Program EIR for the 2035 General Plan Update (SCH No. 2008092114). The General Plan Update EIR addressed residential development of the proposed project site at a programmatic level reflecting the City's prior approval of the Northwest Santa Rosa Annexation. The Stonebridge Subdivision Project IS/MND described the adopted 2035 General Plan designation for the proposed project site based on the City of Santa Rosa's prior land use approvals that designated the property for Low Density Residential use.

Environmental impacts analyzed in the prior EIRs include land use, aesthetics and visual quality, biological resources, traffic circulation, air quality and climate change, noise, public services and utilities, hydrology, geology, cultural resources, growth inducement, and cumulative impacts. Additionally, the 2035 General Plan Update evaluated climate change impacts associated with buildout of the General Plan that contemplated residential development of the proposed project site. As addressed in Table 21 of the Draft IS/MND, the proposed project is consistent with the 2035 General Plan Update's analysis regarding greenhouse gas and climate change. These prior EIRs provide relevant background information and environmental analysis regarding the proposed project site and are incorporated by reference in the Stonebridge Subdivision IS/MND pursuant to CEQA Guidelines Section 15150. The prior EIRs are generally available for examination at Santa Rosa City Hall, 100 Santa Rosa Avenue, Room 3, Santa Rosa, CA 95404. This IS/MND therefore, provides the City of Santa Rosa's project specific analysis for the proposed project.

As discussed above, the City of Santa Rosa prepared an environmental impact report in 2003 for the development of the Northwest Specific Plan area that included the project site. Although climate change impacts were not evaluated in that EIR at that time, the effects of climate change were well known. Under applicable case law, climate change impacts for purposes of this IS/MND do not constitute new information that would trigger further environmental review of climate change impacts. As the court noted in *Citizens for Responsible Equitable Development (CREED) v. City of San Diego (2011)* 196 Cal.App.4th 515, "an SEIR is not required absent new information" and that "information on the effect of greenhouse gas emissions" was known long before the City approved the 1994 FEIR. (Id. at p. 531.) The effect of greenhouse gas (GHG) emissions could have been raised in 1994 when the City considered the FEIR. Similarly, in *Concerned Dublin Citizens v. City of Dublin (2013)* 214 Cal.App.4th 1301, Dublin had prepared an EIR for the Eastern Dublin Specific Plan in 2002. In a challenge to the approval of a project within the specific plan area and approval of a CEQA exemption, Citizens argued that supplemental review was required because new Bay Area Air Quality Management District (BAAQMD) GHG thresholds constituted "new information" which would require further CEQA review. (Id. at pp. 1319-20.) The Court of Appeal rejected this argument, citing CREED, and explaining that the environmental impacts of GHGs were known when the EIR was initially certified. (Id. at p. 1320.) The new GHG thresholds did not constitute new information requiring a SEIR. (Id.). And in *Citizens Against Airport Pollution v. City of San Jose (2014)* 227 Cal.App.4th 788, Citizens challenged the Eighth Addendum to the San Jose Airport Master Plan EIR, alleging that an SEIR was required to comply with rules requiring review of impacts on GHGs and climate change. (Id. at p. 793.) Citing CREED, the court explained that the impact of GHGs was known at the time of the 1997 EIR and 2003 SEIR for the Airport Master Plan. (Id. at p. 807.) Since this was not new information, courts have concluded that an SEIR was not required when a public agency relied on the prior environmental impact reports and did not prepare another EIR for subsequent approvals associated with the project.

The City conducted an analysis of GHG emissions, even though it was not required to do so.

2.2.3 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

June 26, 2020

Ms. Kristinae Toomians, Senior Planner
City of Santa Rosa
Planning and Economic Development
100 Santa Rosa Avenue, Room 3
Santa Rosa, CA 95404
ktoomains@srcity.org

Subject: Stonebridge Subdivision Project, Mitigated Negative Declaration, SCH No. 2020059046, City of Santa Rosa, Sonoma County

Dear Ms. Toomians:

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 Stonebridge Subdivision Project (Project) pursuant the California Environmental Quality Act (CEQA).

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

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. 1

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. 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 ITP.

CDFW may also issue a Memorandum of Understanding (MOU) to allow take and possession of CESA-listed species for scientific, educational, or management purposes.

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, and 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.

1
CONT

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. 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.

PROJECT DESCRIPTION SUMMARY

Proponent: D.M. Jacobson and Sons, Inc.

Objective: Construct 105 single-family residential units with related roadways, parking spaces, and stormwater treatment area on a 14.6-acre site (West Parcel). Enhance and preserve Burke's goldfields (*Lasthenia burkei*) habitat on a 14-acre site adjacent to the residential construction site (East Parcel). Burke's goldfields is a state and federally listed as endangered plant species.

2

Location: The Project is in the City of Santa Rosa, Sonoma County northeast of the Fulton Road and Alton Lane intersection at 2220 Fulton Road. It is centered at approximately 38.475246 degrees latitude and -122.766160 degrees longitude on Assessor Parcel Number 034-030-070.

Timeframe: The Project is anticipated to take three to five years to complete.

COMMENTS AND RECOMMENDATIONS

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

Environmental Setting

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 (USFWS)?

Comment 1: MND Pages 15 and 68

Issue: According to the MND Appendix B Biological Resources Analysis, the Project would impact 2.65 acres of vernal pool habitat which includes Lobb's buttercup (*Ranunculus lobbii*), a special-status plant as it has a California Rare Plant Rank of 4.2. The MND analyzes the permanent removal of 2.65 acres of wetlands but does not analyze the temporary disturbance to 3.267 acres of wetlands on the East Parcel which also may support Lobb's buttercup.

Specific impacts and why they would occur: The Project's residential construction activities would remove up to 2.52 acres of Lobb's buttercup habitat, and habitat enhancement activities would remove an additional 0.13 acres, for a total of up to 2.65 acres of permanent habitat loss. It would also temporarily impact 3.267 acres of the habitat from habitat enhancement-related recontouring activities.

Evidence impact would be significant: Lobb's buttercup has a California Rare Plant Rank of 4.2, indicating that it has a limited distribution. In some cases, impacts to Rank 4 plants should be evaluated under CEQA, for example if the population is at the periphery of a species' range, in areas where the taxon is especially uncommon, in areas where the taxon has sustained heavy losses, or where populations exhibit unusual morphology or occur on unusual substrates (see http://www.rareplants.cnps.org/glossary.html#lists). CDFW staff have observed that many of the vernal pools where Lobb's buttercup were known to occur in the Santa Rosa Plain have sustained heavy losses resulting from development activities over the past 15 years. Therefore, Project impacts to Lobb's buttercup would be potentially significant.

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Recommended Mitigation Measures: To reduce impacts to less-than-significant, CDFW recommends that a qualified botanist collect seed and soil from all vernal pool habitat within the Project area that will be impacted both permanently and temporarily prior to commencement of Project activities. The top two inches of topsoil shall be collected and immediately translocated and dispersed onto enhanced or created suitable vernal pool habitat on the East Parcel, pursuant to MND Mitigation Measure (MM) BIO-1d, or another CDFW-approved location. The qualified botanist must be familiar with the vegetation communities and sensitive plant species on the Santa Rosa Plain, and have demonstrated experience successfully carrying out the activities described above.

4 CONT

Comment 2: MND Page 66

Issue: Land within and adjacent to the Project area includes nonnative grassland habitat that is potentially suitable for foraging, overwintering, and nesting burrowing owls (*Athene cunicularia*), a California Species of Special Concern and also protected under Fish and Game Code section 3503.5 and the federal Migratory Bird Treaty Act (MBTA). The California Natural Diversity Database (CNDDB) documents a 2017 wintering burrowing owl approximately 3.8 miles northwest of the Project area at the Charles M. Schulz Airport property; a burrowing owl was observed near the same location in November 2019 (Omar Daaboul, Assistant Airport Manager, personal communication, November 2, 2019).

Specific impacts and why they would occur: The Project may result in burrowing owl nest or wintering burrow abandonment, loss of young, and reduced health and vigor of adults or young from audio and visual disturbances caused by construction activities.

Evidence impact would be significant: Burrowing owl is a California Species of Special Concern due to population decline and breeding range retraction. Breeding owls are likely extirpated from Sonoma County (Burridge 1995); however, they could be rediscovered and there have been efforts to promote their recolonization within the County. Based on the foregoing, Project impacts would potentially substantially adversely affect burrowing owl. Therefore, Project impacts to burrowing owl would be potentially significant.

5

Recommended Mitigation Measures: To reduce impacts to less-than-significant, CDFW recommends that a qualified biologist conduct surveys following the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation survey methodology (see https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds). Surveys shall encompass the Project area and a sufficient buffer zone to detect owls nearby that may be impacted. Time lapses between surveys or Project activities shall trigger subsequent surveys including but not limited to a final survey within 24 hours prior to ground disturbance before construction equipment mobilizes to the Project area. The qualified biologist shall have a minimum of two years

of experience implementing the CDFW 2012 survey methodology resulting in detections. Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a "take" avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. 5 CONT

Mitigation Measures

Comment 4: MND Page 75

For Burke's goldfield's habitat enhancement activities, MM BIO-1a indicates that the Project will apply to CDFW for authorization pursuant to Fish and Game Code section 2081, subdivision (a) for collection of Burke's goldfields seeds potentially on CDFW-owned lands. The MND describes the authorization as an "Incidental Take Permit"; however, the MND should use the correct term "Memorandum of Understanding" as ITPs are issued pursuant to Section 2081, subdivision (b). Please be advised that in addition to an MOU, the Project will need to obtain a Letter of Permission from CDFW authorizing Project activities on CDFW-owned lands pursuant to California Code of Regulations, title 14, section 550, subdivision (f) "Research." 6

The MND should clarify if Project activities on the East Parcel would result in impacts to Burke's goldfields. It states that impacts would be avoided; however, MND Appendix B Biological Resources Analysis Figure 6 shows occupied Burke's goldfields habitat within the majority of East Parcel's wetlands. Therefore, it is unclear how impacts from the proposed enhancement activities, such as recontouring, would avoid impacts. If such activities would result in impacts to Burke's goldfields either directly or indirectly, through for example hydrological modification, either on or adjacent to the Project area, an ITP or other CDFW authorization may be more appropriate for the Project. Adjacent habitat includes the CDFW-owned Woodbridge Preserve which supports a sensitive Burke's goldfields population. 7

CDFW recommends that the MND:

1) Clearly show on aerial based mapping where and what types of wetland enhancement activities would occur in relation to occupied Burke's goldfields habitat and the CDFW Woodbridge Preserve; 8

2) Provide additional analysis demonstrating that Burke's goldfields will be avoided; 9

3) Require coordination with CDFW prior to conducting wetland enhancement activities to ensure impacts to Woodbridge Preserve are avoided; and, 10

4) Require CDFW's acceptance of plant survey results for the entire Project to ensure surveys were properly implemented. 11

Comment 5: MND Page 76

The MND states that surveys will be completed for California tiger salamander, a state and federally listed as threatened and endangered species, pursuant to the Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding on of the California Tiger Salamander (USFWS and California Department of Fish and Game (now CDFW) 2003). CDFW recommends that MM BIO-1b include a requirement for CDFW to accept the protocol survey results to ensure surveys were properly implemented. 12

Comment 6: MND Page 77

MM BIO-1c is not adequately protective of nesting birds. CDFW recommends that it be adjusted to include the following:

1) Surveys within 500 feet of the Project site for raptors; and,

2) Biological monitoring of any active nests to ensure it is not disturbed, and that buffers are adjusted by a qualified biologist as needed to avoid disturbance. For all identified nests, prior to construction activities a qualified biologist shall conduct a survey to establish a behavioral baseline of birds using each nest. Once construction begins, the biologist shall continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, Project activities causing that change shall halt and no-disturbance buffers should be implemented as described below; however, continuous monitoring may allow less conservative buffer distances as the biologist will be on-site to detect behavioral changes. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, conservative no-disturbance buffers shall be implemented and set around the nest by a qualified biologist, with the buffer distance based on the tolerance level of the non-listed bird or raptor species. 13

FILING FEES

The Project, as proposed, would 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 fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). 14

CONCLUSION

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 into the final CEQA document for the Project. CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources. 15

Questions regarding this letter or further coordination should be directed to Ms. Melanie Day, Senior Environmental Scientist (Specialist), at Melanie.Day@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at Karen.Weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Gregg Erickson
BE74D4C93C604EA...

Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH# 2020059046)

REFERENCES

Burridge, Betty. 1995. Sonoma County Breeding Bird Atlas. Madrone Audubon Society.

State Agencies

California Department of Fish and Wildlife (CDFW)

Monk & Associates provided a response to the CDFW comment letter, Response to California Department of Fish and Wildlife Comments Stonebridge Subdivision Project, Mitigation Negative Declaration State Clearinghouse (SCH) No. 2020059046, City of Santa Rosa, Sonoma County, California, dated October 8, 2020,[1] which is provided as Appendix A of this Final IS/MND.

Response to CDFW-1
The agency provides introductory remarks including CDFW's role in the proposed project and a summary regarding the regulatory framework.

This introductory comment does not identify any significant environmental issues and no further response is required.

Response to CDFW-2
The agency provides a summary of the project description including the objectives, locations, and timeframe.

This comment does not identify any significant environmental issues and no further response is required.

Response to CDFW-3
The agency introduces the comments and recommendations section and confirms that an IS/MND is the appropriate CEQA document for the project. The agency also restates Question IV(a) of CEQA Guidelines Appendix G checklist.

This comment does not identify any significant environmental issues and no further response is required.

Response to CDFW-4
The agency states that the proposed project's residential construction activities would remove up to 2.52 acres of Lobb's buttercup habitat, and habitat enhancement activities would remove an additional 0.13 acre, for a total of up to 2.65 acres of permanent habitat loss. Lobb's buttercup has a California Rare Plant Rank of 4.2, indicating that it has a limited distribution. The CDFW recommends that a qualified Botanist collect seed and soil from all vernal pool habitat within the project area that would be impacted both permanently and temporarily prior to commencement of project activities. The agency recommends the top 2 inches of topsoil shall be collected and immediately translocated and dispersed onto enhanced or created suitable vernal pool habitat on the East Parcel, pursuant to IS/MND Mitigation Measure (MM) BIO-1d, or another CDFW-approved location.

Lobb's buttercup has been observed in many wetland and vernal pool habitats on the Santa Rosa Plain and elsewhere in Sonoma County. As the agency states, this species has a California Rare Plant

[1] Monk & Associates. 2020. Response to California Department of Fish and Wildlife Comments Stonebridge Subdivision Project, Mitigation Negative Declaration SCH No. 2020059046, City of Santa Rosa, Sonoma County, California. October 8.

Rank of 4.2. Lobb's buttercup is a California Native Plant Society (CNPS) Rank 4 plant without a California Endangered Species Act (CESA) or Federal Endangered Species Act (FESA) status. Rank 4 species are typically not addressed in CEQA documents because they are not protected pursuant to CEQA. Thus, the Draft IS/MND does not discuss this species other than to note its presence on-site. Since seeds and topsoil will be collected as part of the project's restoration and enhancement proposal, collection of Lobb's buttercup seeds via topsoil salvage are already included as part of the proposed project. However, although not required by CEQA, the City is adding clarifying language to MM BIO-1d to further enhance and clarify the existing mitigation and to address the agency's concern.

Collection of Lobb's buttercup seed has been added to MM BIO-1d as shown below and is also included in Section 3, Errata, of the Final IS/MND. In addition, Exhibit 11 has been split into two exhibits, Exhibit 11a: Wetland Impacts and Preservation, and Exhibit 11b: Proposed Wetland Enhancement and Creation. Both exhibits are included as part of Section 3, Errata, of the Final IS/MND.

The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND. These revisions represent a minor change, do not create new significant environmental effects, are not necessary to mitigate an avoidable significant effect, and do not require recirculation of the Draft IS/MND, consistent with State CEQA Guidelines Section 15074(c).

MM BIO-1d **Obtain a Section 404 Permit from the United States Army Corps of Engineers (USACE) for Impacts to waters of the United States and a Section 401 Water Quality Certification for Impacts to waters of the State**

The project applicant shall obtain a Section 404 permit from the USACE and Section 401 permit from the Regional Water Quality Control Board (RWQCB) for discharge of fill or dredged material to waters of the United States and ~~s~~State. The proposed project shall compensate for the loss of 2.65 acres of waters of the United States and State at a 2:1 mitigation ratio, or as otherwise required by the USACE and RWQCB to achieve no net loss of wetlands.

The project applicant proposes to construct, enhance, and avoid a total of 5.52 acres of wetlands in the East Parcel. This will be accomplished by creating a total of 1.766 acres of new wetlands, as well as enhancing 3.267 acres of degraded wetlands and avoiding 0.484-acre of existing wetlands within the East Parcel (this enhancement and creation is shown on Exhibit 11a and Exhibit 11b). To meet the USACE "no net loss" policy, the project applicant will also purchase 0.89-acre of wetland mitigation credit from the Hazel Mitigation Bank or another USACE and RWQCB-approved wetland mitigation bank in order to meet the USACE and RWQCB not net loss policies. Taken together this mitigation will exceed a 2:1 overall replacement/enhancement to impacts ratio.

> As part of the wetland enhancement and construction process, the project applicant shall scalp and salvage the top 2 inches of topsoil from the East Parcel and appropriately store the topsoil on-site for redistribution on the side slopes of the created and enhanced pools after enhancement/construction is complete. Drying Lobb's buttercup plants with seed shall also be collected from the West Parcel and the East Parcel (prior to topsoil scalping) and appropriately stored for later distribution in the enhanced and created wetlands on the East Parcel. Finally, previously collected Burke's gold field seeds, as discussed in MM BIO-1a, shall also be distributed in the finished created/enhanced pools.

Response to CDFW-5

The agency states that land within and adjacent to the project area includes nonnative grassland habitat that is potentially suitable for foraging, overwintering, and nesting by burrowing owl (*Athene cunicularia*), a California Species of Special Concern and also protected under Fish and Game Code Section 3503.5 and the federal Migratory Bird Treaty Act (MBTA). The California Natural Diversity Database (CNDDB) documented a wintering burrowing owl approximately 3.8 miles northwest of the project area at the Charles M. Schulz Airport property in 2017; a burrowing owl was also observed near the same location in November 2019.[2] The proposed project may result in burrowing owl nest or wintering burrow abandonment, loss of young, and reduced health and vigor of adults or young from audio and visual disturbances caused by construction activities. The CDFW recommends that surveys for the western burrowing owl be conducted following the methodology prescribed in the CDFW's 2012 Staff Report on Burrowing Owl Mitigation.[3]

As noted above, burrowing owl have been observed at the Charles M. Schultz airport and at the west Santa Rosa Airport (former military airport) during the winter months in several different years (eBird records). Airports world-wide are known for burrowing owl sightings. The most likely reason is the runways are kept free of tall vegetation and the open, expansive areas allow this ground-dwelling owl to have a 360-degree view to watch for aerial predators such as hawks and eagles.

While there are several winter records for the burrowing owl in Santa Rosa, there are no nesting records and that is likely because this owl typically nests in California ground squirrel (*Otospermophilus beechyi*) burrows of which there are none in the Santa Rosa Plain and very few on the outskirts of Santa Rosa. One likely reason there are no California ground squirrels is the water table in much of the Santa Rosa Plain is too high to support this burrowing mammal. California ground squirrels are found in hilly terrain within the County but not on the Santa Rosa Plain. Since there are no California ground squirrels on the project site, or other burrow donors, there is not suitable habitat for the burrowing owl to nest on-site. Thus, while there is a very slight possibility that this owl could be observed stopping over on the project site during the winter months,[4] this owl would be unlikely to reside on-site or nest on-site due to several factors: the absence of burrows and

[2] Omar Daaboul, Assistant Airport Manager, personal communication, November 2, 2019.

[3] California Department of Fish and Game (now known as California Department of Fish and Wildlife). 2012. Staff Report on Burrowing Owl Mitigation. Website: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline. Accessed: September 28, 2020. March 7.

[4] No burrowing owls were observed while Monk & Associates biologists were on the project site for 39 days between November 2019 and March 2020 as part of a California tiger salamander drift fence study.

burrow donors, and the high water table that precludes burrowing mammals from moving on-site. MM BIO-1c requires nesting bird surveys prior to construction so that there would be no take of an active nest, bird eggs and/or young. These surveys would be sufficient to determine if burrowing owl were nesting on-site and if they were, appropriate non-disturbance nesting buffers would be incorporated into the proposed project as described in MM BIO-1c.

Response to CDFW-6

The agency recommends that MM BIO-1a should be revised to indicate that the proposed project will apply for a "Memorandum of Understanding" instead of an "Incidental Take Permit," in conformance with Fish and Game Code Section 2081, subdivision (a). The agency also notes that the proposed project will need to obtain a Letter of Permission from the CDFW authorizing project activities on CDFW-owned lands pursuant to California Code of Regulations, Title 14, Section 550, subdivision (f) "Research."

