Biological Resources Assessment

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BIOLOGICAL RESOURCES ASSESSMENT
LANTANA PLACE HOMES PROJECT
SANTA ROSA, CA
(APN 043-121-013)

Prepared for:

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1.0 INTRODUCTION

This report provides current information regarding biological resources potentially occurring on property located at 2979 Dutton Meadow in Santa Rosa, Sonoma County, California. Biological resource reports for this project site and the property to the north were previously prepared by Golden Bear Biostudies in 2003 and 2005. The purpose of this report is to provide the City of Santa Rosa updated information regarding biological resources on the project site in support of its review of the proposed project pursuant to the California Environmental Quality Act ("CEQA") and the National Environmental Policy Act ("NEPA").

2.0 SITE DESCRIPTION

The project site is located west of Dutton Meadow and north of Bellevue Avenue in Santa Rosa and covers 4.15 acres (Figure 1). The majority of the site may be characterized as non-native grassland with the presence of a few seasonal swales, most of which occur on the western portion of the property (Golden Bear Biostudies, 2003). The site is rectangular in shape and has a history of being used for hay production.

Topographic relief on the site is gentle, with less than a 2-foot elevation difference between the highest (eastern) and lowest (western) points on the site. The more elevated areas are relatively well-drained, while the seasonal swales have relatively poor drainage and may contain standing water for a period in the winter and early spring, although they become completely dry by late spring or summer once rains cease.

The more elevated portions of the survey area are vegetated with non-native grassland. The site is bounded on the east primarily by residential development and on the south, west, north, and northwest by undeveloped land.

According to the U.S. Department of Agriculture (U.S.D.A., 2017), the majority of the soils on the site are mapped as Clear Lake clay, ponded, 0 to 2 percent slopes with a small portion of the eastern part of the site mapped as Wright loam, shallow, wet 0 to 2 percent slopes.

Figure 1: Project Location
2979 Dutton Meadow, Santa Rosa, CA

Project Location

Sonoma County Boundary

Date: 12-7-2017
Data: Sol Ecology, CA DFW Sonoma Co.

Base: ESRI
GIS: AJG

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3.0 ASSESSMENT

3.1 Background review

Various studies have been conducted on the project site and conditions and biological resources have been summarized in a variety of documents including the *Biological Assessment, 2975 Dutton Meadow, Santa Rosa* (Golden Bear BioStudies, 2003 and 2005) and the *Lantana Place Initial Study and Mitigated Negative Declaration* (City of Santa Rosa, 2009). The 2003 and 2005 studies included the existing project site, which was part of a larger parcel. The larger parcel was subsequently subdivided and the existing project site was assigned a new address of 2979 Dutton Meadow. The 2009 report only included the existing 4.15-acre project site.

Summaries of previously conducted surveys and results are provided below.

3.2 Field Assessments and Surveys

3.2.1 Wetlands

Golden Bear BioStudies conducted a wetlands assessment on the existing project site in June 2003. A total of approximately 0.35 acre of seasonal swales was identified on the western and southern portion of the property, which is part of the current project site. On December 20, 2017 Lucy Macmillan conducted a follow-up delineation using the base map prepared by Golden Bear Biostudies as background as well as more current aerial photographs downloaded from Google Earth. Observations of wetland hydrology, vegetation and soils were made utilizing the methods and procedures prescribed in the current U.S. Army Corps of Engineers manuals used for this region (Environmental Laboratory, 1987. U.S. Army Corps of Engineers, 2008). The limit of potential jurisdictional wetlands was determined to be approximately the same as those mapped by Golden Bear BioStudies with the addition of a drainage ditch on the eastern property boundary. This ditch measures approximately 2 feet in width and covers a total area of 360 square feet or 0.01 acre.

During the December 20, 2017 site evaluation, the wetland areas previously identified by Golden Bear BioStudies, were primarily dominated by facultative wet species. These areas also demonstrated distinct hydric soil characteristics. Mottling and evidence of oxidized rhizospheres were observed in the dense clay loam soils.