MM BIO-1a states in the Draft IS/MND that "Burke's goldfield seeds shall be collected from several possible source populations that the CDFW may designate, including the Alton Lane Mitigation Site and/or Woodbridge Preserve." The Alton Lane Mitigation Site is currently privately owned, and other possible collection sites that the CDFW designates may also be privately owned. If a collection site is privately owned, a Letter of Permission from the CDFW would not be required.

MM BIO-1a has been revised to clarify that the proposed project shall apply for a "Memorandum of Understanding" instead of an "Incidental Take Permit" and that if a collection site is CDFW-owned at the time collection activities are to occur, then a Letter of Permission shall be required as shown below and in Section 3, Errata, of the Final IS/MND. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND. Accordingly, these revisions represent a minor change, do not create new significant environmental effects, are not necessary to mitigate an avoidable significant effect and do not require recirculation of the Draft IS/MND, consistent with State CEQA Guidelines Section 15074(c).

MM BIO-1a Prepare Rare Plant Mitigation Compliance Report and Obtain California Department of Fish and Wildlife Incidental Take Permit Prior to Initiating Construction

A mitigation compliance report shall be submitted to the City Planning Staff or Staff Biologist at least 30 days prior to breaking ground on the residential subdivision portion of the proposed project. The report shall detail progress made towards implementation of vernal pool creation/enhancement. Provided mitigation is well underway or adequate security has been provided and approved by the City, the City may approve commencement of the development portion of the project thereafter.

<u>The project applicant shall also submit to the California Department of Fish and Wildlife (CDFW) the plant survey results for the entire project to confirm the surveys were implemented in accordance with standard protocols.</u>

> The project applicant shall apply to the ~~California Department of Fish and Wildlife (~~CDFW~~)~~ for ~~an Incidental Take Permit (ITP)~~ a Memorandum of Understanding (MOU) pursuant to Section 2081(a) of the California Fish and Game Code that allows collection of Burke's goldfield seeds. The ~~ITP~~ MOU must be obtained prior to the start of wetland creation/enhancement. Per a Seed Collection Plan prepared by L. Stromberg for the proposed Stonebridge Preserve (i.e., the East Parcel), Burke's goldfield seeds shall be collected from several possible source populations that the CDFW may designate, including the privately-owned Alton Lane Mitigation Site and/or the CDFW-owned Woodbridge Reserve. To collect seed on a CDFW-owned property, a Letter of Permission from the CDFW will be required. Finally, prior to initiating wetland enhancement/construction activities on the East Parcel, the project applicant shall coordinate with CDFW to ensure impacts to the CDFW-owned Woodbridge Reserve are avoided.

Response to CDFW-7

The agency recommends that the IS/MND clarify whether project activities on the East Parcel would result in impacts on Burke's goldfields, and says it is unclear how impacts from enhancement activities, such as recontouring, would avoid impacts. The agency also notes that if project activities would result in impacts on Burke's goldfields, either directly or indirectly through hydrological modification, for example, either on or adjacent to the project area, then an ITP or other CDFW authorization may be more appropriate for the proposed project. Finally, the commenter notes that adjacent habitat includes the CDFW-owned Woodbridge Preserve which supports a sensitive Burke's goldfields population.

When combined with the contiguous Woodbridge Preserve and the proposed Kerry II and III Preserves, the addition of the 14 acre East Parcel would increase the size of a permanent ecological preserve for Burke's goldfields from 12.6 to 31.2 acres. As part of the proposed mitigation described on Page 51 of the Biological Resources Analysis (BRA) prepared by Monk & Associates on February 25, 2020 (included in Appendix B to the Draft IS/MND),[5] the existing 3.79 acres of low-quality wetlands on the East Parcel would increase in size to 5.52 acres of enhanced wetlands designed, contoured, and managed to suppress non-native plants and support the colonization and propagation of Burke's goldfields. Following enhancement, the East Parcel could increase the number of Burke's goldfields from 115 plants observed in 2020 to more than 2.7 million plants (assuming the plant densities achieved on the East Parcel are similar to those observed in the adjoining Woodbridge Preserve). The Draft IS/MND correctly states that the proposed enhancement of Burke's goldfield habitat on the East Parcel would not result in significant adverse impacts on Burke's goldfields consistent with the incidental take authorization process provided under Fish and Game Code Section 2081(a) for the following reasons:

- The enhancement activities in the East Parcel would not result in direct significant adverse impacts on Burke's goldfields under CEQA because Burke's goldfield colonies (consisting of

[5] Monk & Associates. 2020. Biological Resources Analysis 2220 Fulton Road City of Santa Rosa, California. February 25.

0.057-acre) occur within pools that would not be directly impacted by proposed wetland enhancement/creation in the East Parcel. Thus, there would be no incidental take under CESA.

- The enhancement activities in the East Parcel would not result in indirect significant adverse impacts to Burke's goldfield under CEQA because:
    - The existing seasonal wetlands that currently do not support Burke's goldfields would be enhanced and expanded, and the number of Burke's goldfields in the East Parcel would substantially increase.
    - Burke's goldfields seed alone, not plants, would be collected from one or more CDFW-approved donor sites, and also within the East Parcel, under a MOU issued pursuant to Fish and Game Code Section 2081(a) and relocated to the enhanced wetland pools.
    - The proposed enhancement activities would modify the topographic and hydrologic characteristics of the wetlands in the East Parcel alone and would have a beneficial impact consistent with the management, scientific and recovery activities permitted under Fish and Game Code Section 2081(a).

Therefore, incidental take authorization under Section 2081(a) of the Fish and Game Code is appropriate for the scientific and recovery activities proposed for the East Parcel. The following discussion further clarifies and amplifies this conclusion.

Discussion of why the enhancement activities would not result in indirect significant impacts to Burke's goldfields

Appendix B to the Draft IS/MND shows the seasonal wetland habitat on the East Parcel that would be modified to enhance Burke's goldfields habitat. To create optimal physical and hydrologic conditions for Burke's goldfields: (1) areas of seasonal wetland habitat that are currently too deep to support Burke's would be filled to raise the grade of the bottom of the wetland and (2) outlets would be installed to control the maximum depths of standing water to create the necessary topographical conditions needed to perpetuate Burke's goldfields. The area of existing seasonal wetland habitat would remain seasonal wetland habitat after the enhancement activities are completed, as described in the March 2020 Stonebridge Mitigation and Monitoring Plan (MMP) prepared by Dr. Laurence Stromberg, a wildland resource scientist who has managed the design and construction of six successful Burke's goldfields preserves and conservation banks on the Santa Rosa Plain. There will be *no loss of seasonal wetland habitat and the proposed MMP would replace 3.79 acres of low-quality wetlands with 5.52 acres of enhanced wetland pools optimally suited to support Burke's goldfields after the enhancement activities are completed*. Thus, there would be no significant adverse indirect or direct impacts on Burke's goldfields associated with the restoration activities.

Based on his extensive and successful experience in creating Burke's goldfields habitat on the Santa Rosa Plain, Dr. Stromberg prepared Table 1 and Table 2 included in Appendix A of the Final IS/MND, which reports on various scientific aspects of the proposed enhancement activities. Table 1 shows the "pre-enhancement" and "post-enhancement" conditions observed in five recent enhancement and creation projects, and Table 2 summarizes these wetland and endangered plant species characteristics. The results demonstrate that the other enhancement and creation projects provided beneficial impacts with respect to wetland creation and biological function. Because the project site has the same characteristics as these other projects (i.e., similar topography, soil types, wetland

habitat, vernal pools inundated over a similar range in depth, etc.), it is reasonable to predict a similar improvement would occur in the enhanced Burke's goldfields habitat on the East Parcel.

Based on the available information, under CEQA the proposed creation and enhancement activities would have no direct adverse environmental impacts on the existing Burke's goldfields and its habitat. No occupied habitat would be lost, and the temporary construction disturbance would not result in significant adverse impacts because the enhancement activities would avoid the occupied Burke's goldfield pools. Finally, enhancement activities would increase the colonization opportunities for existing Burke's goldfields on-site. Thus, the proposed enhancement activities would create new wetlands for the benefit of Burke's goldfields.

Discussion of why the enhancement activities would modify the topography and hydrology on the project site only

According to Wetlands Consultant, Dr. Stromberg, the enhancement in the East Parcel would have no significant adverse impacts on Burke's goldfields populations in vernal pools in the adjacent Woodbridge Preserve. Currently, three pools in the Woodbridge Preserve abut three East Parcel wetlands and are inundated for periods considerably longer than optimal for Burke's goldfields because water flowing in from the East Parcel wetlands extends the periods of inundation. When the outlets to the three abutting East Parcel wetlands are lowered as part of the enhancement, the flow into the Woodbridge Preserve pools will be reduced or eliminated and conditions are likely to improve for Burke's goldfields. Although unlikely, in the event that physical changes to the topography and hydrology on the East Parcel during enhancement change hydrology in a manner in which the amount of flow would increase into a Burke's goldfields pool on the Woodbridge Preserve, the elevations of the outlets of the Stonebridge Preserve vernal pools will be modified so that the conditions in the Woodbridge Preserve are not adversely affected.

Conclusion

Although the proposed enhancement activities would physically change the existing habitat on the East Parcel, the changes would not have significant adverse environmental impacts because they would improve the existing habitat and would substantially increase the area of optimal Burke's goldfields habitat on the East Parcel. After enhancement of the East Parcel, as part of the proposed mitigation described on Page 51 of the BRA for the proposed project (included in Appendix B to the Draft IS/MND),[6] the existing 3.79 acres of wetlands on the East Parcel would increase to 5.52 acres of enhanced wetlands designed, contoured, and managed to suppress/ eliminate non-native plants and promote the establishment and expansion of the Burke's goldfields, much as the enhancement activities at Woodbridge did for Burke's goldfields (see Table 1 in Appendix A of the Final IS/MND for details). Through the proposed enhancement activities, the East Parcel would increase the number of Burke's goldfields from 115 plants observed in 2020 to more than 2.7 million plants (assuming the plant densities achieved on the East Parcel are similar to the results observed in the adjoining Woodbridge Preserve). Finally, as described on page 17 of the Draft IS/MND, when combined with the contiguous Woodbridge Preserve and the proposed Kerry II and III Preserves, the 14- acre East Parcel, the proposed project would increase the size of a permanent ecological preserve for Burke's goldfields from 12.6 to 31.2 acres. In summary, this is a beneficial impact consistent with the

[6] Monk & Associates. 2020. Biological Resources Analysis 2220 Fulton Road City of Santa Rosa, California. February 25.

management, scientific, and recovery activities permitted under Fish and Game Code Section 2081(a).

Response to CDFW-8
The agency recommends that the IS/MND include an aerial-based map showing where and what type of wetland enhancement activities would occur in the occupied Burke's goldfields habitat and the CDFW Woodbridge Preserve.

This exhibit is included as part of Section 3, Errata, of the Final IS/MND as Exhibit 11b and is an aerial-based map that shows where the Burke's goldfields occur in relation to the proposed wetland enhancement activities.

Response to CDFW-9
The agency requests additional analysis that demonstrates Burke's goldfields would be avoided.

Please refer to Response to CDFW-7.

Response to CDFW-10
The agency recommends that the project applicant coordinate with the CDFW prior to conducting wetland enhancement activities to ensure that impacts to Woodbridge Preserve are avoided.

MM BIO-1a has been revised as shown in Response to CDFW-6 and in Section 3, Errata, of the Final IS/MND.

Response to CDFW-11
The commenter recommends that the CDFW accept the plant survey results for the entire project to ensure the surveys were properly implemented.

MM BIO-1a has been revised as shown in Response to CDFW-6 and in Section 3, Errata, of the Final IS/MND.

Response to CDFW-12
The agency recommends that MM BIO-1b include a requirement for the CDFW to accept the California tiger salamander protocol survey results to ensure surveys were properly implemented.

MM BIO-1b has been revised as shown below and in Section 3, Errata, of the Final IS/MND. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND. Accordingly, these revisions represent a minor change, do not create new significant environmental effects, are not necessary to mitigate an avoidable significant effect and do not require recirculation of the Draft IS/MND, consistent with State CEQA Guidelines Section 15074(c).

MM BIO-1b Obtain Permits and Mitigate for Loss of Habitat as Stipulated by Resource Agencies for Potential Impacts to California Tiger Salamander Habitat

Positive Survey Results: If the Protocol Survey demonstrates that the project site is occupied by California tiger salamander then:

1. The project applicant would obtain a California Endangered Species Act (CESA) 2081(b) Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) and ~~a~~ Biological Opinion prepared by the United States Fish and Wildlife Service (USFWS) would also include conditions for the proposed project to ensure the recovery of the species. Any conditions in these permits/authorizations shall be implemented by the applicant prior to grading the project site.
2. The project applicant shall also obtain a Section 404 permit from the United States Army Corp of Engineers (USACE) for discharge of fill or dredged material to waters of the United States (pursuant to MM BIO-1d). Under Section 7 of the Federal Endangered Species Act (FESA), the USACE is required to consult with the USFWS. Under Section 7, the USFWS shall prepare a Biological Opinion that provides FESA Incidental Take authorization for the proposed project. The Biological Opinion shall impose mitigation requirements for potential impacts to California tiger salamander migration/dispersal habitat and suitable rare plant habitat. These requirements will become conditions of the USACE permit. The project applicant shall implement applicable USACE permit conditions including the conditions in the USFWS Biological Opinion.
3. Consistent with mitigation requirements imposed by the CDFW and USFWS for impacts to occupied habitat, mitigation shall be implemented at a 3:1 replacement to impact ratio (i.e., 3 acres of occupied California tiger salamander habitat shall be preserved in perpetuity for each acre of impact from the proposed project). Establishment of the 14-acre East Parcel preserve shall be allowed to constitute a pro rata acreage share of this California tiger salamander mitigation requirement. The remainder of mitigation shall be met by purchasing mitigation credits at a USFWS-approved mitigation bank within the Alton Lane California Tiger Salamander Management Area (see Figure 12 of the Biological Resources Analysis). After approved credits are purchased, proof of purchase shall be provided to the City of Santa Rosa, CDFW, and USFWS prior to the time that grading may commence on the project site.

Negative Survey Results: If the Protocol Survey confirms that California tiger salamander are not present on the project site, the project applicant shall provide mitigation for California tiger salamander dispersal/migration habitat at a 1:1 ratio (i.e., 1 acre of preservation for each acre of development—or a pro rata share thereof) in accordance with the USFWS Programmatic Biological Opinion for the Santa Rosa Plain. Establishment of the East Parcel shall constitute this California tiger salamander mitigation requirement. The proposed 14-acre East Parcel would meet the 1:1 mitigation requirement. <u>The project applicant shall submit to CDFW the California tiger salamander protocol survey results for CDFW review to confirm the surveys were implemented in accordance with standard protocols.</u>

Response to CDFW-13

The agency recommends that MM BIO-1c be adjusted to include additional language about monitoring nesting bird behavior and responses to surrounding activities.

MM BIO-1c has been revised as shown below and in Section 3, Errata, of the Final IS/MND. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

MM BIO-1c Avoid Active Nesting Birds During Construction

If construction or tree removal is proposed during the nesting season for local avian species (typically February 1 through August 31), a focused survey for active nests of raptors, waterfowl (including ducks), and passerine birds within and in the vicinity of the project site (no less than ~~200~~500 feet outside the project boundaries, where possible) shall be conducted by a qualified Biologist within 15 days of commencing earth-movement, construction or tree removal. Two surveys shall be conducted, at least 1 week apart, with the second survey occurring no more than 2 days prior to tree removal. If no active nests are found, tree removal or construction activities may proceed.

If an active nest is located during pre-construction surveys, a qualified Biologist shall establish a temporary protective nest buffer around the nest(s). The nest buffer should be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified Ornithologist or Biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for passerine birds or waterfowl and up to 300 feet for sensitive nesting birds and several raptor species known to nest in the region of the project site. If the nesting bird or raptor is listed by the California Department of Fish and Wildlife (CDFW), this agency shall be notified regarding the status of the nest.

Biological monitoring of active nests will be necessary to ensure that birds are not disturbed, and that buffers are adjusted by a qualified Biologist as needed to avoid disturbance. For all identified nests, prior to construction activities a qualified Biologist shall conduct a survey to establish a behavioral baseline of birds using each nest. Once construction begins, the Biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, project activities causing that change shall cease until such time as the behavioral patterns return to pre-construction conditions, and no-disturbance buffers shall be implemented as described below. However, continuous monitoring may allow less conservative buffer distances as the Biologist will be on-site to detect behavioral changes. If continuous monitoring of identified nests by a qualified Wildlife Biologist is not feasible, conservative no-disturbance buffers shall be implemented and set around the nest by a qualified Biologist, with the buffer distance based on the tolerance level of the non-listed bird or raptor species.

> No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified Ornithologist/Biologist that the young have fledged (left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise complete. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later and would have to be determined by a qualified Biologist. At the end of the nesting cycle, as determined by a qualified Biologist, temporary nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for buffered nest site(s).

Response to CDFW-14

The agency notes that the proposed project would require filing fees payable upon filing the Notice of Determination by the Lead Agency.

This comment does not identify any significant environmental issues and no further response is required.

Response to CDFW-15

The agency concludes the comment letter and states that adequate mitigation must be incorporated as enforceable condition into the final CEQA document.

Please refer to Response to CDFW-4 through Response to CDFW-13.

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From: Brenda L. Tomaras <btomaras@mtowlaw.com>
Sent: Wednesday, July 1, 2020, 9:58 AM
To: Toomians, Kristinae
Subject: [EXTERNAL] Stonebridge Subdivision Project

Good Morning Ms. Toomians,

This shall serve as the Lytton Rancheria's comments on the MND for the above project. The Tribe does not believe that MM CUL-1 is sufficient mitigation for Tribal Cultural Resources as it requires a finding of "significant cultural resources" under CEQA which is a separate definition than tribal cultural resources. The intent of the new definition is to allow tribes to determine what is or is not significant with respect to their own resources.

1

We suggest something like:

In the event that tribal cultural resources (as defined by PRC 21074) are encountered during ground-disturbance, all construction activities within a 100-foot radius of the find shall cease, the City and appropriate Native American Tribe(s) shall be notified of the find, and workers shall avoid altering the materials until there has been an evaluation of the find by the appropriate Native American Tribe(s) as to its significance.

Brenda L. Tomaras
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(858) 777-5765 Facsimile

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Organizations

Lytton Rancheria of California (LYTTON RANCHERIA)

Response to LYTTON RANCHERIA-1

The commenter states that they do not believe MM CUL-1 is adequate mitigation for potential impacts to Tribal Cultural Resources and provide language to be used to revise MM CUL-1.

MM CUL-1 has been revised as requested. This change is shown below and included in Section 3, Errata, of the Final IS/MND. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND. Therefore, the Draft IS/MND's conclusion for Tribal Cultural Resources of a less than significant impact with implementation of MM CUL-1 is accurate.

MM CUL-1 In the event a potentially significant cultural resource or Tribal Cultural Resource (as defined by Public Resources Code [PRC] 21074) is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease, the City and appropriate Native American Tribe(s) shall be notified of the find, and workers shall avoid altering the materials until an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the situation and the appropriate Native American Tribe(s) have provided input regarding the significance of the find. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The Archaeologist, in consultation with the appropriate Native American Tribe(s), shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Santa Rosa, the NWIC, and the State Historic Preservation Office (OHP), if required.

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December 16, 2020

Planning Commission
City of Santa Rosa
100 Santa Rosa Ave.
Santa Rosa, CA 95404

Via U.S. Mail and email to planningcommission@srcity.org

Re: Comments on Stonebridge Subdivision Project Initial Study/Mitigated Negative Declaration, 2220 Fulton Road, Santa Rosa

Dear Planning Commission:

Cool World Institute, a project of Advocates for the Environment, submits the comments in this letter regarding the proposed Stonebridge Subdivision project at 2220 Fulton Road (the Project) and the CEQA Initial Study/Mitigated Negative Declaration (the IS/MND) the City of Santa Rosa issued for this Project.

Cool World Institute is part of a non-profit environmental law firm and advocacy organization with a focus on fighting climate change in California. Cool World Institute submits these comments to public agencies in order to encourage them to consider climate-change effects throughout their work, reduce greenhouse-gas emissions in their projects, and improve their own analyses of greenhouse-gas impacts in CEQA documents.

The 28.6-acre project site consists of undeveloped land with one existing single-family home and related outbuildings on the southwest corner of the site. To the west of Fulton Road is unincorporated Sonoma County land developed with very low-density residential uses. The project site is designated Low Density Residential by the Santa Rosa General Plan 2031 and is zoned Planned Development (PD 04-007-SR). The Low-Density Residential designation is intended for detached single-family residential development at a density between 2.0 to 8.0 dwelling units (DU) per gross acre. The Project would consist of two subdivided parcels: Parcel 1 (West Parcel) and Parcel 2 (East Parcel). The 14.6-acre West Parcel would contain 105 single-family residential units (7.19 DU per acre) with related roadways, parking spaces, and stormwater treatment area. The 105 residential units would include five pairs of attached single-family units that would be price-restricted to be affordable to moderate-income households. No development would occur on the 14.0-acre East Parcel. The total project density would be 3.7 DU/acre. The 14.0-acre East Parcel would act as on-site mitigation by preserving and enhancing existing wetlands and creating new wetlands. The two parcels would be separated by a project roadway and fencing. 1

This Project would constitute a form of sprawl development due to its location at the border of the Santa Rosa urban growth boundary and unincorporated Sonoma 2

County land. Sprawl development contributes to climate change by using more land than would be used for infill development, and, generally, by causing more vehicle miles travelled (VMT), due to increased distance of the project from jobs, stores, and other destinations.

2 CONT

The IS/MND is flawed in important ways, as discussed below. Many of the conclusions in the IS checklist are not supported by proper analysis or record evidence in some cases, a violation of CEQA. Courts have found the lack of evidence supporting conclusions of insignificance in MNDs to support a fair argument that the project may have significant environmental impacts.

Errors in the Analysis of Greenhouse Gas Emissions and their Impacts

Climate change is the change in the average long-term conditions across the Earth. While the Earth's climate naturally changes somewhat over time, there have been extremely rapid and unusual changes over the last century. The Earth's temperature has increased 2° Fahrenheit since 1880, and the twenty warmest years in our Earth's history have all occurred since 1998. Climate change causes extreme weather, droughts, rising sea levels, more acidic oceans, health threats, increased wildlife extinction risks, air pollution, and more. Specifically, in California, there have been record-breaking high temperatures this past year, increased wildfires, health impacts from extreme heat and smoke from fires, declining water supply, reduced agricultural impacts, erosion in coastal areas, sea-level rise, increased storm intensity, and more that can all be linked to the increasing effects of climate change. Greenhouse-gas (GHG) emissions generated by human activity, including land use, are a leading cause of climate change. In California, residential and commercial buildings are responsible for approximately 25% of California's GHG emissions when accounting for fossil fuels consumed onsite and electricity demand. In order for California to reach its GHG-reduction goals, new projects must have lower than average GHG emissions, especially considering the difficulty of retrofitting older buildings to meet GHG-reduction needs.

3

Given the current importance of global heating, it is particularly important that CEQA documents adequately analyze and disclose projects' climate impacts. The IS/MND in this case fails to do this. The following paragraphs list some of the errors in the CEQA analysis of GHG emissions for this Project.

Conclusory Statements and Lack of Specificity, Detail, and Evidence

CEQA requires that an MND provide substantial evidence to show that the project, with mitigation measures incorporated, will not have significant environmental impacts. CEQA Guidelines § 15063(d)(3) also requires that when an Initial Study consist of checklists, as it does here, the checklist entries be "briefly explained to indicate that there is some evidence to support the entries." Here, significant greenhouse-gas impacts can reasonably be expected, because the Project is substantial, comprising 105 single-

family dwelling units and parking. The MND is very conclusory throughout its analysis and provides few details and insufficient evidence to support its claims. The IS/MND contains insufficient explanation of its conclusion that the Project's greenhouse-gas impacts will be less than significant with mitigation measures incorporated. 3 CONT

Project Inconsistency with Applicable Plans, Checklists, and Measures

The MND analyzes the Project's consistency with the City of Santa Rosa's Climate Action Plan New Development Checklist, the City of Santa Rosa Climate Action Plan, and the SB 32 2017 Scoping Plan Update. There are several inconsistencies within these analyses, however, that make the findings of consistency with the checklist and plans inaccurate.

The MND's finding of consistency with the City of Santa Rosa's Climate Action Plan New Development Checklist (the Checklist) within Table 20 on page 101 is inaccurate. Table 20 fails to provide information or analysis that supports the conclusions presented, specifically within the following measures:

(1) The table claims in Measure 1.1.3, without justification, that the Project's compliance with California's Building Energy Efficiency Standards would meet the requirement that the Project utilize "zero net electricity." This differs from the "net zero electricity" use requirement listed within the actual Climate Action Plan measures, which the New Development Checklist is based on. There is a difference between "zero net electricity" and "net zero electricity." Net zero means the building either uses no energy that results in emissions or offsets the emissions from on-site renewable energy systems. Zero net is a standard established by the California Energy Commission (CEC) within its 2015 Integrated Energy Policy Report, and the zero net electricity standard is met when "the value of the energy produced by on-site renewable energy resources is equal to the value of the energy consumed annually by the building . . . measured using the [CEC's] Time Dependent Valuation metric." Rather than focusing on whether the energy consumed by a building or the building's direct GHG emissions nets to zero, like the net zero requirement, the zero net requirement focuses on whether the value/cost of the energy nets to zero. Here, the Climate Action Plan's New Development Checklist fails to define what the City of Santa Rosa means exactly by "zero net electricity"; therefore, it is not possible for the Project to comply with the requirement in Measure 1.1.3. There is also no evidence within the California Building Energy Efficiency Standards Title 24 that compliance with the California Building Energy Efficiency Standards requires "zero net electricity" utilization in the way that the New Development Checklist interprets "zero net electricity"; therefore, the Project is not compliant with Measure 1.1.3. 4

(2) The table concludes in Measure 9.2.3 that the requirement to limit GHG construction equipment emissions by using electrified equipment or alternative fuels is not applicable to the Project, because emissions from construction equipment would be limited by MM AIR-1 and MM AIR-2. MM AIR-1 requires Best Management Practices that 5

limit particulate dust matter. MM AIR-2 requires that all off-road, construction equipment with engines greater than 50 horsepower meet either the EPA or California Air Resources Board (CARB) Tier IV Final off-road emission standards. Here, Measure 9.2.3 is applicable to the Project. Neither MM AIR-1 nor MM AIR-2 limit GHG construction equipment emissions through the use of electrified equipment or alternative fuels; therefore, the Project does not comply with Measure 9.2.3. 5 CONT

Furthermore, The MND's finding of consistency with the City of Santa Rosa's Climate Action Plan (the CAP) within Table 21 on page 105 is also inaccurate. Table 21 fails to provide information or analysis that supports the conclusions presented, specifically within the following measures:

(1) CAP Measure 1.1 provides the CALGreen requirements for new construction. These requirements include compliance with CALGreen Part 11, required Tier 1 standards for new development, and required net zero electricity use for all new construction beginning in 2020. This measure was not mentioned in the MND's analysis of consistency with the City's CAP. Similar to the New Development Checklist, there is no definition in the City's CAP as to what "net zero electricity" use actually means, as mentioned in CAP Measure 1.1 - Action Item 1.1.3. Again, this differs from the "zero net electricity" use requirement listed within the actual Climate Action Plan's New Development Checklist, which is based on the Climate Action Plan, and there is a difference between "zero net electricity" and "net zero electricity", as discussed above. Here, since the CAP does not provide an exact definition as to what the City of Santa Rosa means by "net zero" electricity use, it is not possible for the Project to comply with the requirements of the CAP. There is also no indication within the CALGreen Part 11 required Tier 1 standards that compliance with the Tier 1 standards requires net zero electricity use in the way that the CAP interprets net zero electricity use; therefore, the Project is not compliant with CAP Measure 1.1. 6

(2) CAP Measure 9.2 addresses construction emissions and requires that GHG emissions are limited from construction through, at a minimum, either the substitution of electrified equipment for diesel- and gasoline-powered equipment where practical, the use of alternative fuels for construction equipment on-site where feasible, and/or the avoidance of the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment. The MND states that Project compliance for this measure is not proposed due to MM AIR-2. Again, MM AIR-2 requires that all off-road, construction equipment with engines greater than 50 horsepower meet either the EPA or California Air Resources Board (CARB) Tier IV Final off-road emission standards. Here, compliance with Measure 9.2 should be proposed. MM AIR-2 and the use of Tier IV Final construction equipment does not satisfy the minimum requirement of Measure 9.2 to either substitute electrified equipment for diesel- and gasoline-powered equipment, to use alternative fuels for construction equipment on-site, or to avoid the use of on-site generators. Therefore, the Project does not comply with CAP Measure 9.2. 7

Utilization of CEQA Guidelines Appendix G Thresholds

The City adopts two thresholds from Guidelines Appendix G (MND p. 95). Under threshold (b), the Project would have significant GHG impacts if it conflicts with the City's Climate Action Plan, but that potential conflict is analyzed improperly under threshold (a). Under threshold (a), the MND fails to articulate why the impacts are not significant. The MND (p. 95) quotes a BAAQMD threshold of 1,000 MTCO2e under which the Project's GHG operational GHG emissions of 1,416 MTCO2e/year (CalEEMod Unmitigated Operational p. 6) are significant. It also quotes a revised version of the BAAQMD per-capita threshold MND p. 96) of 2.6 MTCO2e/service population, which the project will also exceed. The MND should therefore have found that the Project's GHG emissions are significant under threshold (a). 8

Furthermore, threshold (a)'s extensive analysis of the City of Santa Rosa Climate Action Plan's consistency with elements of a qualified greenhouse gas reduction strategy within Table 19 on page 99 and the extensive analysis of the Project's consistency with Santa Rosa's Climate Action Plan New Development Checklist within Table 20 on page 101 should instead be listed under threshold (b). 9

Failure to Analyze Greenhouse Gas Impacts Out to 2050

CEQA requires an agency to reasonably evaluate impacts resulting from a project's land-use patterns over the time span those land uses will influence GHG emissions. (*Cleveland Nat'l Forest Foundation v. San Diego Ass'n of Governments* (2017) 3 Cal.5th 497, 513.) In the analysis in the Stonebridge IS/MND, the only planning horizons extends only to 2020 and 2030 (see p. 104); however, the project's lifetime is likely at least 50 years. GHG significance should be analyzed out to at least 2050. Using 2030 as the planning horizon is too short-term. CARB's 2017 Scoping Plan sets targets for GHG emissions in 2050: 2 MTCO2e/capita (not per service population). The emissions will exceed this threshold and are thus significant. 10

MM-GHG-1

The Project's GHG emissions are significant, and as a result, the Project should describe and implement feasible mitigation measures to reduce the Project's emissions to less-than-significant levels as required by CEQA. Mitigation measures must be clearly described in the MND so the public can determine their adequacy. "[M]itigation measure[s] [that do] no more than require a report be prepared and followed" do not provide adequate information for informed decisionmaking under CEQA. (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794; Guidelines § 15126.4(a)(1)(B).) Improper deferral of mitigation measures can occur when an MND calls for mitigation measures to be created based on future studies or describes mitigation measures in general terms but the agency fails to commit itself to specific performance standards. (*California Clean Energy Comm. v. City of Woodland* (2014) 225 Cal.App.4th 11

173, 195 [an agency could not rely on future report of urban decay with no standards for determining whether mitigation required].)

The IS/MND admits that the Project will have significant GHG impacts unless mitigation measures are incorporated. MM GHG-1 is the only Mitigation Measure listed for greenhouse gas impacts; therefore, the Project is relying solely on the adequacy of MM GHG-1 to reduce the significant GHG impacts. It states "Prior to issuance of building permits, the applicant shall prepare and submit a CAP New Development Checklist for the proposed project to the City of Santa Rosa, to demonstrate to the City's satisfaction that the proposed project would be constructed and operated to be consistent with measures required in the applicable CAP Development Checklist in effect at that time."

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MM GHG-1 is an improperly deferred mitigation measure that lacks a performance standard. The contents of the CAP New Development Checklist are unknown, especially considering the use of the language "in effect at that time" within MM GHG-1. Therefore, there is no reason to know that any performance standards within the checklist submitted in the future will guarantee the Project's GHG emissions are not significant. There are no current performance standards, and there is no guarantee that the future checklist will meet any performance standard.

CalEEMod Deficiencies

The criteria air pollutant and GHG emissions generated by the operational land uses on the Project site were estimated using the California Emissions Estimator Model (CalEEMod). CalEEMod provides recommended default values based on site specific information, such as land use type, meteorological data, total lot acreage, project type, and typical equipment associated with a particular project type. If more specific project information is known, the user can change the default values and input project-specific values, but CEQA requires that such changes be justified by substantial evidence.

There is also very little justification provided for the overriding of the defaults throughout the CalEEMod run. Here, there are several CalEEMod input parameters with unjustified values that have ultimately reduced the total GHG emissions estimates below the significance threshold. The following are examples of this practice:

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The Project Characteristics section in CalEEMod lists the Project as "Urban," despite its semi-rural location, with very low-density and surrounding low-density homes, a biological reserve, and undeveloped land, along with the fact that even after development, the Project will include a large wetlands preserve. The Project is also located at the border of unincorporated Sonoma County and the City of Santa Rosa growth boundary.

The CalEEMod input parameters include a population of 300 people total or 2.65 persons per household. The value of 2.65 persons per household is too low for 105 two-story, single-family residential units with an average lot size of 4,203 square feet, and is

below the CalEEMod, Sonoma-San Francisco County, and Bay Area Air Quality Management District default population per dwelling unit number of 2.86 (See CalEEMod Appendix D Table 2.2).

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These deficiencies in the IS/MND show the GHG analysis is not based on substantial evidence. On this basis, there is a fair argument that the Project's GHG emissions may cause significant adverse environmental effects.

Conclusion

For the reasons given in this letter, the Planning Commission should deny approval of the IS/MND and request the applicant to update it to remedy the defects we have identified.

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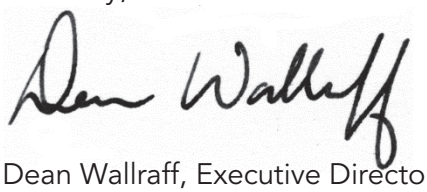
Sincerely,



Dean Wallraff, Executive Director
Cool World Institute

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Cool World Institute (COOL WORLD)

The letter from Cool World Institute was received by the City on December 16, 2020, outside of the public comment period for the proposed project. It is a late comment letter. A lead agency is only required to respond to environmental comments received during the comment period and is not required to provide responses to late comments. Public Resources Code § 21091(d)(1); State CEQA Guidelines 15207. The Draft EIR was circulated to the public for review and comment from May 29, 2020, through June 29, 2020, and there was adequate time for comments to be submitted during that period. However, in the interest of providing a full record for the decision-makers, the following responses to comments received after the close of the public comment period are provided.

Response to COOL WORLD-1
The organization provides an overview of Cool World Institute and provides a description of the proposed project.

The introductory comment does not identify environmental issues and no further response is required. Although CEQA does not require the City to respond to late comment letters, the City nonetheless, has responded to each of the specific comments raised in the Cool World letter below.

Response to COOL WORLD-2
This comment is an introductory comment that makes general allegations of inadequacy. In addition, the organization posits that the proposed project would constitute a form of sprawl given its location and thus would contribute to climate change. The organization also argues that the IS/MND is flawed in important ways and the conclusions reached in the IS/MND are not supported by proper analysis.

CEQA requires that Final CEQA documents address comments on adequacy of the CEQA document (PRC § 21091(d)(2)(B); CEQA Guidelines § 15088(c)). CEQA considerations are limited to environmental issues and potential impacts of the proposed project on the environment. Opinions expressing general opposition to the proposed project are noted and will be included within the overall administrative record for the project, but do not require a written response if they do not relate to a specific environmental issue or topical area that is addressed within the Draft CEQA document.

The comment mischaracterizes the proposed project as “sprawl” development. The project site is in an urbanized area within the city limits and is surrounded by single and multi-family residential homes to the north, south, and east. In addition, there are neighborhood serving services nearby the project site such as the Jack London School Park and the Jack London Elementary School, and these services could be accessed without the use of a car. There are also local services (such as Trader Joe’s) approximately 1.5 miles to the east of the project site.

The project site is in an urbanized area within the city limits and is surrounded by single and multi-family residential homes to the north, south, and east. The proposed project is consistent with the established density and zoning for the area that was adopted as part of the City of Santa Rosa’s prior planning and zoning for the project site in conjunction with the Northwest Santa Rosa Annexation 3-97, discussed in this Final IS/MND (see Section 2.2, Project Background, of this Final IS/MND). The site is designated Low Density Residential (Exhibit 4 in the Draft IS/MND) and zoned Planned

Development (PD 04-007-SR) by the Santa Rosa Zoning Map (Exhibit 5 in the Draft IS/MND). These designations allow for 2.0 to 8.0 dwelling unit per acre (DU/acre) and the project's density would be 3.7 DU/acre. Therefore, this type of use was anticipated in the Santa Rosa General Plan 2035 (General Plan) and in fact, because the project is consistent with the General Plan and zoning for the Property it could have qualified for an exemption from further environmental review in accordance with Section 15183 of the CEQA Guidelines. Nonetheless, the City conducted a further analysis of the proposed project to evaluate all of the project's specific impacts as discussed in the IS/MND.

The proposed project does not include the typical markers of "urban sprawl" because, for example, the project site was previously annexed in 2003 and has already been designated for residential uses in the General Plan for over 15 years. There are no strip developments included in the project, nor does the proposed project create an undefined edge between urban and rural uses. Instead, the proposed project is consistent with the City's vision for development and long-term planning and simply completes the development previously evaluated, approved, and underway for the Northwest Santa Rosa area.

The organization provides specific comments on greenhouse gas (GHG) Emissions and their impacts in following comments. These comments are addressed in Response to Cool World-3 through Response to Cool World-12.

Response to COOL WORLD-3

The organization gives a brief description of climate change and the relationship between GHG emissions and climate change. The organization claims that the IS/MND provides few details and insufficient evidence to support its conclusion that the proposed project's GHG impacts will be less than significant with mitigation measures incorporated.

This general comment is addressed in greater detail in subsequent comments and accordingly addressed in subsequent responses in this Final IS/MND. In its analysis related to the proposed project's GHG-related impacts contained in the Draft IS/MND, the City relied on adopted State Executive Orders and guidance pursuant to recent court decisions confirming that a public agency must rely on substantial evidence for its determinations related to the potential for significant impacts based on adopted thresholds of significance and taking into consideration mitigation measures incorporated into the project to further lessen the impacts to a less-than-significant level. Analysis contained in the Draft IS/MND, as well as responses included below, document that methods used in the GHG analysis are supported by substantial evidence and the significance determinations concluded in the Draft IS/MND remain valid. Please refer to Response Cool World-4 through Response Cool World-12.

Response to COOL WORLD-4

The organization claims that the Draft IS/MND's finding of consistency with the City of Santa Rosa's Climate Action Plan New Development Checklist (New Development Checklist) is inaccurate because it fails to provide information or analysis that supports Measure 1.1.3 in Table 20 in the Draft IS/MND. Specifically, the comment claims that it is not possible for the proposed project to comply with the requirement in Measure 1.1.3 because the New Development Checklist fails to define what the City of Santa Rosa means exactly by "zero net electricity." Additionally, the organization claims

that "[t]here is also no evidence within the California Building Energy Efficiency Standards Title 24 that compliance with the California Building Energy Efficiency Standards requires 'zero net electricity' utilization in the way that the New Development Checklist interprets 'zero net electricity'."

The City's Climate Action Plan (City's CAP) Goal 1 – Action 1.1.3 of the CAP was adopted to coincide with California Energy Codes. Since the CAP adoption, the CEC has determined that it is not possible to achieve net zero on a wholesale basis and "net zero" has been removed from the California Energy Codes.[7,8] Appendix E of the Santa Rosa CAP states that, "[t]o be in compliance with the CAP, all measures denoted with an asterisk are required in all new development projects unless otherwise specified. If a project cannot meet one or more of the mandatory requirements, substitutions may be made from other measures listed at the discretion of the Community Development Director." CAP Goal 1.1 requires projects to comply with Tier 1 CALGreen requirements, as amended, for new non-residential and residential development. Tier 1 CALGreen does not include "net zero" GHG assumptions for development. In addition, current California Green Building Code Standards apply to all projects. Compliance with current California Green Building Code Standards has been determined by the Director to be an acceptable substitution for CAP Goal 1 – 1.1.3. Therefore, strict compliance with CAP Goal 1 – 1.1.3 is not achievable and not required for the project.

As identified in the Draft IS/MND, the proposed project would include on-site solar, consistent with current California Green Building Code Standards. Since the current California Green Building Code Standards have been determined by the City to be an acceptable substitution for City's CAP Goal 1 – Action Item 1.1.3, any difference in the way "zero net electricity" could be interpreted under either the CA Green Building Code Standards or the New Development Checklist does not raise any significant unmitigated impacts concerning the Draft IS/MND's analysis or environmental issues for the proposed project, especially because it was already included in the General Plan. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

Further, Action 1.1.3 of the CAP states that it will apply to new construction within the City after the year 2020. While the State had initially established a goal that all new residential construction would meet a net zero energy standard by 2020, the state has opted instead to achieve this same result by requiring greater use of renewable energy by energy providers combined with state-of-the-art energy efficiency. The California Energy Commission has explained:

> Homes built in 2020 and beyond will be highly efficient and include photovoltaic generation to meet the home's expected annual electric needs. Because smarter buildings perform better and affect the grid less, the standards also include

[7] City of Santa Rosa. 2012. Climate Action Plan, Appendix E: New Development Checklist. Website: https://srcity.org/DocumentCenter/View/28933/Worksheet---Climate-Action-Plan-Development-?bidId=. Accessed: January 26, 2021.

[8] California Energy Commission. (CEC). 2018. 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. December. Website: https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf. Accessed: January 26, 2021.