The wetland areas on the project site drain in a southerly and southwesterly direction into wetland swales north of Bellevue Avenue and the Colgan Creek Channel. These wetland features ultimately drain in a southwesterly direction towards the Laguna de Santa Rosa.

The applicant is requesting that the San Francisco Corps of Engineers conduct an updated jurisdictional wetlands determination at 2979 Dutton Meadow because the one previously conducted in 2003 is out of date.

The applicant purchased wetland mitigation credit in 2008 to mitigate proposed seasonal wetland impacts associated with development of the property. A copy of the proof of purchase of wetland credits indicates the applicant acquired 0.35 acres and is attached as Appendix A.

The applicant purchased CTS mitigation credit in 2008 to mitigate proposed impacts to CTS habitat associated with development of the property. A copy of the proof of purchase of mitigation credits indicates the applicant acquired 6.53 acres (plus an additional 1.23 acres for special status plants) and is attached as Appendix B.

LEGEND

LIMITS OF IMPROVEMENTS

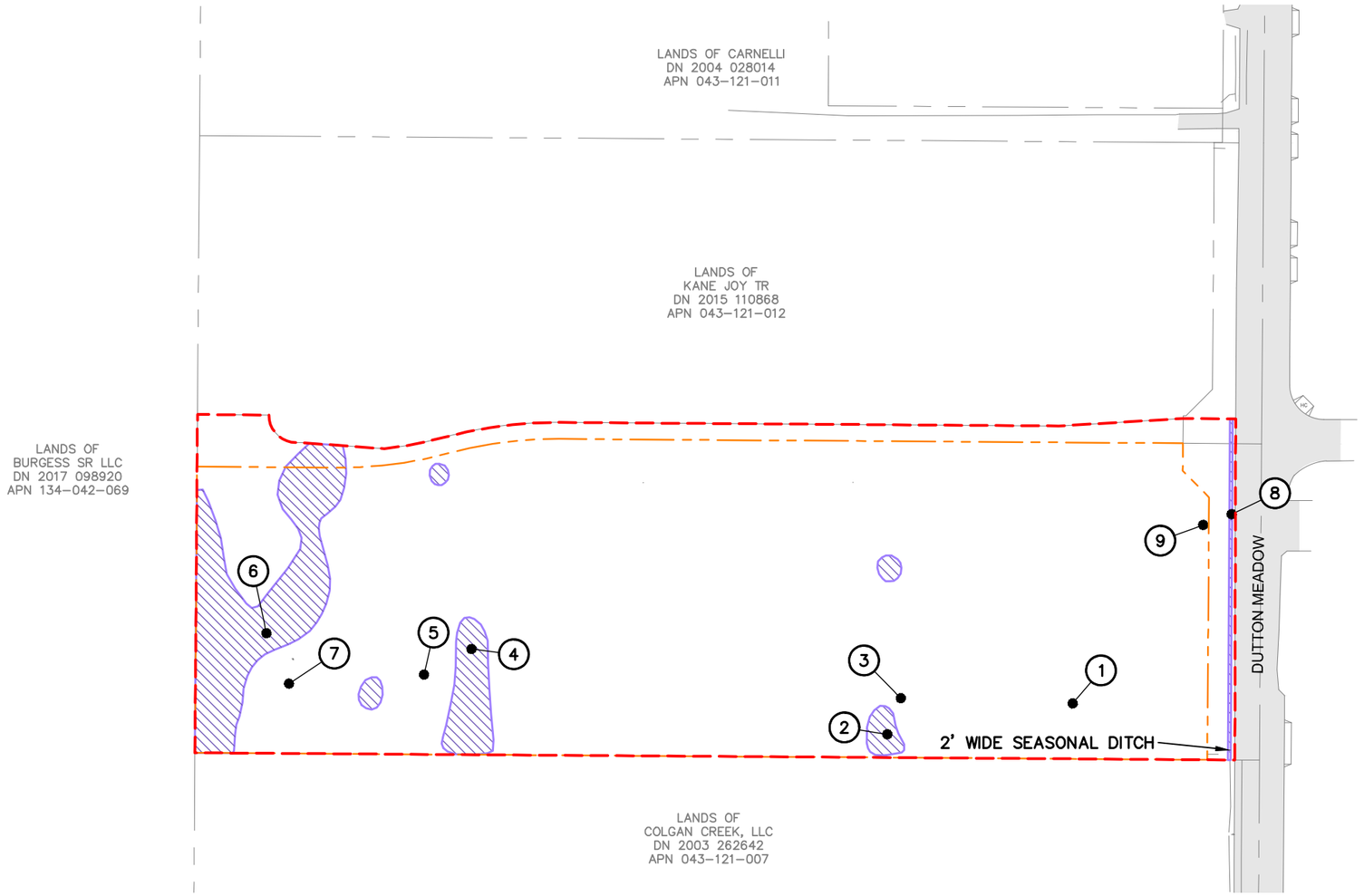
PROPERTY BOUNDARY

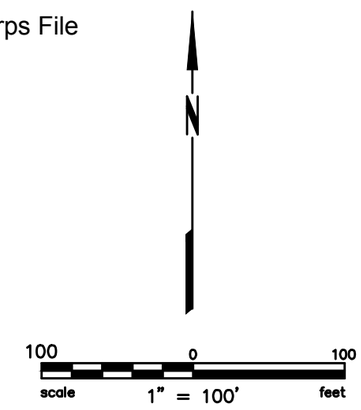
AREA OF WETLANDS BEING IMPACTED
= 0.35 ACRES (SEE NOTE BELOW)

DATA POINTS SAMPLED DURING
WETLANDS DELINEATION CONDUCTED BY
LUCY MACMILLAN ON DECEMBER 20, 2017

NOTE:
Significant distortion was observed when attempting to superimpose the wetland exhibit prepared by Golden Bear Biostudies for APN 043-121-006 (APN 043-121-006 was the larger parcel that included APN 043-121-013 and 043-121-012 before it was subdivided) over the topographic map for this area and it was necessary to stretch the image along one axis and perform a best fit. The areas were found to be within approximately 10% of each other. the digitized wetland area on APN 043-121-006 measured just over half an acre, whereas Golden Bear Biostudies reported the area as exactly half an acre. Areas reported on this exhibit were prorated to match the total area of half an acre as originally reported on Golden Bear Biostudies wetland exhibit.