> voluntary options to install technology that can shift the energy use of the house from peak periods to off-peak periods.
>
> In 2008, California set energy-use reduction goals targeting zero-net-energy use in all new homes by 2020 and commercial buildings by 2030. The goal meant that new buildings would use a combination of energy efficiency and distributed renewable energy generation to meet all annual energy needs. However, California's energy landscape has changed since then. Two important policies – the Renewable[s] Portfolio Standards (RPS) and net energy metering rules (NEM) – affect the value of rooftop solar generation. The RPS requires utilities to have 50 percent of their electrical resources come from renewables by 2030.[9] As a result, electricity produced for the grid is already much cleaner than 10 years ago.

NEM rules limit residential rooftop solar generation to produce no more electricity than the home is expected to consume on an annual basis. If the home generates more, the surplus is compensated at much lower than the retail rate (which can be a difference of $.10 a kilowatt-hour or more). The Energy Commission's standards must be cost effective and bring value to the grid and environment. Because the grid is cleaner and residential rooftop solar customer compensation for over generation is very limited, it is critical that rooftop solar generation does not substantially exceed the home's electricity use. It is ideal to generate the electricity and have it used onsite versus exporting it to the grid at a time it may not be needed. When the rooftop solar generation is entirely used to offset on-site electricity consumption, then the home has virtually no impact on the grid, reducing the home's climate change emissions. Looking beyond the 2019 standards, the most important energy characteristic for a building will be that it produces and consumes energy at times that are appropriate and responds to the needs of the grid, which reduces the building's emissions. Because the project will be required to comply with Title 24 energy efficiency requirements and because electricity providers must comply with the State's Renewable Energy Portfolio standards, the project will be consistent with several goals of the City's CAP, including CAP Goal 1 – 1.1.3.

Response to COOL WORLD-5

The organization claims that the Draft IS/MND's finding of consistency with the New Development Checklist is inaccurate because the Draft IS/MND incorrectly concludes that Measure 9.2.3 in the New Development Checklist is not applicable to the proposed project. In addition, the comment alleges that MM AIR-1 and MM AIR-2 do not limit the GHG emissions from construction equipment through the use of electrified equipment or alternatives fuels and therefore would not comply with Measure 9.2.3.

It is important to note that consistency with the City's CAP does not require strict application of every New Development Checklist Measure and that it is within the City's discretion to determine the applicability of individual measures to specific projects and to make consistency determinations. As explained in Appendix E of the City's CAP, "[t]o be in compliance with the CAP, all measures

[9] SB 100 increased the RPS mandate to 60 percent by 2030 and requires the State's electricity to come from carbon-free resources by 2045. Source of updated RPS requirements: California Public Utilities Commission (CPUC). 2021. Renewables Portfolio Standard (RPS) Program. Website: https://www.cpuc.ca.gov/renewables/. Accessed: March 31, 2021.

denoted with an asterisk are required in all new development projects unless otherwise specified. If a project cannot meet one or more of the mandatory requirements, substitutions may be made from other measures listed at the discretion of the Community Development Director." Accordingly, implementation of MM AIR-1 and MM AIR-2 to the project in place of New Development Checklist Measure 9.2.3 is permitted by the City's CAP and would be made or denied at the City's discretion.

As discussed in Section 3, Air Quality, of the Draft IS/MND, the proposed project would have potential PM and NO_X emissions. New Development Checklist Measure 9.2.3 requires projects to limit GHG construction emissions, which can be achieved through the use of electrified equipment or alternative fuels. However, the effect of using electrified vehicles and alternative fuel on reducing PM and NO_X emissions in the proposed project is not quantifiable. As such, Measure 9.2.3 does not provide the most effective means of reducing emissions for the proposed project. Further, as noted in Table 20 of the Draft IS/MND, Measure 9.2.3 is not necessary to reduce air quality emissions from construction equipment because such emissions would be reduced to below a level of significance through the implementation of MM AIR-1 and MM AIR-2, rendering implementation of Mitigation Measure 9.2.3 inapplicable and unnecessary for purposes of reducing potential impacts of this project in conjunction with the City's CAP. Although neither BAAQMD nor the City have thresholds by which to evaluate significance for GHG emissions produced by construction emissions, the Draft IS/MND relied on standards for air quality emissions related to construction equipment in its calculations and analysis of construction-related air quality impacts as disclosed in Section 3, Air Quality. Applying mitigation measures specific to reducing these emissions would comply with the City's CAP. As such, MM AIR-1 and MM AIR-2 are designed to address the proposed project's construction emissions and are described in detail in the analysis of the potential air quality impacts provided in the Draft IS/MND in Section 3, Air Quality. MM AIR-1 requires the proposed project to implement Best Management Practices (BMPs) recommended by the Bay Area Air Quality Management District (BAAQMD), to reduce potential impacts related to fugitive PM dust emissions from use of the construction equipment. MM AIR-2 requires the proposed project applicant and/or construction contractor to provide documentation to the City that all off-road diesel-powered construction equipment greater than 50 horsepower meets United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier IV Final off-road emissions standards. Tier IV Final off-road emissions standards are specifically for PM and NO_X emissions as opposed to GHG emissions. As analyzed in the Draft IS/MND, implementation of these measures would reduce emissions associated with the proposed project to below a level of significance. In contrast, the potential reduction in construction emissions associated with implementing Measure 9.2.3 is not quantifiable at this time. As such, adherence to MM AIR-1 and MM AIR-2 would address the intent of Measure 9.2.3 in limiting GHG emissions associated with construction equipment consistent through the implementation of a range of relevant BMPs that have been demonstrated to reduce emissions, in lieu of only requiring electrified equipment or alternatively fueled equipment.

As adherence to MM AIR-1 and MM AIR-2 would provide mitigation specific to reducing the anticipated emissions associated with the construction phase of the proposed project, the Draft IS/MND accurately recommended that these measures be incorporated into the proposed project as explicitly permitted by the New Development Checklist. The Draft IS/MND also accurately identified that New Development Checklist Measure 9.2.3 would not apply to the proposed project nor is it

necessary to reduce air quality impacts to below a level of significance. As this conclusion and these mitigation measures are already identified in the consistency analysis with the New Development Checklist provided in Table 20 of the Draft IS/MND, no revisions to the Draft IS/MND or proposed mitigation are necessary.

In summary, this comment does not identify any new significant environmental impacts nor does it result in substantially greater impacts than those evaluated in the IS/MND, and no further response is required.

Response to COOL WORLD-6
The organization claims that the IS/MND's finding of consistency with the City's CAP is inaccurate because it fails to provide information or analysis that supports City's CAP Measure 1.1. Specifically, the comment claims it is not possible for the proposed project to comply with CAP Measure 1.1 because the City's CAP fails to strictly define what is meant by "net zero electricity."

Consistent with the recommendations outlined in the City's CAP, the project's consistency with applicable City's CAP measures (including City's CAP Measure 1.1) is addressed through a consistency determination with the New Development Checklist in Measures 1.1.1 and 1.1.3 (provided in Table 20 of the Draft IS/MND). The concerns raised in this comment are addressed in Response to Cool World-4. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

Response to COOL WORLD-7
The organization claims that the Draft IS/MND's finding of consistency with the City's CAP Measure 9.2 is inaccurate because MM AIR-2 does not require the use of electrified equipment or alternatives fuels nor disallow the use of on-site generators.

The concerns raised in this comment are addressed in Response to Cool World-5. MM AIR-1 and MM AIR-2 would reduce potentially significant air quality impacts (as opposed to GHG emissions, for which the City nor BAAQMD have provided thresholds) to less than significant. Foregoing the use of an on-site generator was not necessary to reduce these impacts and was not included in these mitigation measures.

Response to COOL WORLD-8
The organization claims that the IS/MND fails to articulate why the GHG emissions under threshold (a) from CEQA Guidelines Appendix G are not significant, and states the Draft IS/MND should have concluded the proposed project would result in significant GHG impacts. The comment identifies the thresholds of 1,000 metric tons of carbon dioxide equivalent (MT CO_2e) and 2.6 MT CO_2e/service population and indicates that the proposed project's emissions would exceed these thresholds.

As explained in Section 8, Greenhouse Gas Emissions, the Draft IS/MND and consistent with BAAQMD Guidance, the Draft IS/MND analyzes this impact by showing project compliance with a qualified GHG Reduction Strategy (this method is one of the three recommended BAAQMD thresholds), in this case the City's CAP (see Table 19 in the Draft IS/MND) (which was based on the adopted General Plan that was subject to its own EIR). As explained in Section 8 and throughout these responses, the project-related GHG emissions would result in less-than significant impacts with mitigation.

As provided in the Draft IS/MND, the 2017 BAAQMD thresholds contain the following for project-related GHGs:

> For land use development projects (including residential, commercial, industrial, and public land uses and facilities), (1) the threshold is compliance with a qualified GHG Reduction Strategy; or (2) annual emissions less than 1,100 metric tons per year of carbon dioxide equivalent (CO_2e); or (3) 4.6 metric tons CO_2e/service population/year (residents + employees).

The Draft IS/MND notes that the BAAQMD's thresholds of significance were established based on meeting the 2020 GHG targets set forth in the AB 32 Scoping Plan. The BAAQMD has not yet updated their recommended GHG emissions thresholds to address target reductions past year 2020. However, consistent with current State directives, the updated target requires an additional 40 percent reduction in GHG emissions by year 2030. Applied to the BAAQMD quantitative thresholds based on 2020 AB 32 GHG reduction goals, this would equate to 660 MT CO_2e per year for the 2030 operational year or 2.6 MT CO_2e per year per service population by year 2030.

Qualified GHG Strategies remain an appropriate threshold if the project's full buildout year falls within the time horizon covered within a Qualified GHG Strategy and if the Qualified GHG Reduction Strategy demonstrates compliance with post-2020 GHG reduction goals. In addition, compliance with a local CAP is one potential solution offered by the California Supreme Court in the 2015 ruling on the *Center for Biological Diversity v. California Department of Fish and Wildlife* on the Newhall Ranch project. In a November 30, 2015 ruling, the California Supreme Court in *Center for Biological Diversity v. California Department of Fish and Wildlife* on the Newhall Ranch project concluded that whether the project was consistent with meeting Statewide emission reduction goals is a legally permissible criterion of significance, but the significance finding for the project was not supported by a reasoned explanation based on substantial evidence. The Court offered potential solutions on pages 25-27 of the ruling to address this issue summarized below:

Specifically, the Court advised that:

- **Substantiation of Project Reductions from BAU**. A lead agency may use a BAU comparison based on the Scoping Plan's methodology if it also substantiates the reduction a particular project must achieve to comply with Statewide goals (page 25).
- **Compliance with Regulatory Programs or Performance Based Standards**. A lead agency "might assess consistency with AB 32's goal in whole or part by looking to compliance with regulatory programs designed to reduce greenhouse gas emissions from particular activities" (page 26).
- **Compliance with GHG Reduction Plans or Climate Action Plans**. A lead agency may utilize "geographically specific GHG emission reduction plans" such as Climate Action Plans (CAPs) or GHG emission reduction plans to provide a basis for the tiering or streamlining of project-level CEQA analysis (page 26).

- **Compliance with Local Air District Thresholds**. A lead agency may rely on "existing numerical thresholds of significance for greenhouse gas emissions" adopted by, for example, local air districts (page 27).

The City calculated GHG emissions reductions with implementation of the City's CAP not just for comparison to the 2020 targets, but also out to year 2035 to be consistent with the planning horizon of the General Plan, as the General Plan already anticipated the development of residential uses on the project site. As summarized on page ES-7 of the City's CAP, implementation of the measures of the City's CAP are expected to decrease GHG emissions to 2.3 MT CO_2e per person per year by year 2035.[10] While this timeframe is 5 years after the assumed 2030 target threshold, the City's CAP notes that with a reduction to 2.9 MT CO_2e per person per year in 2020 with assumed steady reductions over time, emissions would be below 2.6 MT CO_2e per person per year (or a 40 percent reduction below 2020 thresholds) by year 2030.[11]

In order for a project's generation of GHG emission to be considered less than significant, the proposed project must meet any one of the three available BAAQMD thresholds as explained in the Draft IS/MND. To determine significance for GHG emissions, the Draft IS/MND evaluates impacts by assessing the project's compliance with a qualified GHG Reduction Strategy. As such, the quantitative thresholds are not relied upon, which is consistent with the BAAQMD guidelines.

Having shown compliance with the City's CAP measures and additionally requiring implementation of MM GHG-1 to ensure project compliance with the New Development Checklist, the Draft IS/MND concludes the proposed project would result in a less than significant impact with mitigation incorporated. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

Response to COOL WORLD-9
The organization states that the extensive analysis of the City's CAP consistency with elements of a qualified GHG reduction strategy within Table 19 and the extensive analysis of the project's consistency with New Development Checklist within Table 20 should instead be listed under Impact 8(a).

The Draft IS/MND's analysis in Impact 8(a) shows compliance with the City's CAP and New Development Checklist, consistent with BAAQMD guidance to establish consistency with a qualified GHG Reduction Strategy (per CEQA Guidelines § 15183.5). As explained in the Draft IS/ MND, this is an appropriate approach to determine significance for individual projects and is one of the three recommended BAAQMD thresholds for assessing project-related GHGs. Because this approach is used to answer whether the project's generation of GHG emissions would have a significant impact on the environment, the analysis summarized in Table 19 and Table 20 of the Draft IS/MND is appropriately included under Impact 8(a). No revisions are necessary in response to this comment,

[10] City of Santa Rosa Community Development. 2012. Climate Action Plan: City of Santa Rosa. Website: https://srcity.org/DocumentCenter/View/10762/Climate-Action-Plan-PDF?bidId=. Accessed: May 26, 2020. June 5.
[11] Ibid.

and the comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

Response to COOL WORLD-10
The organization claims that using 2030 as the planning horizon is too short-term because the project's lifetime is likely at least 50 years, and GHG impacts should be analyzed to at least 2050. The comment identifies the ARB 2017 Scoping Plan target for GHG emissions in 2050 of 2 MT CO_2e/capita (not per service population) and claims that the project's GHG impact would be significant because the project's emissions would exceed this threshold.

The proposed project was contemplated in the General Plan and would be fully constructed and operational prior to 2030. Accordingly, it is appropriate to evaluate project emissions based on the 2030 target because the Project will have been built out long before 2030 and the 2030 emissions capture the project already included in the General Plan. The State's executive branch adopted several Executive Orders related to GHG emissions. Executive Orders S-3-05 and B-30-15 are two examples. Executive Order S-3-05 sets goals to reduce emissions to 1990 levels by 2020 and 80 percent below 1990 levels by 2050. The goal of Executive Order S-3-05 to reduce GHG emissions to 1990 levels by 2020 was codified by Assembly Bill (AB) 32. Executive Order B-30-15 establishes an interim goal to reduce GHG emissions to 40 percent below 1990 levels by 2030. The 2030 goal was codified under Senate Bill (SB) 32 and is now addressed by the 2017 Scoping Plan Update.

The Association of Environmental Professionals (AEP) prepared a White Paper entitled Beyond Newhall and 2020: A Field Guide to New 3 CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California (the "Beyond 2020 Paper"). The Beyond 2020 Paper presents substantial evidence for the infeasibility of a local jurisdiction to meet the 80 percent below 1990 levels by 2050 in the near-to-medium term absent a post-2020 State plan of action. The paper notes that requiring compliance with the 2050 goal in EO S-03-05 as a de facto significance threshold in CEQA documents is impractical because it is so far in the future and requires substantial speculation. CEQA analysis and thresholds have shifted from the 2020 horizon to the 2030 horizon with the adoption of the 2017 Scoping Plan, and the IS/MND relied on the updated threshold for purposes of the analysis of GHG impacts.

The Executive Order S-3-05 2050 target has not been codified by legislation. Studies have shown that to meet the 2050 target, aggressive pursuit of technologies in the transportation and energy sectors, including electrification and the decarbonization of fuel, will be required. Because of the technological shifts required and the unknown parameters of the regulatory framework in 2050, quantitatively analyzing the project's impacts relative to the 2050 goal could be considered speculative for meaningful evaluation. Additionally, the proposed project would be subject to applicable future requirements adopted to meet the future GHG goals.

The California Supreme Court held in *Cleveland Nat'l Forest Foundation v. San Diego Ass'n of Governments* (2017) 3 Cal.5th 497, 516 that the San Diego Association of Governments (SANDAG) did not abuse its discretion by declining to adopt EO S-3-05 as its threshold of significance because EO S-3-05 did not outline a specific pathway to achieve its goals. Similarly, the State has not yet adopted a pathway to achieving its long-term 2045 and 2050 GHG emissions reductions targets

outlined in EO B-55-18 and S-3-05, respectively; therefore, it is not necessary for the City to use these goals as thresholds of significance. Furthermore, this ruling focused on the adequacy of the GHG emissions analysis prepared for the SANDAG 2010 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), which had a planning horizon of 40 years (i.e., 2050). In its opinion, the court stated that the EIR should consider the RTP/SCS's long-range GHG emissions for year 2050 because implementation of the RTP/SCS would result in "downstream impacts" by "influenc[ing] travel behavior and GHG emissions for several decades, perhaps longer." This recommendation does not apply to the proposed residential project, which would be operational prior to 2030 and would not result in "downstream impacts." Consistent with BAAQMD guidance, the analysis provided in the Draft IS/MND demonstrates the project's consistency with the City's CAP to determine whether the project's generation of GHG emissions would have a significant impact on the environment. The City calculated GHG emissions reductions with implementation of the City's CAP out to year 2035 to be consistent with the planning horizon of the General Plan (which included residential development on the project site), and these reductions are consistent with the current State directives (AB 32, AB 398, and SB 32) and demonstrate compliance with the current target that requires an additional 40 percent reduction in GHG emissions by year 2030. The interim Statewide GHG emission reduction target to reduce GHG emissions to 40 percent below 1990 levels by 2030 was set to ensure that California meets its target of reducing GHG emissions to 80 percent below 1990 levels by 2050. As addressed in the Draft IS/MND, the proposed project would be consistent with the General Plan and the City's CAP and would not result in a significant generation of GHG emissions after incorporation of mitigation. By extension, the project's generation of GHG emissions would not conflict with other current State directives. Furthermore, Impact 8(b) shows that the proposed project is consistent with the applicable local plans, policies, and regulations included in the City's CAP and would not conflict with or hinder the the provisions of any other State or regional plan, policy or regulation of an agency adopted for the purpose of reducing GHG emissions. Therefore, consistent with guidance from BAAQMD, the Draft IS/MND shows that the proposed project would not result in an adverse significant impact on the environment related to GHGs. As such, the comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

Response to COOL WORLD-11
The organization claims that MM GHG-1 is an improperly deferred mitigation measure that lacks a performance standard.

It is appropriate to identify compliance with applicable regulatory standards as a basis for determining that the proposed project will not have a significant environmental impact. *Tracy First v City of Tracy* (2009) 177 CA4th 912. As the court explained *in Oakland Heritage Alliance v City of Oakland* (2011) 195 CA4th 884, 906, "a condition requiring compliance with regulations is a common and reasonable mitigation measure and may be proper where it is reasonable to expect compliance." Requiring compliance with the City's CAP via an explicit mitigation measure is akin to requiring compliance with any other regulation via a mitigation measure. MM GHG-1 is included to ensure compliance and consistency with the City's CAP. Compliance with the New Development Checklist is demonstrated in the Draft IS/MND; however, submittal of the New Development Checklist is not part of the City's de facto review process. Specifically, the City recommends submitting a New Development Checklist but has not made it a mandatory part of the building permitting process. As such, MM GHG-1 is included to ensure the project applicant will submit the

New Development Checklist. As discussed in Response to Cool World-8 above, demonstrating compliance with the current CAP is a valid method for making a significance determination related to GHG emissions. Therefore, demonstrating compliance with future regulations that have yet to have been adopted is not a contributing factor to the project's significance determination. However, one effect of MM GHG-1 is that the proposed project would need to submit the current New Development Checklist at the time the checklist is submitted. This ensures that the proposed project would comply with an updated New Development Checklist if one is released after the environmental review but before issuance of building permits. The analysis in the Draft IS/MND demonstrates that the proposed project would be consistent with the City's CAP through project design and compliance with regulation. As such, the analysis is not using MM GHG-1 to defer mitigation but to demonstrate compliance with the City's CAP. The comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

Response to COOL WORLD-12
The organization claims that there is insufficient justification provided for the California Emissions Estimator Model (CalEEMod) input parameters that reduce the total GHG emissions estimates below the significance threshold. The comment calls into question the project's "urban" designation given its semi-rural location and claims that the project's person per household density of 2.65 is too low for this type of residential development.

As described in Response to Cool World-9, the project's consistency with the City's CAP is used to assess whether the project's generation of GHG emissions would have a significant impact on the environment. As such, CalEEMod inputs have no bearing on the validity of the GHG analysis provided in the Draft IS/MND and no revisions in response to this comment are necessary. Notwithstanding, the CalEEMod urban designation is consistent with guidance provided in the CalEEMod User Guide. Furthermore, the project's density is addressed in the Draft IS/MND in Section 14, Population and Housing. The Draft IS/MND uses the most accurate data available, which is the California Department of Finance Population and Housing estimates for the City of Santa Rosa, and this estimate is used consistently throughout the Draft IS/MND to evaluate impacts. Additionally, the proposed project is consistent with development considered and evaluated in the General Plan and prior annexation efforts. In summary, the comment does not raise any potentially significant environmental impacts that were not evaluated in the Draft IS/MND.

Response to COOL WORLD-13
The organization concludes the letter and requests that the Planning Commission deny approval of the IS/MND for reasons they addressed throughout the letter.

As explained above, the City previously studied the proposed project's impacts in two prior annexation EIRs, and even though climate change was not considered new information at that time, the City conducted another environmental analysis of residential development of the Project site and studied GHG impacts associated with the General Plan Update. Although the City did not need to conduct another environmental review of the proposed project, the City prepared the Draft IS/MND in 2020 to provide a further project specific analysis of the project's impacts due to GHG emissions. In its analysis, the City relied on adopted State executive orders and guidance pursuant to recent court decisions confirming that a public agency must rely on substantial evidence for its

determinations related to the potential for significant impacts based on adopted thresholds of significance and taking into consideration mitigation measures incorporated into the project to further lessen the impacts to a less than significant level. Based on the City's prior environmental review and the 2020 Draft IS/ MND and the above responses to the organization's concerns, no substantial evidence has been provided that suggests the proposed project would have significant unmitigated GHG-related impacts or that the conclusions of the Draft or Final IS/MND regarding the significance of the project's impacts should be revised. Therefore, the IS/MND's conclusions that all potential impacts are reduced to below a level of significance remain and no additional mitigation is required. Furthermore, as detailed in Response to Cool World-3 through Response to Cool World-12, the methods used in evaluate the proposed project's GHG-related impacts are supported by substantial evidence. As the analysis contained in the Draft IS/MND followed methods that are supported by substantial evidence, the conclusions and significance determinations documented in the Draft IS/MND remain valid and no recirculation is required. Please refer to Response to Cool World-3 through Response to Cool World-12 for responses to specific comments.

[EXTERNAL] Questions-Comments about Stonebridge Subdivision EIR

Karen Gunderson <karen@gunder5.net>

Sat 6/27/2020 5:28 PM

To: Toomians, Kristinae <KToomians@srcity.org>

Hi Kristinea-

I am a resident on the south side of Tedeschi Drive (2392). My backyard backs up to the northside of the new subdivision.

My Concern: My backyard slopes downward to the south toward the new subdivision. My house and most of my little backyard is at a higher level than my back fence. In the winter there is standing water in the field that will now be the new subdivision. The standing water can be considerable and in fact sits under my fence and goes into the field for many weeks during the winter rainy season. My current fence posts are starting to rot in fact due to the standing water. Please note the rain totals were very light this past winter when they did the environmental impact report. I am concerned about drainage from the project toward my backyard that may increase flooding into my backyard. I don't see that addressed in the EIR. The only closely applicable section I saw is pasted in below and it does not mention the drainage issues for the neighboring subdivision (eg..all the neighbors on the south side of Tedeschi Drive). 1

Here are my questions:

1. What will be the level of the subdivision to the south of my house? Will it be the level of the back fence (south fence on Tedeschi Drive backyards)? Or will fill dirt be added and the height of the subdivision match the height of my house and most of my backyard (which is higher than my southern back fence)? 2

2. Will there be any destruction and replacement of the southern back fences of the residents on the south side of Tedeschi Drive? 3

3. What mitigation steps are being taken to ensure good drainage from the two subdvisions (Woodbridge and Stonebridge) to ensure no one has standing water or flooded backyards? 4

From Page 121 (Environmental Evaluation)
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
Less than significant impact. As discussed in Impact 10(a), the existing site is almost completely composed of pervious surfaces. The proposed project would develop impervious surfaces on the West Parcel resulting in an increase in impervious surface compared to existing conditions that could increase the rate or amount of surface runoff in a manner that could result in flooding. However, the proposed project would include a storm drainage system, including a 19,557-square-foot stormwater treatment facility, which would be designed to detain and meter the release of peak runoff in order to avoid inundating downstream waterways in a manner that creates substantial flooding. In addition, the proposed project would be required to submit a Stormwater LID Determination Worksheet and Environmental Checklist and City of Santa Rosa—Stonebridge Subdivision Project Environmental Evaluation Initial Study/Mitigated Negative Declaration
122 FirstCarbon Solutions \\10.200.1.5\adec\Publications\Client (PN- 5

JN)\5144\51440001\ISMND\51440001 Stonebridge Subdivision ISMND.docx
Stormwater LID to the City, which would determine the need for BMPs. These BMPs would be designed to mimic the stormwater benefits of the natural environment by reducing peak stormwater runoff rates so that runoff can soak into the ground. Alterations to existing on-site drainage in the East Parcel would be minimal and would modify drainage only so far as to create intentional on-site wetlands. As result, the proposed project would not significantly increase the rate or amount of surface runoff that would result in flooding on- or off-site. Therefore, impacts would be less than significant.
(iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

5
CONT

The last thing I want is more standing water in my backyard or under my fence (or even in my new neighbor's backyard). Also my fence is quite rotted and I don't want to replace it is just going to be torn out again due to the subdivision.

Thanks for your attention. Please let me know if you need any further clarification of my questions

Thanks,
Karen Gunderson
2392 Tedeschi Drive, Santa Rosa

Individuals

Karen Gunderson (GUNDERSON)

Response to GUNDERSON-1
The commenter provides a general overview of concerns with respect to drainage for the proposed project as it relates to her property and for the neighboring subdivision (the neighbors on the south side of Tedeschi Drive). She provides more specific concerns in Comments GUNDERSON-2 through GUNDERSON-4.

Please refer to Responses to GUNDERSON-2 through GUNDERSON-4, for specific responses to the commenter's concerns.

Response to GUNDERSON-2
The commenter requests additional information regarding the grading necessary for the proposed project with respect to the height of her house and backyard.

The commenter's house backs up to Lots 91 and 92. The proposed project will very closely match the existing grade at the commenter's backyard fence.

Response to GUNDERSON-3
The commenter asks whether there will be any destruction and replacement of the southern back fences of the residents on the south side of Tedeschi Drive.

The project applicant will communicate with the neighbors whose properties would adjoin the new residential project prior to the commencement of construction. The applicant anticipates replacing the existing wood fence along the common property line with a new wood fence that would match the fencing to be installed elsewhere on the project site. Should any neighbors decline the new fence, the project applicant will either tie the new side-yard fences to the existing fence on the property boundary or will place a new fence as close as practicable to the existing boundary fence.

Response to GUNDERSON-4
The commenter requests additional information about the drainage plan for the proposed project and how the project applicant will ensure that none of the neighboring properties will have standing water or flooded backyards.

A description of surface run-off and storm drainage associated with the proposed project was addressed in Impact 10(c) in the Draft IS/MND.[12] The Draft IS/MND determined that impacts related to increasing the rate or amount of surface run-off resulting in flooding on- or off-site would be less than significant. Furthermore, the proposed project would be designed in accordance with both the City of Santa Rosa Design Standard and Sonoma Water Flood Control (formerly known as the Sonoma County Water Agency) Design Criteria. The drainage plan includes providing positive slopes on all private lots in the subdivision that would direct drainage towards a piped drainage system that is designed and capable of carrying flows or, alternatively, the flows will be directed to the new

[12] FirstCarbon Solutions (FCS). 2020. Stonebridge Subdivision Project Initial Study/Mitigated Negative Declaration (prepared for the City of Santa Rosa). May 29.

public streets. All drainage will eventually be directed to a new underground public storm drain system designed and capable of carrying the flows.

No drainage from the proposed project would be directed onto lots within the Woodbridge Subdivision (the subdivision to the north of the project site). The public storm drain system would be located within the new public streets and would flow westerly to Fulton Road and would connect to an existing piped drainage system that has been designed in anticipation of this development. This drainage plan will assure there is no standing water or flooding caused by the proposed project.

Response to GUNDERSON-5
The commenter cites information provided in the Draft IS/MND and restates concerns with respect to flooding and fencing.

These concerns are addressed in Responses to GUNDERSON-2 through GUNDERSON-4.

SECTION 3: ERRATA

The following are revisions to the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Stonebridge Subdivision Project.

These revisions are minor modifications and clarifications to the document, and do not change the significance of any of the environmental issue conclusions within the Draft IS/MND. The revisions are listed by page number. All additions to the text are underlined (<u>underlined</u>) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes in Response to Specific Comments

Section 4: Biological Resources

Page 68, Exhibit 11a and Exhibit 11b

To denote that Exhibit 11 in the Draft IS/MND was spilt into Exhibit 11a and Exhibit 11b, the following paragraph was revised.

> The USACE issued an Approved Jurisdictional Determination (Appendix B) in 2016, verifying the presence of 6.31 acres of waters of the United States (specifically seasonal wetlands) on the project site. The proposed project would permanently impact 2.52 acres of seasonal wetlands on the West Parcel. In addition, 0.13-acre of seasonal wetlands would be permanently impacted within the East Parcel as necessary to enhance functions and services of wetlands resulting in the permanent loss of 2.65 acres of seasonal wetlands (<u>Exhibit 11a and Exhibit 11b</u>). These impacts are potentially significant. As discussed in the Project Description and described in MM BIO-1d, in total, after the wetland enhancement, the East Parcel that currently supports 3.79 acres of wetlands would be able to support 5.52 acres of enhanced wetlands. All together the proposed project would exceed a 2:1 overall replacement/enhancement to impacts ratio (5.52 replaced/enhanced: 2.65 acre permanently impacted = approximately 2.1:1) and impacts would be less than significant with mitigation incorporated.

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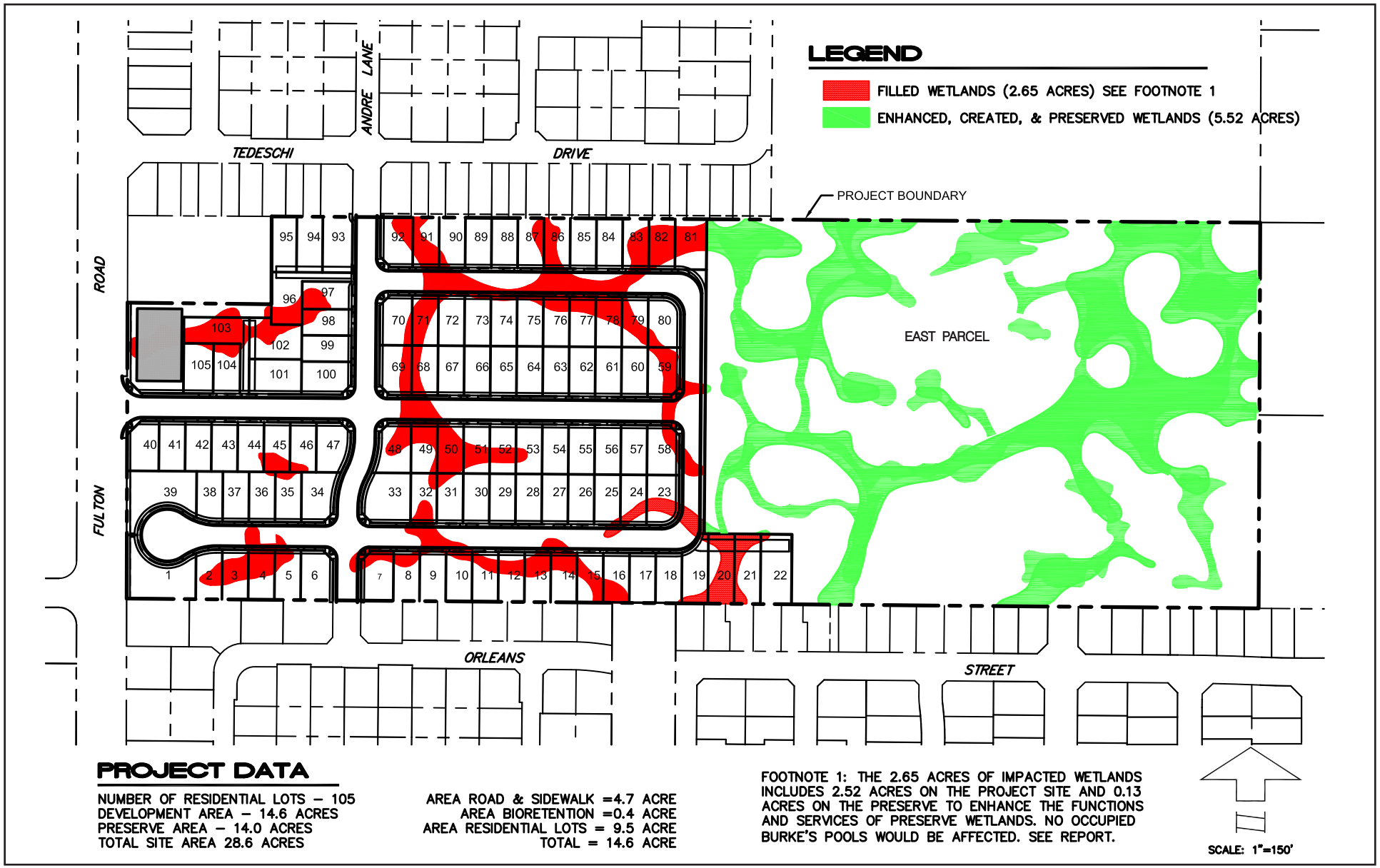

Source: Civil Design Consultants, Inc., July 2019.

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Exhibit 11a
Wetland Impacts and Preservation

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1 - THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 30. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION.

2 - THE EXISTING BURKES GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 56. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE WEIR BEING CONSTRUCTED WILL MAINTAIN THE CURRENT WATER LEVELS IN THIS AREA. EXISTING WATER SURFACE 137.1±, PROPOSED WATER SURFACE 137.2

3 - THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 56. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. EXISTING WATER SURFACE 137.5 ±, PROPOSED WATER SURFACE 137.5.

4 - THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 250. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE EXISTING BURKE'S GOLDFIELD IS AT AN ELEVATION OF 136.5 EXISTING WATER SURFACE 137.0± PROPOSED WATER SURFACE 137.0

5 - THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 95. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE EXISTING POOL BOTTOM ELEVATIONS WILL REMAIN THE SAME AS THE EXISTING CONDITIONS AT 135.7 PROPOSED WATER SURFACE 136.1, EXISTING WATER SURFACE 136.2±

LEGEND

- BURKE'S GOLDFIELD COLONY (2020)
- TEST PIT
- SPIKE RUSH REMOVAL
- BURKE'S GOLDFIELD COLONY (2018)
- EXISTING VERNAL POOL/SWALE
- MOUND FOOTPRINT, CONTOURS AND SPOT ELEVATIONS
- LIMITS OF EXCAVATION
- BOTTOM OF VERNAL POOL
- VERNAL POOL NUMBER
- VERNAL POOL OUTLET
- VERNAL POOL OUTLET ELEVATION
- BURKE'S GOLDFIELD COLONY (2019)

EXISTING TEST PIT DATA ABBREVIATIONS
TS = TOP OF CLAY
TC = TOP OF CLAY LOAM
BC = BOTTOM OF CLAY
TH = TOP OF HARDPAN
NS = NOT SUITABLE
MCH, MCH = DEGREE OF HARDPAN CEMENTATION

GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft

Source: Cinquini & Passarino, Inc. Land Surveying, September 2020.

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Exhibit 11b
Proposed Wetland Enhancement and Creation

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Pages 75 and 76, Mitigation Measure BIO-1a

In response to CDFW-6, CDFW-10, and CDFW-11, the following mitigation measure has been revised:

MM BIO-1a **Prepare Rare Plant Mitigation Compliance Report and Obtain California Department of Fish and Wildlife Incidental Take Permit Prior to Initiating Construction**

A mitigation compliance report shall be submitted to the City Planning Staff or Staff Biologist at least 30 days prior to breaking ground on the residential subdivision portion of the proposed project. The report shall detail progress made towards implementation of vernal pool creation/enhancement. Provided mitigation is well underway or adequate security has been provided and approved by the City, the City may approve commencement of the development portion of the project thereafter.

The project applicant shall also submit to the California Department of Fish and Wildlife (CDFW) the plant survey results for the entire project to confirm the surveys were implemented in accordance with standard protocols.

The project applicant shall apply to the ~~California Department of Fish and Wildlife (~~CDFW~~)~~ for ~~an Incidental Take Permit (ITP)~~ a Memorandum of Understanding (MOU) pursuant to Section 2081(a) of the California Fish and Game Code that allows collection of Burke's goldfield seeds. The ~~ITP~~ MOU must be obtained prior to the start of wetland creation/enhancement. Per a Seed Collection Plan prepared by L. Stromberg for the proposed Stonebridge Preserve (i.e., the East Parcel), Burke's goldfield seeds shall be collected from several possible source populations that the CDFW may designate, including the privately-owned Alton Lane Mitigation Site and/or the CDFW-owned Woodbridge Reserve. To collect seed on a CDFW-owned property, a Letter of Permission from the CDFW will be required. Finally, prior to initiating wetland enhancement/construction activities on the East Parcel, the project applicant shall coordinate with CDFW to ensure impacts to the CDFW-owned Woodbridge Reserve are avoided.

Pages 76 and 77, Mitigation Measure BIO-1b

In response to CDFW-12, the following mitigation measure has been revised:

MM BIO-1b **Obtain Permits and Mitigate for Loss of Habitat as Stipulated by Resource Agencies for Potential Impacts to California Tiger Salamander Habitat**

Positive Survey Results: If the Protocol Survey demonstrates that the project site is occupied by California tiger salamander then:

1. The project applicant would obtain a California Endangered Species Act (CESA) 2081(b) Incidental Take Permit from the California Department of Fish and Wildlife (CDFW) and ~~the~~ a Biological Opinion prepared by the United States Fish and Wildlife Service (USFWS) would also include conditions for the proposed

project to ensure the recovery of the species. Any conditions in these permits/authorizations shall be implemented by the applicant prior to grading the project site.

2. The project applicant shall also obtain a Section 404 permit from the United States Army Corp of Engineers (USACE) for discharge of fill or dredged material to waters of the United States (pursuant to MM BIO-1d). Under Section 7 of the Federal Endangered Species Act (FESA), the USACE is required to consult with the USFWS. Under Section 7, the USFWS shall prepare a Biological Opinion that provides FESA Incidental Take authorization for the proposed project. The Biological Opinion shall impose mitigation requirements for potential impacts to California tiger salamander migration/dispersal habitat and suitable rare plant habitat. These requirements will become conditions of the USACE permit. The project applicant shall implement applicable USACE permit conditions including the conditions in the USFWS Biological Opinion.
3. Consistent with mitigation requirements imposed by the CDFW and USFWS for impacts to occupied habitat, mitigation shall be implemented at a 3:1 replacement to impact ratio (i.e., 3 acres of occupied California tiger salamander habitat shall be preserved in perpetuity for each acre of impact from the proposed project). Establishment of the 14-acre East Parcel preserve shall be allowed to constitute a pro rata acreage share of this California tiger salamander mitigation requirement. The remainder of mitigation shall be met by purchasing mitigation credits at a USFWS-approved mitigation bank within the Alton Lane California Tiger Salamander Management Area (see Figure 12 of the Biological Resources Analysis). After approved credits are purchased, proof of purchase shall be provided to the City of Santa Rosa, CDFW, and USFWS prior to the time that grading may commence on the project site.

Negative Survey Results: If the Protocol Survey confirms that California tiger salamander are not present on the project site, the project applicant shall provide mitigation for California tiger salamander dispersal/migration habitat at a 1:1 ratio (i.e., 1 acre of preservation for each acre of development—or a pro rata share thereof) in accordance with the USFWS Programmatic Biological Opinion for the Santa Rosa Plain. Establishment of the East Parcel shall constitute this California tiger salamander mitigation requirement. The proposed 14-acre East Parcel would meet the 1:1 mitigation requirement. <u>The project applicant shall submit to CDFW the California tiger salamander protocol survey results for CDFW review to confirm the surveys were implemented in accordance with standard protocols.</u>

Page 77, Mitigation Measure BIO-1c

In response to CDFW-13, the following mitigation measure has been revised:

MM BIO-1c Avoid Active Nesting Birds During Construction

If construction or tree removal is proposed during the nesting season for local avian species (typically February 1 through August 31), a focused survey for active nests of raptors, waterfowl (including ducks), and passerine birds within and in the vicinity of the project site (no less than ~~200~~500 feet outside the project boundaries, where possible) shall be conducted by a qualified Biologist within 15 days of commencing earth-movement, construction or tree removal. Two surveys shall be conducted, at least 1 week apart, with the second survey occurring no more than 2 days prior to tree removal. If no active nests are found, tree removal or construction activities may proceed.

If an active nest is located during pre-construction surveys, a qualified Biologist shall establish a temporary protective nest buffer around the nest(s). The nest buffer should be staked with orange construction fencing. The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified Ornithologist or Biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 50 feet from the nest site or nest tree dripline for passerine birds or waterfowl and up to 300 feet for sensitive nesting birds and several raptor species known to nest in the region of the project site. If the nesting bird or raptor is listed by the California Department of Fish and Wildlife (CDFW), this agency shall be notified regarding the status of the nest.