Extent of Corps of Engineers jurisdiction at 2979 Dutton Meadow in Santa Rosa, Sonoma County, California. Corps File No. 28113N October 9, 2003.





POTENTIAL WETLANDS

LANTANA HOMES
APN 043-121-013
SANTA ROSA, CALIFORNIA
MAY 21, 2018

PREPARED BY
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3.2.2 Botanical Resources

The majority of the site may be characterized as non-native grassland. Floral surveys conducted by Golden Bear Biostudies in the Spring of 2003 did not find any rare or endangered plant species at the project site, resulting in a finding of "no impact" (Golden Bear Biostudies, 2005) for potential development of the site.

An updated review of databases relating to special-status plants was conducted for the project vicinity from the California Natural Diversity Data Base (CNDDB) (November 2017) which is maintained by the California Department of Fish and Wildlife (CDFW). Recorded occurrences for the Santa Rosa USGS quadrangle and surrounding quadrangles were reviewed; county occurrence records and USGS quadrangle occurrence records in the California Native Plant Society's (CNPS) electronic *Inventory of Rare and Endangered Vascular Plants of California* (CNPS 2017) for the same quadrangles were also reviewed.

Sources consulted for up-to-date agency status information include U.S. Fish and Wildlife Service (USFWS) (2008a, b, c) for federally listed species (including Proposed and Candidate species) and California Department of Fish and Game (CDFG) (2008) for State of California listed species. Special-status species also include species listed on List 1A (Plants Presumed Extinct in California), List 1B (Plants Rare, Threatened, or Endangered in California and Elsewhere), or List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere) of the CNPS *Inventory* (Tibor 2001; CNPS 2008). These species fall under state regulatory authority under the provisions of the California Environmental Quality Act (CEQA) Guidelines.