Biological monitoring of active nests will be necessary to ensure that birds are not disturbed, and that buffers are adjusted by a qualified Biologist as needed to avoid disturbance. For all identified nests, prior to construction activities a qualified Biologist shall conduct a survey to establish a behavioral baseline of birds using each nest. Once construction begins, the Biologist shall continuously monitor nests to detect behavioral changes resulting from the project. If behavioral changes occur, project activities causing that change shall cease until such time as the behavioral patterns return to pre-construction conditions, and no-disturbance buffers shall be implemented as described below. However, continuous monitoring may allow less conservative buffer distances as the Biologist will be on-site to detect behavioral changes. If continuous monitoring of identified nests by a qualified Wildlife Biologist is not feasible, conservative no-disturbance buffers shall be implemented and set around the nest by a qualified Biologist, with the buffer distance based on the tolerance level of the non-listed bird or raptor species.

No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified Ornithologist/Biologist that the young have fledged (left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise complete. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later and would have to be determined by a qualified Biologist. At the end of the nesting cycle, as determined by a qualified Biologist, temporary nesting buffers may be removed, and construction may commence in established nesting buffers without further regard for buffered nest site(s).

Pages 78, Mitigation Measure BIO-1d

In response to CDFW-4, the following mitigation measure has been revised:

MM BIO-1d **Obtain a Section 404 Permit from the United States Army Corps of Engineers (USACE) for Impacts to waters of the United States and a Section 401 Water Quality Certification for Impacts to waters of the State**

The project applicant shall obtain a Section 404 permit from the USACE and Section 401 permit from the Regional Water Quality Control Board (RWQCB) for discharge of fill or dredged material to waters of the United States and ~~s~~State. The proposed project shall compensate for the loss of 2.65 acres of waters of the United States and State at a 2:1 mitigation ratio, or as otherwise required by the USACE and RWQCB to achieve no net loss of wetlands.

The project applicant proposes to construct, enhance, and avoid a total of 5.52 acres of wetlands in the East Parcel. This will be accomplished by creating a total of 1.766 acres of new wetlands, as well as enhancing 3.267 acres of degraded wetlands and avoiding 0.484-acre of existing wetlands within the East Parcel (this enhancement and creation is shown on Exhibit 11a and Exhibit 11b). To meet the USACE "no net loss" policy, the project applicant will also purchase 0.89-acre of wetland mitigation credit from the Hazel Mitigation Bank or another USACE and RWQCB-approved wetland mitigation bank in order to meet the USACE and RWQCB not net loss policies. Taken together this mitigation will exceed a 2:1 overall replacement/enhancement to impacts ratio.

As part of the wetland enhancement and construction process, the project applicant shall scalp and salvage the top 2 inches of top soil from the East Parcel and appropriately store the topsoil on-site for redistribution on the side slopes of the created and enhanced pools after enhancement/construction is complete. Drying Lobb's buttercup plants with seed shall also be collected from the West Parcel and the East Parcel (prior to topsoil scalping) and appropriately stored for later distribution in the enhanced and created wetlands on the East Parcel. Finally, previously collected Burke's gold field seeds, as discussed in MM BIO-1a, shall also be distributed in the finished created/enhanced pools.

Section 5: Cultural Resources

Pages 83 and 84, Mitigation Measure CUL-1

In response to LYTTON RANCHERIA-1, the following mitigation measure has been revised:

MM CUL-1 In the event a potentially significant cultural resource or Tribal Cultural Resource (as defined by Public Resources Code [PRC] 21074) is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease, the City and appropriate Native American Tribe(s) shall be notified of the find, and workers shall avoid altering the materials until an Archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the situation and the appropriate Native American Tribe(s) have provided input

regarding the significance of the find. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The Archaeologist, in consultation with the appropriate Native American Tribe(s), shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Santa Rosa, the NWIC, and the State Historic Preservation Office (OHP), if required.

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Appendix A:
Monk & Associates Response to CDFW

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MONK & ASSOCIATES
Environmental Consultants

October 8, 2020

FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Attention: Ms. Liza Baskir

RE: Response to California Department of Fish and Wildlife Comments
Stonebridge Subdivision Project, Mitigated Negative Declaration
SCH No. 2020059046, City of Santa Rosa, Sonoma County, California

Dear Ms. Baskir:

On behalf of the project applicant, D.M. Jacobson & Sons, Inc., Monk & Associates, Inc. ("M&A") has prepared this response to the California Department of Fish and Wildlife's ("CDFW") comments on the Stonebridge Subdivision Project ("the Project") Initial Study/Mitigated Negative Declaration ("IS/MND").

Comment 1: The commenter states that the Project's residential construction activities would remove up to 2.52 acres of Lobb's buttercup habitat, and habitat enhancement activities would remove an additional 0.13-acre, for a total of up to 2.65 acres of permanent habitat loss. Lobb's buttercup has a California Rare Plant Rank of 4.2, indicating that it has a limited distribution. CDFW recommends that a qualified botanist collect seed and soil from all vernal pool habitat within the Project area that will be impacted both permanently and temporarily prior to commencement of Project activities. The top two inches of topsoil shall be collected and immediately translocated and dispersed onto enhanced or created suitable vernal pool habitat on the East Parcel, pursuant to IS/MND Mitigation Measure (MM) BIO-1d, or another CDFW-approved location.

Response: Lobb's buttercup has been observed in many wetland and vernal pool habitats on the Santa Rosa Plain and elsewhere in Sonoma County. As the commenter states, this species has a CNPS Rank of 4.2. Rank 4 species are typically not addressed in CEQA documents and thus, the Draft IS/MND does not discuss this species other than to note its presence onsite. Finally, since seeds and topsoil will be collected as part of the Project's restoration and enhancement proposal, collection of Lobb's buttercup seeds via topsoil salvage was already part of the proposed Project. However, to address the commenter's concern, prior to topsoil salvage, drying Lobb's buttercup plants with seed will also be collected and appropriately stored for distribution in the enhanced and created wetlands on the East Parcel (the "Preserve"). Collection of Lobb's buttercup seed has been added to MM BIO-1d.

Comment 2: The commenter states that land within and adjacent to the Project area includes nonnative grassland habitat that is potentially suitable for foraging, overwintering, and nesting burrowing owls (*Athene cunicularia*), a California Species of Special Concern and also protected under Fish and Game Code section 3503.5 and the federal Migratory Bird Treaty Act ("MBTA"). The California Natural Diversity Database ("CNDDB") documents a wintering burrowing owl approximately 3.8 miles northwest of the Project area at the Charles M. Schulz Airport property in 2017; a burrowing owl was observed near the same location in November 2019. The Project may

result in burrowing owl nest or wintering burrow abandonment, loss of young, and reduced health and vigor of adults or young from audio and visual disturbances caused by construction activities. The CDFW recommends that surveys for the western burrowing owl be conducted following the methodology prescribed in the CDFW's *Staff Report* on burrowing owl mitigation (CDFW 2012).

Response: Burrowing owls have been observed at the Charles M. Schultz airport and at the west Santa Rosa airport (former military airport) during the winter months in several different years (eBird records). Airports world-wide are known for burrowing owl sightings. The most likely reason is the runways are kept free of tall vegetation and the open, expansive areas allow this ground-dwelling owl to have a 360-degree view to watch for aerial predators such as hawks and eagles. While there are several winter records for the burrowing owl in Santa Rosa, there are no nesting records and that is likely because this owl typically nests in California ground squirrel (*Otospermophilus beechyi*) burrows and there are none in the Santa Rosa Plain and very few on the outskirts of Santa Rosa. One likely reason there are not California ground squirrels is the water table in much of the Santa Rosa Plain is too high to support this burrowing mammal. California ground squirrels are found in hilly terrain within the County but not on the Plain. Since there are no California ground squirrels on the Project site, or other burrow donors, there is not suitable habitat for the burrowing owl to nest onsite. Thus, while there is a very slight possibility that this owl could be observed stopping over on the Project site during the winter months, though none were observed while M&A biologists were on the Project site for 39 days between November 2019 and March 2020 as part of a California tiger salamander drift fence study, this owl would be unlikely to reside onsite or nest onsite due to several factors: the absence of burrows and burrow donors, and the high water table that precludes burrowing mammals from moving onsite. MM BIO-1c requires nesting bird surveys prior to construction so that there is no take of an active nest, bird eggs and/or young. These surveys would be sufficient to determine if burrowing owls were nesting onsite and if they were, appropriate non-disturbance nesting buffers could be incorporated into the Project.

Note: There is no Comment 3 in the CDFW Letter.

Comment 4 part a: The commenter suggests that MM BIO-1a should be revised to indicate that the Project will apply for a "Memorandum of Understanding" instead of an "Incidental Take Permit," in conformance with Fish and Game Code Section 2081, subdivision (a).

Response: MM BIO-1a of the Final Initial Study/Mitigated Negative Declaration ("Final IS/MND") reflects this revision.

Comment 4 part b: The commenter suggests that the Project will need to obtain a Letter of Permission from the CDFW authorizing Project activities on CDFW-owned lands pursuant to California Code of Regulations, title 14, section 550, subdivision (f) "Research."

Response: MM BIO-1a provides that "Burke's goldfield seeds shall be collected from several possible source populations that the CDFW may designate, including the Alton Lane Mitigation Site and/or Woodbridge Preserve." The Alton Lane Mitigation Site is currently privately owned, as may well be other possible collection sites the CDFW designates. If a collection site is

privately owned, a Letter of Permission from the CDFW will not be required. MM BIO-1a has been revised to provide that if a collection site is CDFW-owned at the time collection activities are to occur, then a Letter of Permission will be required.

Comment 4 part c: The commenter suggests that the MND should clarify whether Project activities on the East Parcel would result in impacts on Burke's goldfields, and says it is unclear how impacts from enhancement activities, such as recontouring, would avoid impacts. Further, if Project activities would result in impacts on Burke's goldfields, either directly or indirectly, through for example hydrological modification, either on or adjacent to the Project area, then an ITP or other CDFW authorization may be more appropriate for the Project. Finally, the commenter notes that adjacent habitat includes the CDFW-owned Woodbridge Preserve which supports a sensitive Burke's goldfields population.

Response: The 14.0-acre Stonebridge Preserve (the East Parcel), when combined with the contiguous Woodbridge Preserve and the proposed Kerry II and III Preserves, would increase the size of a permanent ecological preserve for Burke's goldfields from 12.6 to 31.2 acres. As part of the proposed mitigation described on Page 51 of Appendix B to the Draft IS/MND, the existing 3.79 acres of low-quality wetlands on the East Parcel would increase in size to 5.52 acres of enhanced wetlands designed, contoured and managed to suppress non-native plants and support the colonization and propagation of Burke's goldfields. The Stonebridge Preserve could increase the number of Burke's goldfields from 115 plants observed in 2020 to more than 2.7 million plants (assuming the plant densities achieved on the East Parcel are similar to those observed in the adjoining Woodbridge Preserve) following enhancement. The Draft IS/MND correctly states that the proposed enhancement of Burke's goldfield habitat on the Stonebridge Preserve would not result in significant adverse impacts on Burke's goldfields consistent with the incidental take authorization process provided under Fish and Game Code Section 2081(a) for the following reasons:

The enhancement activities in the Stonebridge Preserve (i.e., the East Parcel) would not result in direct significant adverse impacts on Burke's goldfields under CEQA because:

- Burke's goldfield colonies (consisting of 0.057-acre) occur within pools that would not be directly impacted by proposed wetland enhancement/creation in the East Parcel. Thus, there would be no incidental take pursuant to the CESA.

The enhancement activities in the Stonebridge Preserve (i.e., the East Parcel) would not result in indirect significant adverse impacts to Burke's goldfields under CEQA because:

- The existing seasonal wetlands that currently do not support Burke's goldfields would be enhanced and expanded, and the number of Burke's goldfields in the East Parcel would substantially increase.

- Burke's goldfield seeds alone - not plants - would be collected from one or more CDFW-approved donor sites, and also within the Stonebridge Preserve, under a MOU

issued pursuant to Fish and Game Code Section 2081(a) and relocated to the enhanced wetland pools.

- The proposed enhancement activities would modify the topographic and hydrologic characteristics of the wetlands in the Stonebridge Preserve (East Parcel) alone and would have a beneficial impact consistent with the management, scientific and recovery activities permitted under Fish and Game Code Section 2081(a).

Therefore, incidental take authorization under Section 2081(a) of the Fish and Game Code is appropriate for the scientific and recovery activities proposed for the Stonebridge Preserve. The following discussion provides additional information to support this conclusion:

Discussion of why the enhancement activities will not result in indirect significant impacts to Burke's goldfields:

Appendix B to the IS/MND shows the seasonal wetland habitat on the Stonebridge Preserve that would be modified to enhance Burke's goldfields habitat. To create optimal physical and hydrologic conditions for Burke's goldfields, 1) areas of seasonal wetland habitat that are currently too deep to support Burke's would be filled to raise the grade of the bottom of the wetland and (2) outlets would be installed to control the maximum depths of standing water to create the necessary topographical conditions needed to perpetuate Burke's goldfields. The area of existing seasonal wetland habitat would remain seasonal wetland habitat after the enhancement activities are completed, as described in the March 2020 Stonebridge Mitigation and Monitoring Plan ("MMP") prepared by Dr. Laurence Stromberg, a wildland resource scientist who has managed the design and construction of six successful Burke's goldfield preserves and conservation banks on the Santa Rosa Plain. There will be *no loss of seasonal wetland habitat and the proposed MMP would replace 3.79 acres of low-quality wetlands with 5.52 acres of enhanced wetland pools optimally suited to support Burke's goldfields after the enhancement activities are completed*. Thus, there would be no significant adverse indirect or direct impacts on Burke's goldfields associated with the restoration activities.

Based on his extensive and successful experience in creating Burke's goldfield habitat on the Santa Rosa Plain, Dr. Stromberg prepared the attached tables which report on various scientific aspects of the proposed enhancement activities. Table 1 shows the "pre-enhancement" and "post-enhancement" conditions observed in five recent enhancement and creation projects, and Table 2 summarizes these wetland and endangered plant species characteristics. The results demonstrate that the other enhancement and creation projects provided beneficial impacts with respect to wetland creation and biological function. Since the Stonebridge Project Site has the same characteristics as these other projects (i.e., similar topography, soil types, wetland habitat, vernal pools inundated over a similar range in depth, etc.), it is reasonable to predict a similar improvement would occur in the enhanced Burke's goldfields habitat on the Stonebridge Preserve.

Based on the foregoing assessment, it is reasonable to conclude that under CEQA the proposed creation and enhancement activities would have no direct adverse environmental impacts on the existing Burke's goldfields and its habitat. No occupied habitat would be lost and the temporary construction disturbance would not result in significant adverse impacts because the enhancement activities would avoid the occupied Burke's goldfield pools. Finally, enhancement activities would increase the colonization opportunities for existing Burke's goldfields onsite. *Thus, it is reasonable to predict that the proposed enhancement activities would have a beneficial impact*.

Discussion of why the enhancement activities would modify the topography and hydrology on the Project site alone:

According to Wetlands Consultant, Dr. Laurence P. Stromberg, the enhancement in the Stonebridge Preserve would have no significant adverse impacts on Burke's goldfields populations in vernal pools in the adjacent Woodbridge Preserve. Currently, three pools in the Woodbridge Preserve abut three Stonebridge Preserve wetlands and are inundated for periods considerably longer than optimal for Burke's goldfields because water flowing in from the Stonebridge Preserve wetlands extends the periods of inundation. When the outlets to the three abutting Stonebridge Preserve wetlands are lowered as part of the enhancement, the flow into the Woodbridge Preserve pools will be reduced or eliminated and conditions in them are likely to improve for Burke's goldfields Although unlikely, in the event that physical changes to the topography and hydrology on the Stonebridge Preserve during enhancement change hydrology in a manner that the amount of flow would increase into a Burke's goldfields pool on the Woodbridge Preserve, the elevations of the outlets of the Stonebridge Preserve vernal pools will be modified so that the conditions in the Woodbridge Preserve are not adversely affected.

Conclusion

In summary, although the proposed enhancement activities would physically change the existing habitat on the Stonebridge Preserve Site, the changes *would not have significant adverse environmental impacts* because they would *improve the existing habitat* and would substantially increase the area of optimal Burke's goldfields habitat on the Stonebridge Preserve. After enhancement of the Stonebridge Preserve, as part of the proposed mitigation described on Page 51 of Appendix B to the Draft IS/MND, the existing 3.79 acres of wetlands on the East Parcel would increase to 5.52 acres of enhanced wetlands designed, contoured and managed to suppress/eliminate non-native plants and promote the establishment and expansion of the Burke's goldfields, much as the enhancement activities at Woodbridge did for Burke's goldfields (see Table 1 for details). Through the proposed enhancement activities, the Stonebridge Preserve would increase the number of Burke's goldfields from 115 plants observed in 2020 to more than 2.7 million plants (assuming the plant densities achieved on the East Parcel are similar to the results observed in the adjoining Woodbridge Preserve). Finally, as described on page 17 of the draft IS/MND the 14.0-acre Stonebridge Preserve, when combined with the contiguous Woodbridge Preserve and the proposed Kerry II and III Preserves, would increase the size of a permanent ecological preserve for Burke's goldfields from 12.6 to 31.2 acres. In summary, this is

a beneficial impact consistent with the management, scientific and recovery activities permitted under Fish and Game Code Section 2081(a).

Additional Comments Within Comment 4.

1. **Comment:** The commenter suggests that the Final IS/MND should include an aerial-based map showing where and what type of wetland enhancement activities would occur in the occupied Burke's goldfields habitat and the CDFW Woodbridge Preserve.

Response: The attached exhibit prepared by Cinquini & Passarino, Inc., Land Surveying, which is an aerial-based map that shows where the Burke's goldfields occurs in relation to the proposed wetland enhancement activities will be appended to the Final IS/MND.

2. **Comment:** The commenter requests additional analysis demonstrating that Burke's goldfields would be avoided.

Response: See Response to the first part of Comment No. 4 above.

3. **Comment:** The commenter requests that the project applicant coordinate with CDFW prior to conducting wetland enhancement activities to ensure impacts to Woodbridge Preserve are avoided.

Response: MM BIO 1-a has been revised to include this requirement. .

4. **Comment:** The commenter requests that the CDFW accept the plant survey results for the entire Project to ensure the surveys were properly implemented.

Response: MM BIO 1-a has been revised to include this requirement.

Comment 5. The commenter recommends that MM BIO-1b include a requirement for CDFW to accept the California tiger salamander protocol survey results to ensure surveys were properly implemented.

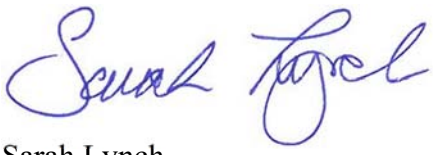
Response: MM BIO-1b has been revised to include this requirement.

Comment 6: The commenter states that MM BIO-1c is not adequately protective of nesting birds. CDFW recommends that it be adjusted to include additional language about monitoring nesting bird behavior and responses to surrounding activities.

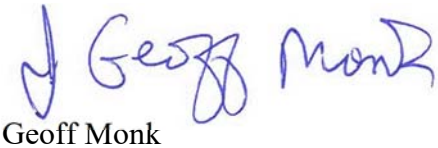
Response: MM BIO-1c has been revised to include this language.

This completes our response to comments. If you require additional information, please do not hesitate to contact one of us at (925) 947-4867 or at Geoff@monkassociates.com or Sarah@monkassociates.com. Thank you for your time and attention to this project.

Sincerely,



Sarah Lynch
Senior Associate Biologist



Geoff Monk
Principal Biologist

Attachments: Tables 1 and 2
Exhibit by Cinquini & Passarino

Table 1. Wetland and Endangered Plant Species Habitat Characteristics Prior to and Following Enhancement at Representative Mitigation Sites on the Santa Rosa Plain.

Mitigation Site	Characteristic	Pre-enhancement	Post-enhancement (Yr 1)	Comments
Slippery Rock Conservation Bank	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from mostly shallow inundation and long-duration soil saturation to moderate depth of inundation and very-long-duration soil saturation. All pools and swales characterized by wetland hydrologic function over monitoring period.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Hydrophytic vegetation present in all wetlands over monitoring period. Cover dominance shifts from non-native to native plant species. No UPL species present and total cover of FACU and FAC species reduced.
	Optimal soil characteristics for endangered plant species	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Sonoma sunshine, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Sonoma sunshine and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Sonoma sunshine is similar to that for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for endangered plant species	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 – 0.7 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Sonoma sunshine is 0.5 – 0.7 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	Except in 1,000 sf at boundary with Wright Preservation Bank (WPB), sole native species was California semaphore grass.	Thirty native vernal pool plant species present and 73% relative native plant species cover.	Pre-enhancement wetlands dominated by non-native annual species. Dominance shifted from non-native to native plant species.
	Endangered Plant species	220 Sebastopol meadowfoam plants restricted to 1,000 sf in two pools bordering WPB.	4,400 Sebastopol meadow-foam present in 26 of 27 enhanced and created pools; also 60,000 Sonoma sunshine present.	At the end of five years, Sebastopol meadowfoam remained stable in 24 of 27 pools; Sonoma Sunshine increased to 1.8 million in 23 of 27 pools; 317,000 Burke's goldfields present in all pools. Populations of both species remain stable. Area of occupied habitat increased by 7.02 acres.