Also considered as special-status species are those included on List 3 (Plants About Which We Need More Information—A Review List) and List 4 (Plants of Limited Distribution—A Watch List) of the CNPS *Inventory*. These species are considered to be of lower sensitivity, and generally do not fall under specific state or federal regulatory authority. Specific mitigation considerations are generally not required for species in these categories.

Based on information from the above sources, an updated target list of special-status plants with potential to occur in the vicinity of the study area (Table 1) (CNPS List 4 species are not included) was developed.

Dr. Ted Winfield conducted protocol-level rare plant surveys on the Lantana Homes site in the spring of 2018 since previous surveys were last conducted in 2003. Surveys were conducted on April 4, April 17, and May 7. The focus of these surveys was on the possible occurrence of endangered plants known to occur in seasonal wetland/vernal pool habitats, although the uplands were surveyed for the two listed species listed in your initial biological resources report. The surveys complied with the protocols developed by the U.S. Fish and Wildlife Service (Guidelines for Conducting and Reporting Inventory for Federally Listed Plants on the Santa Rosa Plain); these guidelines were defined to survey for Sonoma sunshine, Sebastopol

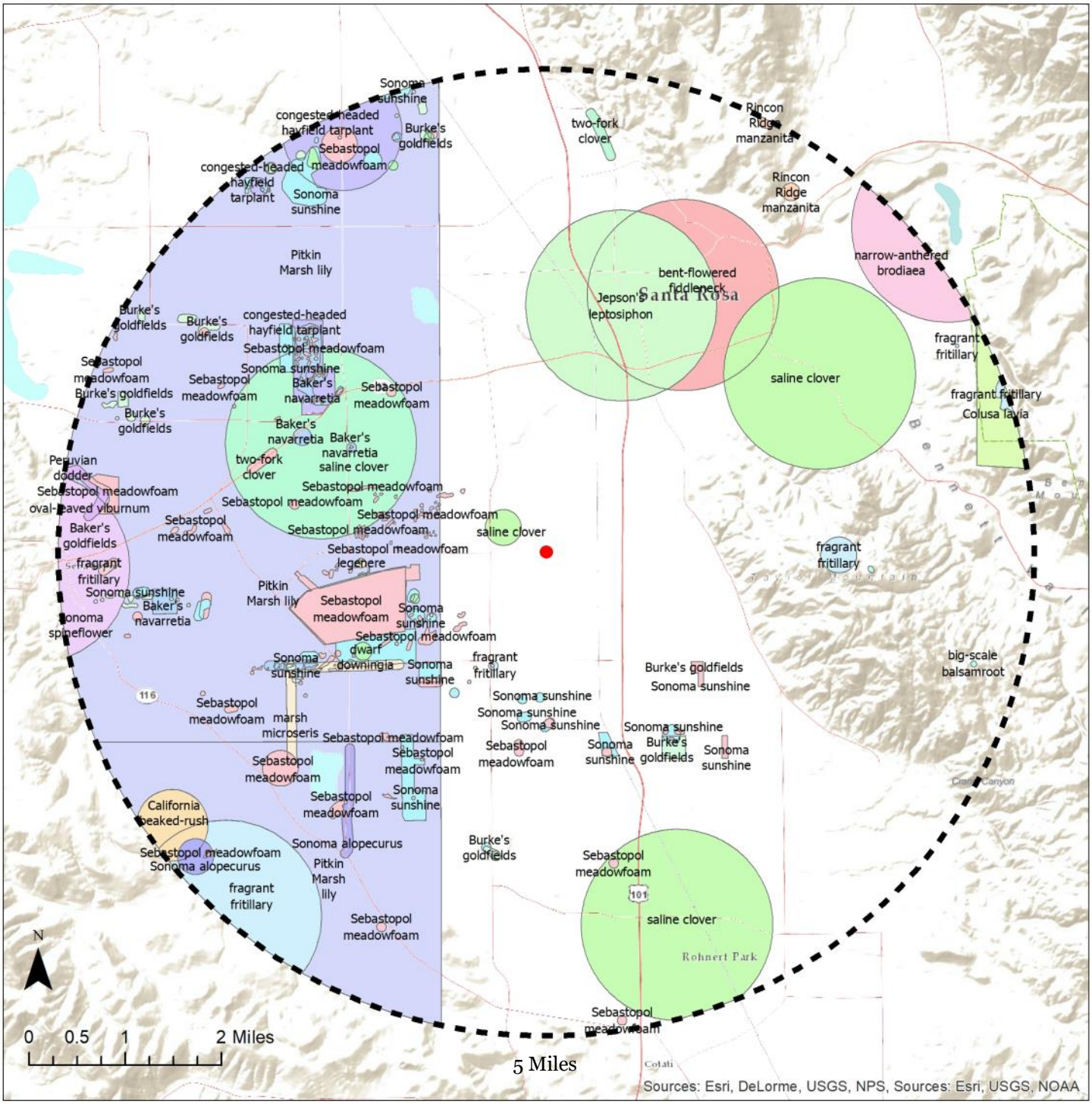
meadowfoam, Burke's goldfields and many-flowered navarretia. As a practical matter, the focus of these surveys is focused on the first three and many-flowered navarretia in extremely rare and may be extirpated or nearly so on the Santa Rosa Plain.