Woodbridge Preserve	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation of upper 12 inches (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all wetlands from shallow inundation and short-duration soil saturation to deeper inundation and very-long-duration soil saturation. All pools characterized by wetland hydrologic function through monitoring period.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Shift in cover dominance from non-native to native plant species. Hydrophytic vegetation present in all wetlands over monitoring period.
	Optimal soil characteristics for Burke's goldfields	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for endangered plant species	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Burke's goldfields 0.5 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	California semaphore grass only native species with one percent cover.	Relative native plant species cover exceeds 80% across all pools.	Relative native plant species cover 90% to 95% in every pool in every year during the monitoring period. Native plant species dominant in 6.15 acres of enhanced habitat.
	Endangered Plant species	In 1995 20-25 Burke's goldfields in a small (<200 sf) area; none observed subsequently.	628 Burke's goldfields and 95 Sonoma sunshine in first year. Starting points for substantial subsequent increases.	446,586 Burke's goldfield and 370,423 Sonoma sunshine present in year two. During monitoring period Burke's goldfields increased to between 2 and 18 million; Sonoma sunshine increased to between 485,000 and 1.4 million. Extreme rainfall years (high total, low total, extended mid-winter drought, excess early-spring rainfall) caused substantial popular-tion fluctuations. Area of occupied habitat increased by 6.15 acres. Burke's goldfields distributed widely.

Alton North Conservation Bank	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches of soils (surface soils).
	Wetland Hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from shallow inundation or deep inundation (uncommon) to moderate-depth inundation and very-long-duration soil saturation. All 81 pools characterized by wetland hydrologic function but one pool does not function like a vernal pool.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Continued and persistent shift in cover dominance from non-native to native plant species. Hydrophytic vegetation present in all wetlands over monitoring period. Reduced cover of FAC and FACU species; virtually no UPL species cover.
	Optimal soil characteristics for Burke's goldfields and Sonoma sunshine	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establishment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information. Sonoma sunshine, which was present prior to the enhancement but was not the target species for which the enhancement and creation were proposed, can tolerate slightly deeper water but survives in pools with a maximum water depth of 0.5 ft.
	Optimal hydrologic characteristics for Burke's goldfields and Sonoma sunshine	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Burke's goldfields 0.5 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	California semaphore grass only native species with 1% cover.	Relative cover of native vernal pool plant species exceeds 92 % in every pool.	Relative native plant species remained consistently high (90% to 95%) in all of the pools throughout the monitoring period. Data based on whole-pool cover measurements made in support of the seed collection plan for FRMS.
	Endangered Plant species	3,919 Sonoma sunshine plants present in two small areas of under 3,000 sf; no other listed species present.	Sonoma sunshine abundance increases to 9,840 plants (number estimated using abundance classes) and Burke's goldfields estimated at 462,257 plants.	Both listed species continue to increase. Sonoma sunshine reaches an estimated abundance of 92,500 plants and is present in 14 of 16 pools. Burke's goldfields ranges from 2.1 million to 8.1 million and is present in all pools and 16 of 17 pools in most years. Population abundances fluctuate annually and reflect extreme differences in the amount and pattern of annual rainfall distribution. Both species widely distributed in 7.24 acres of enhanced habitat.

Fulton Road Mitigation Site	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches of soils (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from shallow inundation and long-duration soil saturation to deeper inundation and very-long-duration soil saturation. All 38 pools characterized by wetland hydrologic function.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Continued and persistent shift in cover dominance from non-native to native plant species. Fewer FAC species present; relative cover of FACU species less than 2% in all pools.
	Optimal soil characteristics for Burke's goldfields	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for Burke's goldfields	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Burke's goldfields 0.5 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	California semaphore grass and spikerush the only native species. Total relative cover under 1%.	Relative cover of native vernal pool plant species estimated to exceed 80% in every pool.	Native plant species now dominant in 3.18 acres of enhanced vernal pool and 4.59 acres of created vernal pools. Relative cover of native plant species increased to 96% in all but one pool in the second year (2018-2019).
	Endangered Plant species	One Burke's goldfields present; 150-1,800 Sonoma sunshine plants present (annual variation) in one marginally suitable vernal pool.	Burke's goldfields estimated at 328,404 plants; Sonoma sunshine estimated at 9,000 plants based (using abundance classes).	Spring 2019 Burke's goldfields estimated at 1,722,725 plants; using abundance classes, Sonoma sunshine population estimated at 28,190 plants. Second-year increases observed in spite of declines at most sites on the Santa Rosa Plain. Third-year data not yet analyzed. Burke's goldfields present, increasing in abundance in every vernal pool, and distributed widely across the entire site.

Gobbi Mitigation Site	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches of soils (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from mostly shallow inundation and long-duration soil saturation to moderate depth inundation and very-long-duration soil saturation. All pools and swales characterized by wetland hydrologic function over monitoring period.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Shift in cover dominance to native plant species. Hydrophytic vegetation present in all wetlands throughout monitoring period.
	Optimal soil characteristics for Sebastopol meadowfoam	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Sebastopol meadowfoam is assumed to be 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on limited soils data, and pre-and post-enhancement (and creation) field observation by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for Sebastopol meadowfoam	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Sebastopol meadowfoam ranges from 0.5 -0. 7 ft measured when the water level is at the outlet. This range is based on pre- and post-enhancement (and creation) field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	50-75% relative native plant species cover.	78% relative native plant species cover.	Pre-enhancement cover by species estimated qualitatively using general cover classes; post-enhancement cover estimated quantitatively in systematically distributed plots.
	Endangered Plant species	Few Sebastopol meadowfoam present on site.	Sebastopol meadowfoam present in all but one of the enhanced pools.	Sebastopol meadowfoam population abundance fluctuated but remained stable in 17 of 18 pools at an annual average of more than 2,400 plants. Sonoma sunshine also became established and increased from 42 plants to more than 200 plants by the end of the monitoring period. Total area of vernal pool habitat supporting endangered species increased by 5.66 acres.

Table 2. Summary of Observed Wetland and Endangered Plant Species Habitat Characteristics Prior to and Following Enhancement at Representative Mitigation Sites on the Santa Rosa Plain.

Attribute	Conditions Prior to Enhancement	Conditions in First Year Following Enhancement
Wetland indicator – hydric soils	Hydric soils present. Soil depth often too deep to support the endangered plant species because the depth of soil above the water-restricting horizon does not promote establishment of endangered plant species but permits establishment of unwanted perennial species which are deeply rooted species.	Hydric soils present although the visible and/or colorimetric indicators may have yet to develop fully; soils are anaerobic for very long duration. Depth of soil above the water-restricting horizon reduced (occasionally increased) to produce conditions more favorable for the establishment of the endangered plant species and other annual native vernal pool plant species.
Wetland Indicator – wetland hydrologic function	Wetland hydrologic function present. Depth and periods of continuous inundation are often well outside the optimal range for the desired endangered plant species and many of the annual native vernal pool plant species.	Wetland hydrologic function present with some wetlands inundated for shorter periods and to shallower depths, others for longer periods and to greater depth.
Wetland indicator – hydrophytic vegetation	Hydrophytic vegetation present.	Hydrophytic vegetation present. The total cover may be reduced but the relative cover of FAC, FACU, and UPL species is reduced and these species are limited to the saturated fringe at the elevation of the outlet.
Other soil characteristics	Soil depth above the water-restricting horizon (claypan and/or hardpan) ranges from 1.2 ft to 1.6 ft, generally too deep for Burke's goldfields but sufficient to permit establishment and persistence of unwanted rhizomatic and deeply tap-rooted species that have been observed to interfere with the establishment of Burke's goldfields.	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit establishment and persistence of unwanted species. Design soil depths based on the best available scientific information.
Other hydrologic characteristics	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum based on the best available scientific information.
Relative native plant species cover	Non-native plant species are the dominant species. Few native species present. Often, the sole dominant native species are California semaphore grass (and spike rush in deep pools). Area low on native plant species diversity.	Native plant species are the dominant species. The number of native plant species and the relative cover of native plant species have increased significantly. Vegetation dominated by native plant species that are present in a significantly larger area of habitat suitable for their establishment and persistence.
Suitable and occupied habitat for endangered plant species	Limited functionally suitable habitat present; total area of occupied habitat varies but total area is a function of hydrologic connections rather than actual presence of functionally suitable habitat and the endangered plant species	Enhanced habitat is modified to possess soil depths and maximum water depths (the latter as surrogate measures to control the periods of inundation) and the habitat is functionally occupiable. Considerably larger area of suitable and occupied habitat present.
Endangered Plant Species	Absent or present in a small percent of the total wetland area.	Endangered plant species present in greater numbers and widely distributed over a much larger total area of functionally suitable habitat.

Note 1: All seasonal wetland habitat defined to be suitable habitat and occupied habitat is defined as all seasonal wetland habitat supporting endangered plant species or hydrologically connected with such habitat. Most habitat defined as and treated as suitable habitat is actually not suitable for the endangered plant species.

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 56. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE WEIR BEING CONSTRUCTED WILL MAINTAIN THE CURRENT WATER LEVELS IN THIS AREA.
EXISTING WATER SURFACE 137.1±, PROPOSED WATER SURFACE 137.2

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 30. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION.

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 56. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. EXISTING WATER SURFACE 137.5 ±, PROPOSED WATER SURFACE 137.5

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 250. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE EXISTING BURKE'S GOLDFIELD IS AT AN ELEVATION OF 136.5
EXISTING WATER SURFACE 137.0±
PROPOSED WATER SURFACE 137.0

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 95. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE EXISTING POOL BOTTOM ELEVATIONS WILL REMAIN THE SAME AS THE EXISTING CONDITIONS AT 135.7
PROPOSED WATER SURFACE 136.1, EXISTING WATER SURFACE 136.2±

LEGEND

- BURKE'S GOLDFIELD COLONY (2020)
- TEST PIT
- SPIKE RUSH REMOVAL
- BURKE'S GOLDFIELD COLONY (2018)
- EXISTING VERNAL POOL/SWALE
- MOUND FOOTPRINT, CONTOURS AND SPOT ELEVATIONS
- LIMITS OF EXCAVATION
- BOTTOM OF VERNAL POOL
- VERNAL POOL NUMBER
- VERNAL POOL OUTLET
- VERNAL POOL OUTLET ELEVATION
- BURKE'S GOLDFIELD COLONY (2016)

FLAG #1000
ELEV. 100.00

VP 0
136.7 (O)

EXISTING TEST PIT DATA ABBREVIATIONS
TC = TOP OF CLAY
TCL = TOP OF CLAY LOAM
BC = BOTTOM OF CLAY
TH = TOP OF HARDPAN
NS = NOT SUITABLE
MCH, WCH = DEGREE OF HARDPAN CEMENTATION

GRAPHIC SCALE
1 INCH = 20 FEET

DESIGNED BY:

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Wetlands Consultant
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DRAFTED BY:

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Job Name: STONEBRIDGE PRESERVE
Description: PROPOSED WETLAND ENHANCEMENT AND CREATION

DRAWN BY: JM	CHECKED BY: JMD
SCALE: 1" = 20'	
SHEET: 1 OF 1	JOB NUMBER: 7495-17
DWG. FILE:	7495_wetland_EXHIBIT.dwg
DATE:	Sep 24, 2020
TIME:	11:56am

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Appendix A:
Monk and Associates Response to CDFW

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MONK & ASSOCIATES
Environmental Consultants

October 8, 2020

FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Attention: Ms. Liza Baskir

RE: Response to California Department of Fish and Wildlife Comments
Stonebridge Subdivision Project, Mitigated Negative Declaration
SCH No. 2020059046, City of Santa Rosa, Sonoma County, California

Dear Ms. Baskir:

On behalf of the project applicant, D.M. Jacobson & Sons, Inc., Monk & Associates, Inc. ("M&A") has prepared this response to the California Department of Fish and Wildlife's ("CDFW") comments on the Stonebridge Subdivision Project ("the Project") Initial Study/Mitigated Negative Declaration ("IS/MND").

Comment 1: The commenter states that the Project's residential construction activities would remove up to 2.52 acres of Lobb's buttercup habitat, and habitat enhancement activities would remove an additional 0.13-acre, for a total of up to 2.65 acres of permanent habitat loss. Lobb's buttercup has a California Rare Plant Rank of 4.2, indicating that it has a limited distribution. CDFW recommends that a qualified botanist collect seed and soil from all vernal pool habitat within the Project area that will be impacted both permanently and temporarily prior to commencement of Project activities. The top two inches of topsoil shall be collected and immediately translocated and dispersed onto enhanced or created suitable vernal pool habitat on the East Parcel, pursuant to IS/MND Mitigation Measure (MM) BIO-1d, or another CDFW-approved location.

Response: Lobb's buttercup has been observed in many wetland and vernal pool habitats on the Santa Rosa Plain and elsewhere in Sonoma County. As the commenter states, this species has a CNPS Rank of 4.2. Rank 4 species are typically not addressed in CEQA documents and thus, the Draft IS/MND does not discuss this species other than to note its presence onsite. Finally, since seeds and topsoil will be collected as part of the Project's restoration and enhancement proposal, collection of Lobb's buttercup seeds via topsoil salvage was already part of the proposed Project. However, to address the commenter's concern, prior to topsoil salvage, drying Lobb's buttercup plants with seed will also be collected and appropriately stored for distribution in the enhanced and created wetlands on the East Parcel (the "Preserve"). Collection of Lobb's buttercup seed has been added to MM BIO-1d.

Comment 2: The commenter states that land within and adjacent to the Project area includes nonnative grassland habitat that is potentially suitable for foraging, overwintering, and nesting burrowing owls (*Athene cunicularia*), a California Species of Special Concern and also protected under Fish and Game Code section 3503.5 and the federal Migratory Bird Treaty Act ("MBTA"). The California Natural Diversity Database ("CNDDB") documents a wintering burrowing owl approximately 3.8 miles northwest of the Project area at the Charles M. Schulz Airport property in 2017; a burrowing owl was observed near the same location in November 2019. The Project may

result in burrowing owl nest or wintering burrow abandonment, loss of young, and reduced health and vigor of adults or young from audio and visual disturbances caused by construction activities. The CDFW recommends that surveys for the western burrowing owl be conducted following the methodology prescribed in the CDFW's *Staff Report* on burrowing owl mitigation (CDFW 2012).

Response: Burrowing owls have been observed at the Charles M. Schultz airport and at the west Santa Rosa airport (former military airport) during the winter months in several different years (eBird records). Airports world-wide are known for burrowing owl sightings. The most likely reason is the runways are kept free of tall vegetation and the open, expansive areas allow this ground-dwelling owl to have a 360-degree view to watch for aerial predators such as hawks and eagles. While there are several winter records for the burrowing owl in Santa Rosa, there are no nesting records and that is likely because this owl typically nests in California ground squirrel (*Otospermophilus beechyi*) burrows and there are none in the Santa Rosa Plain and very few on the outskirts of Santa Rosa. One likely reason there are not California ground squirrels is the water table in much of the Santa Rosa Plain is too high to support this burrowing mammal. California ground squirrels are found in hilly terrain within the County but not on the Plain. Since there are no California ground squirrels on the Project site, or other burrow donors, there is not suitable habitat for the burrowing owl to nest onsite. Thus, while there is a very slight possibility that this owl could be observed stopping over on the Project site during the winter months, though none were observed while M&A biologists were on the Project site for 39 days between November 2019 and March 2020 as part of a California tiger salamander drift fence study, this owl would be unlikely to reside onsite or nest onsite due to several factors: the absence of burrows and burrow donors, and the high water table that precludes burrowing mammals from moving onsite. MM BIO-1c requires nesting bird surveys prior to construction so that there is no take of an active nest, bird eggs and/or young. These surveys would be sufficient to determine if burrowing owls were nesting onsite and if they were, appropriate non-disturbance nesting buffers could be incorporated into the Project.

Note: There is no Comment 3 in the CDFW Letter.

Comment 4 part a: The commenter suggests that MM BIO-1a should be revised to indicate that the Project will apply for a "Memorandum of Understanding" instead of an "Incidental Take Permit," in conformance with Fish and Game Code Section 2081, subdivision (a).

Response: MM BIO-1a of the Final Initial Study/Mitigated Negative Declaration ("Final IS/MND") reflects this revision.

Comment 4 part b: The commenter suggests that the Project will need to obtain a Letter of Permission from the CDFW authorizing Project activities on CDFW-owned lands pursuant to California Code of Regulations, title 14, section 550, subdivision (f) "Research."

Response: MM BIO-1a provides that "Burke's goldfield seeds shall be collected from several possible source populations that the CDFW may designate, including the Alton Lane Mitigation Site and/or Woodbridge Preserve." The Alton Lane Mitigation Site is currently privately owned, as may well be other possible collection sites the CDFW designates. If a collection site is

privately owned, a Letter of Permission from the CDFW will not be required. MM BIO-1a has been revised to provide that if a collection site is CDFW-owned at the time collection activities are to occur, then a Letter of Permission will be required.

Comment 4 part c: The commenter suggests that the MND should clarify whether Project activities on the East Parcel would result in impacts on Burke's goldfields, and says it is unclear how impacts from enhancement activities, such as recontouring, would avoid impacts. Further, if Project activities would result in impacts on Burke's goldfields, either directly or indirectly, through for example hydrological modification, either on or adjacent to the Project area, then an ITP or other CDFW authorization may be more appropriate for the Project. Finally, the commenter notes that adjacent habitat includes the CDFW-owned Woodbridge Preserve which supports a sensitive Burke's goldfields population.

Response: The 14.0-acre Stonebridge Preserve (the East Parcel), when combined with the contiguous Woodbridge Preserve and the proposed Kerry II and III Preserves, would increase the size of a permanent ecological preserve for Burke's goldfields from 12.6 to 31.2 acres. As part of the proposed mitigation described on Page 51 of Appendix B to the Draft IS/MND, the existing 3.79 acres of low-quality wetlands on the East Parcel would increase in size to 5.52 acres of enhanced wetlands designed, contoured and managed to suppress non-native plants and support the colonization and propagation of Burke's goldfields. The Stonebridge Preserve could increase the number of Burke's goldfields from 115 plants observed in 2020 to more than 2.7 million plants (assuming the plant densities achieved on the East Parcel are similar to those observed in the adjoining Woodbridge Preserve) following enhancement. The Draft IS/MND correctly states that the proposed enhancement of Burke's goldfield habitat on the Stonebridge Preserve would not result in significant adverse impacts on Burke's goldfields consistent with the incidental take authorization process provided under Fish and Game Code Section 2081(a) for the following reasons:

The enhancement activities in the Stonebridge Preserve (i.e., the East Parcel) would not result in direct significant adverse impacts on Burke's goldfields under CEQA because:

- Burke's goldfield colonies (consisting of 0.057-acre) occur within pools that would not be directly impacted by proposed wetland enhancement/creation in the East Parcel. Thus, there would be no incidental take pursuant to the CESA.

The enhancement activities in the Stonebridge Preserve (i.e., the East Parcel) would not result in indirect significant adverse impacts to Burke's goldfields under CEQA because:

- The existing seasonal wetlands that currently do not support Burke's goldfields would be enhanced and expanded, and the number of Burke's goldfields in the East Parcel would substantially increase.

- Burke's goldfield seeds alone - not plants - would be collected from one or more CDFW-approved donor sites, and also within the Stonebridge Preserve, under a MOU

issued pursuant to Fish and Game Code Section 2081(a) and relocated to the enhanced wetland pools.

- The proposed enhancement activities would modify the topographic and hydrologic characteristics of the wetlands in the Stonebridge Preserve (East Parcel) alone and would have a beneficial impact consistent with the management, scientific and recovery activities permitted under Fish and Game Code Section 2081(a).

Therefore, incidental take authorization under Section 2081(a) of the Fish and Game Code is appropriate for the scientific and recovery activities proposed for the Stonebridge Preserve. The following discussion provides additional information to support this conclusion:

Discussion of why the enhancement activities will not result in indirect significant impacts to Burke's goldfields:

Appendix B to the IS/MND shows the seasonal wetland habitat on the Stonebridge Preserve that would be modified to enhance Burke's goldfields habitat. To create optimal physical and hydrologic conditions for Burke's goldfields, 1) areas of seasonal wetland habitat that are currently too deep to support Burke's would be filled to raise the grade of the bottom of the wetland and (2) outlets would be installed to control the maximum depths of standing water to create the necessary topographical conditions needed to perpetuate Burke's goldfields. The area of existing seasonal wetland habitat would remain seasonal wetland habitat after the enhancement activities are completed, as described in the March 2020 Stonebridge Mitigation and Monitoring Plan ("MMP") prepared by Dr. Laurence Stromberg, a wildland resource scientist who has managed the design and construction of six successful Burke's goldfield preserves and conservation banks on the Santa Rosa Plain. There will be *no loss of seasonal wetland habitat and the proposed MMP would replace 3.79 acres of low-quality wetlands with 5.52 acres of enhanced wetland pools optimally suited to support Burke's goldfields after the enhancement activities are completed*. Thus, there would be no significant adverse indirect or direct impacts on Burke's goldfields associated with the restoration activities.

Based on his extensive and successful experience in creating Burke's goldfield habitat on the Santa Rosa Plain, Dr. Stromberg prepared the attached tables which report on various scientific aspects of the proposed enhancement activities. Table 1 shows the "pre-enhancement" and "post-enhancement" conditions observed in five recent enhancement and creation projects, and Table 2 summarizes these wetland and endangered plant species characteristics. The results demonstrate that the other enhancement and creation projects provided beneficial impacts with respect to wetland creation and biological function. Since the Stonebridge Project Site has the same characteristics as these other projects (i.e., similar topography, soil types, wetland habitat, vernal pools inundated over a similar range in depth, etc.), it is reasonable to predict a similar improvement would occur in the enhanced Burke's goldfields habitat on the Stonebridge Preserve.

Based on the foregoing assessment, it is reasonable to conclude that under CEQA the proposed creation and enhancement activities would have no direct adverse environmental impacts on the existing Burke's goldfields and its habitat. No occupied habitat would be lost and the temporary construction disturbance would not result in significant adverse impacts because the enhancement activities would avoid the occupied Burke's goldfield pools. Finally, enhancement activities would increase the colonization opportunities for existing Burke's goldfields onsite. *Thus, it is reasonable to predict that the proposed enhancement activities would have a beneficial impact*.

Discussion of why the enhancement activities would modify the topography and hydrology on the Project site alone:

According to Wetlands Consultant, Dr. Laurence P. Stromberg, the enhancement in the Stonebridge Preserve would have no significant adverse impacts on Burke's goldfields populations in vernal pools in the adjacent Woodbridge Preserve. Currently, three pools in the Woodbridge Preserve abut three Stonebridge Preserve wetlands and are inundated for periods considerably longer than optimal for Burke's goldfields because water flowing in from the Stonebridge Preserve wetlands extends the periods of inundation. When the outlets to the three abutting Stonebridge Preserve wetlands are lowered as part of the enhancement, the flow into the Woodbridge Preserve pools will be reduced or eliminated and conditions in them are likely to improve for Burke's goldfields Although unlikely, in the event that physical changes to the topography and hydrology on the Stonebridge Preserve during enhancement change hydrology in a manner that the amount of flow would increase into a Burke's goldfields pool on the Woodbridge Preserve, the elevations of the outlets of the Stonebridge Preserve vernal pools will be modified so that the conditions in the Woodbridge Preserve are not adversely affected.

Conclusion

In summary, although the proposed enhancement activities would physically change the existing habitat on the Stonebridge Preserve Site, the changes *would not have significant adverse environmental impacts* because they would *improve the existing habitat* and would substantially increase the area of optimal Burke's goldfields habitat on the Stonebridge Preserve. After enhancement of the Stonebridge Preserve, as part of the proposed mitigation described on Page 51 of Appendix B to the Draft IS/MND, the existing 3.79 acres of wetlands on the East Parcel would increase to 5.52 acres of enhanced wetlands designed, contoured and managed to suppress/eliminate non-native plants and promote the establishment and expansion of the Burke's goldfields, much as the enhancement activities at Woodbridge did for Burke's goldfields (see Table 1 for details). Through the proposed enhancement activities, the Stonebridge Preserve would increase the number of Burke's goldfields from 115 plants observed in 2020 to more than 2.7 million plants (assuming the plant densities achieved on the East Parcel are similar to the results observed in the adjoining Woodbridge Preserve). Finally, as described on page 17 of the draft IS/MND the 14.0-acre Stonebridge Preserve, when combined with the contiguous Woodbridge Preserve and the proposed Kerry II and III Preserves, would increase the size of a permanent ecological preserve for Burke's goldfields from 12.6 to 31.2 acres. In summary, this is

a beneficial impact consistent with the management, scientific and recovery activities permitted under Fish and Game Code Section 2081(a).

Additional Comments Within Comment 4.

1. **Comment:** The commenter suggests that the Final IS/MND should include an aerial-based map showing where and what type of wetland enhancement activities would occur in the occupied Burke's goldfields habitat and the CDFW Woodbridge Preserve.

Response: The attached exhibit prepared by Cinquini & Passarino, Inc., Land Surveying, which is an aerial-based map that shows where the Burke's goldfields occurs in relation to the proposed wetland enhancement activities will be appended to the Final IS/MND.

2. **Comment:** The commenter requests additional analysis demonstrating that Burke's goldfields would be avoided.

Response: See Response to the first part of Comment No. 4 above.

3. **Comment:** The commenter requests that the project applicant coordinate with CDFW prior to conducting wetland enhancement activities to ensure impacts to Woodbridge Preserve are avoided.

Response: MM BIO 1-a has been revised to include this requirement. .

4. **Comment:** The commenter requests that the CDFW accept the plant survey results for the entire Project to ensure the surveys were properly implemented.

Response: MM BIO 1-a has been revised to include this requirement.

Comment 5. The commenter recommends that MM BIO-1b include a requirement for CDFW to accept the California tiger salamander protocol survey results to ensure surveys were properly implemented.

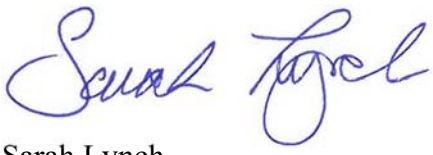
Response: MM BIO-1b has been revised to include this requirement.

Comment 6: The commenter states that MM BIO-1c is not adequately protective of nesting birds. CDFW recommends that it be adjusted to include additional language about monitoring nesting bird behavior and responses to surrounding activities.

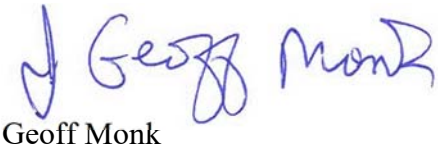
Response: MM BIO-1c has been revised to include this language.

This completes our response to comments. If you require additional information, please do not hesitate to contact one of us at (925) 947-4867 or at Geoff@monkassociates.com or Sarah@monkassociates.com. Thank you for your time and attention to this project.

Sincerely,



Sarah Lynch
Senior Associate Biologist



Geoff Monk
Principal Biologist

Attachments: Tables 1 and 2
Exhibit by Cinquini & Passarino

Table 1. Wetland and Endangered Plant Species Habitat Characteristics Prior to and Following Enhancement at Representative Mitigation Sites on the Santa Rosa Plain.

Mitigation Site	Characteristic	Pre-enhancement	Post-enhancement (Yr 1)	Comments
Slippery Rock Conservation Bank	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from mostly shallow inundation and long-duration soil saturation to moderate depth of inundation and very-long-duration soil saturation. All pools and swales characterized by wetland hydrologic function over monitoring period.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Hydrophytic vegetation present in all wetlands over monitoring period. Cover dominance shifts from non-native to native plant species. No UPL species present and total cover of FACU and FAC species reduced.
	Optimal soil characteristics for endangered plant species	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Sonoma sunshine, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Sonoma sunshine and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Sonoma sunshine is similar to that for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for endangered plant species	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 – 0.7 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Sonoma sunshine is 0.5 – 0.7 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	Except in 1,000 sf at boundary with Wright Preservation Bank (WPB), sole native species was California semaphore grass.	Thirty native vernal pool plant species present and 73% relative native plant species cover.	Pre-enhancement wetlands dominated by non-native annual species. Dominance shifted from non-native to native plant species.
	Endangered Plant species	220 Sebastopol meadowfoam plants restricted to 1,000 sf in two pools bordering WPB.	4,400 Sebastopol meadow-foam present in 26 of 27 enhanced and created pools; also 60,000 Sonoma sunshine present.	At the end of five years, Sebastopol meadowfoam remained stable in 24 of 27 pools; Sonoma Sunshine increased to 1.8 million in 23 of 27 pools; 317,000 Burke's goldfields present in all pools. Populations of both species remain stable. Area of occupied habitat increased by 7.02 acres.

Woodbridge Preserve	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation of upper 12 inches (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all wetlands from shallow inundation and short-duration soil saturation to deeper inundation and very-long-duration soil saturation. All pools characterized by wetland hydrologic function through monitoring period.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Shift in cover dominance from non-native to native plant species. Hydrophytic vegetation present in all wetlands over monitoring period.
	Optimal soil characteristics for Burke's goldfields	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for endangered plant species	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Burke's goldfields 0.5 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	California semaphore grass only native species with one percent cover.	Relative native plant species cover exceeds 80% across all pools.	Relative native plant species cover 90% to 95% in every pool in every year during the monitoring period. Native plant species dominant in 6.15 acres of enhanced habitat.
	Endangered Plant species	In 1995 20-25 Burke's goldfields in a small (<200 sf) area; none observed subsequently.	628 Burke's goldfields and 95 Sonoma sunshine in first year. Starting points for substantial subsequent increases.	446,586 Burke's goldfield and 370,423 Sonoma sunshine present in year two. During monitoring period Burke's goldfields increased to between 2 and 18 million; Sonoma sunshine increased to between 485,000 and 1.4 million. Extreme rainfall years (high total, low total, extended mid-winter drought, excess early-spring rainfall) caused substantial popular-tion fluctuations. Area of occupied habitat increased by 6.15 acres. Burke's goldfields distributed widely.

Alton North Conservation Bank	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches of soils (surface soils).
	Wetland Hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from shallow inundation or deep inundation (uncommon) to moderate-depth inundation and very-long-duration soil saturation. All 81 pools characterized by wetland hydrologic function but one pool does not function like a vernal pool.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Continued and persistent shift in cover dominance from non-native to native plant species. Hydrophytic vegetation present in all wetlands over monitoring period. Reduced cover of FAC and FACU species; virtually no UPL species cover.
	Optimal soil characteristics for Burke's goldfields and Sonoma sunshine	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establishment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information. Sonoma sunshine, which was present prior to the enhancement but was not the target species for which the enhancement and creation were proposed, can tolerate slightly deeper water but survives in pools with a maximum water depth of 0.5 ft.
	Optimal hydrologic characteristics for Burke's goldfields and Sonoma sunshine	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Burke's goldfields 0.5 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	California semaphore grass only native species with 1% cover.	Relative cover of native vernal pool plant species exceeds 92 % in every pool.	Relative native plant species remained consistently high (90% to 95%) in all of the pools throughout the monitoring period. Data based on whole-pool cover measurements made in support of the seed collection plan for FRMS.
	Endangered Plant species	3,919 Sonoma sunshine plants present in two small areas of under 3,000 sf; no other listed species present.	Sonoma sunshine abundance increases to 9,840 plants (number estimated using abundance classes) and Burke's goldfields estimated at 462,257 plants.	Both listed species continue to increase. Sonoma sunshine reaches an estimated abundance of 92,500 plants and is present in 14 of 16 pools. Burke's goldfields ranges from 2.1 million to 8.1 million and is present in all pools and 16 of 17 pools in most years. Population abundances fluctuate annually and reflect extreme differences in the amount and pattern of annual rainfall distribution. Both species widely distributed in 7.24 acres of enhanced habitat.

Fulton Road Mitigation Site	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches of soils (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from shallow inundation and long-duration soil saturation to deeper inundation and very-long-duration soil saturation. All 38 pools characterized by wetland hydrologic function.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Continued and persistent shift in cover dominance from non-native to native plant species. Fewer FAC species present; relative cover of FACU species less than 2% in all pools.
	Optimal soil characteristics for Burke's goldfields	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Burke's goldfields and is 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for Burke's goldfields	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Burke's goldfields 0.5 ft measured when the water level is at the outlet. This range is based on research and field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	California semaphore grass and spikerush the only native species. Total relative cover under 1%.	Relative cover of native vernal pool plant species estimated to exceed 80% in every pool.	Native plant species now dominant in 3.18 acres of enhanced vernal pool and 4.59 acres of created vernal pools. Relative cover of native plant species increased to 96% in all but one pool in the second year (2018-2019).
	Endangered Plant species	One Burke's goldfields present; 150-1,800 Sonoma sunshine plants present (annual variation) in one marginally suitable vernal pool.	Burke's goldfields estimated at 328,404 plants; Sonoma sunshine estimated at 9,000 plants based (using abundance classes).	Spring 2019 Burke's goldfields estimated at 1,722,725 plants; using abundance classes, Sonoma sunshine population estimated at 28,190 plants. Second-year increases observed in spite of declines at most sites on the Santa Rosa Plain. Third-year data not yet analyzed. Burke's goldfields present, increasing in abundance in every vernal pool, and distributed widely across the entire site.

Gobbi Mitigation Site	Hydric soils	Soils hydric in all seasonal wetlands.	Soils hydric in all seasonal wetlands.	Pre-enhancement hydric soils determined based on single wet-season measurements and visible or colorimetric characteristics. Post-enhancement hydric soils based on season-long observations of very-long duration saturation in upper 12 inches of soils (surface soils).
	Wetland hydrologic function	All wetlands characterized by wetland hydrologic function.	All wetlands characterized by wetland hydrologic function.	Shift in all seasonal wetlands from mostly shallow inundation and long-duration soil saturation to moderate depth inundation and very-long-duration soil saturation. All pools and swales characterized by wetland hydrologic function over monitoring period.
	Hydrophytic vegetation	All wetlands characterized by hydrophytic vegetation.	All wetlands characterized by hydrophytic vegetation.	Shift in cover dominance to native plant species. Hydrophytic vegetation present in all wetlands throughout monitoring period.
	Optimal soil characteristics for Sebastopol meadowfoam	Soil depth above the water-restricting horizon (claypan and/or hardpan) universally too deep for annual vernal pool plant species, including Burke's goldfields, but sufficient for establishment and persistence of rhizomatic species (spikerush) and tap-rooted species (curly dock).	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit widespread establish-ment and persistence of unwanted species.	The optimal combination of soil depth and maximum water depth for Sebastopol meadowfoam is assumed to be 0.6 – 1.2 ft of soil above the water-restricting horizon. This range is based on limited soils data, and pre-and post-enhancement (and creation) field observation by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Optimal hydrologic characteristics for Sebastopol meadowfoam	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum.	The ideal maximum depth of standing water for Sebastopol meadowfoam ranges from 0.5 -0. 7 ft measured when the water level is at the outlet. This range is based on pre- and post-enhancement (and creation) field observations by Dr. Steven Talley and Dr. Stromberg and constitutes the best available scientific information.
	Native Plant Species Cover	50-75% relative native plant species cover.	78% relative native plant species cover.	Pre-enhancement cover by species estimated qualitatively using general cover classes; post-enhancement cover estimated quantitatively in systematically distributed plots.
	Endangered Plant species	Few Sebastopol meadowfoam present on site.	Sebastopol meadowfoam present in all but one of the enhanced pools.	Sebastopol meadowfoam population abundance fluctuated but remained stable in 17 of 18 pools at an annual average of more than 2,400 plants. Sonoma sunshine also became established and increased from 42 plants to more than 200 plants by the end of the monitoring period. Total area of vernal pool habitat supporting endangered species increased by 5.66 acres.

Table 2. Summary of Observed Wetland and Endangered Plant Species Habitat Characteristics Prior to and Following Enhancement at Representative Mitigation Sites on the Santa Rosa Plain.

Attribute	Conditions Prior to Enhancement	Conditions in First Year Following Enhancement
Wetland indicator – hydric soils	Hydric soils present. Soil depth often too deep to support the endangered plant species because the depth of soil above the water-restricting horizon does not promote establishment of endangered plant species but permits establishment of unwanted perennial species which are deeply rooted species.	Hydric soils present although the visible and/or colorimetric indicators may have yet to develop fully; soils are anaerobic for very long duration. Depth of soil above the water-restricting horizon reduced (occasionally increased) to produce conditions more favorable for the establishment of the endangered plant species and other annual native vernal pool plant species.
Wetland Indicator – wetland hydrologic function	Wetland hydrologic function present. Depth and periods of continuous inundation are often well outside the optimal range for the desired endangered plant species and many of the annual native vernal pool plant species.	Wetland hydrologic function present with some wetlands inundated for shorter periods and to shallower depths, others for longer periods and to greater depth.
Wetland indicator – hydrophytic vegetation	Hydrophytic vegetation present.	Hydrophytic vegetation present. The total cover may be reduced but the relative cover of FAC, FACU, and UPL species is reduced and these species are limited to the saturated fringe at the elevation of the outlet.
Other soil characteristics	Soil depth above the water-restricting horizon (claypan and/or hardpan) ranges from 1.2 ft to 1.6 ft, generally too deep for Burke's goldfields but sufficient to permit establishment and persistence of unwanted rhizomatic and deeply tap-rooted species that have been observed to interfere with the establishment of Burke's goldfields.	To the extent possible soil depth is reduced to between 0.6 ft and 1.2 ft to provide suitable depth for Burke's goldfields and other annual native vernal pool plant species but soils too shallow to permit establishment and persistence of unwanted species. Design soil depths based on the best available scientific information.
Other hydrologic characteristics	Vernal pools characterized by maximum depths of standing water and durations of continuous inundation.	Outlet and pool bottom elevations designed to set the maximum depths of standing water at 0.5 ft and to reduce the periods of inundation to periods within the observed optimum based on the best available scientific information.
Relative native plant species cover	Non-native plant species are the dominant species. Few native species present. Often, the sole dominant native species are California semaphore grass (and spike rush in deep pools). Area low on native plant species diversity.	Native plant species are the dominant species. The number of native plant species and the relative cover of native plant species have increased significantly. Vegetation dominated by native plant species that are present in a significantly larger area of habitat suitable for their establishment and persistence.
Suitable and occupied habitat for endangered plant species	Limited functionally suitable habitat present; total area of occupied habitat varies but total area is a function of hydrologic connections rather than actual presence of functionally suitable habitat and the endangered plant species	Enhanced habitat is modified to possess soil depths and maximum water depths (the latter as surrogate measures to control the periods of inundation) and the habitat is functionally occupiable. Considerably larger area of suitable and occupied habitat present.
Endangered Plant Species	Absent or present in a small percent of the total wetland area.	Endangered plant species present in greater numbers and widely distributed over a much larger total area of functionally suitable habitat.

Note 1: All seasonal wetland habitat defined to be suitable habitat and occupied habitat is defined as all seasonal wetland habitat supporting endangered plant species or hydrologically connected with such habitat. Most habitat defined as and treated as suitable habitat is actually not suitable for the endangered plant species.

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 56. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE WEIR BEING CONSTRUCTED WILL MAINTAIN THE CURRENT WATER LEVELS IN THIS AREA.
EXISTING WATER SURFACE 137.1±, PROPOSED WATER SURFACE 137.2

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 30. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION.

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 56. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. EXISTING WATER SURFACE 137.5 ±, PROPOSED WATER SURFACE 137.5

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 250. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE EXISTING BURKE'S GOLDFIELD IS AT AN ELEVATION OF 136.5
EXISTING WATER SURFACE 137.0±
PROPOSED WATER SURFACE 137.0

THE EXISTING BURKE'S GOLDFIELD PLANTS IN THIS AREA WILL NOT BE DISTURBED BY WETLAND CREATION OF VERNAL POOL 95. THE HYDROLOGIC CONDITIONS WILL REMAIN THE SAME AS BEFORE CONSTRUCTION. THE EXISTING POOL BOTTOM ELEVATIONS WILL REMAIN THE SAME AS THE EXISTING CONDITIONS AT 135.7
PROPOSED WATER SURFACE 136.1, EXISTING WATER SURFACE 136.2±

LEGEND

- BURKE'S GOLDFIELD COLONY (2020)
- TEST PIT
- SPIKE RUSH REMOVAL
- BURKE'S GOLDFIELD COLONY (2018)
- EXISTING VERNAL POOL/SWALE
- MOUND FOOTPRINT, CONTOURS AND SPOT ELEVATIONS
- LIMITS OF EXCAVATION
- BOTTOM OF VERNAL POOL
- VERNAL POOL NUMBER
- VERNAL POOL OUTLET
- VERNAL POOL OUTLET ELEVATION
- BURKE'S GOLDFIELD COLONY (2016)

FLAG #1000
ELEV. 100.00

VP 0
136.7 (O)

EXISTING TEST PIT DATA ABBREVIATIONS
TC = TOP OF CLAY
TCL = TOP OF CLAY LOAM
BC = BOTTOM OF CLAY
TH = TOP OF HARDPAN
NS = NOT SUITABLE
MCH, WCH = DEGREE OF HARDPAN CEMENTATION

GRAPHIC SCALE
1 INCH = 20 FEET

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Job Name: STONEBRIDGE PRESERVE
Description: PROPOSED WETLAND ENHANCEMENT AND CREATION

DRAWN BY: JM	CHECKED BY: JMD
SCALE: 1" = 20'	
SHEET: 1 OF 1	JOB NUMBER: 7495-17
DWG. FILE:	7495_wetland_EXHIBIT.dwg
DATE:	Sep 24, 2020
TIME:	11:56am

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