Visits to reference sites were conducted on April 4 at Carinalli-Todd Road Mitigation Bank (Sonoma sunshine in flower, and Sebastopol meadowfoam recognizable by vegetative structure but not in flower); April 4 at Alton Lane Mitigation Site (Sonoma sunshine and Burke's goldfields in flower); April 12 at Alton Lane Conservation Bank and Alton Lane Mitigation Site (Sonoma sunshine in flower, early stages of Burke's goldfield flowering); Woodbridge Mitigation Preserve (Sonoma sunshine in flower); Hazel Mitigation Site (Sonoma sunshine in flower, early stages of Sebastopol meadowfoam flowering); April 24 at Alton North Conservation Bank and Alton Lane Mitigation Site (Burke's goldfields in flower, still some Sonoma sunshine in flower); April 25 at Carinalli-Todd Road Mitigation Bank (Sebastopol meadowfoam in flower, Sonoma sunshine in flower but nearing end of flowering period); April 25 at Horn Mitigation Bank (Burke's goldfields in flower; seeds spread at site several years ago); and May 8 at Carinalli-Todd Road Mitigation Site (near end of Sebastopol meadowfoam flowering; still some Sonoma sunshine in flower).

None of the federally listed plants known to occur in seasonal wetland/vernal pool habitat were observed during these surveys. This finding is consistent with prior surveys conducted on the site and on other sites along Dutton Meadow and Burgess Drive.

Figure 2: Special Status Plant Species within 5 Miles of the Project Site

2979 Dutton Meadow, Santa Rosa, CA



- Project Location
- 5-Mile Buffer
- clipcnddb
- Baker's goldfields (1)
- Baker's navarretia (7)
- Burke's goldfields (13)
- California beaked-rush (1)
- Colusa layia (1)
- Cunningham Marsh cinquefoil (1)
- Jepson's leptosiphon (1)
- Peruvian dodder (1)
- Pitkin Marsh lily (3)
- Rincon Ridge ceanothus (1)
- Rincon Ridge manzanita (2)
- Sebastopol meadowfoam (35)
- Sonoma alopecurus (2)
- Sonoma spineflower (1)
- Sonoma sunshine (14)
- bent-flowered fiddleneck (1)
- big-scale balsamroot (2)
- congested-headed hayfield tarplant (3)
- dwarf downingia (5)
- fragrant fritillary (6)
- legenere (1)
- marsh microseris (1)
- narrow-anthered brodiaea (1)
- oval-leaved viburnum (1)
- saline clover (4)
- thin-lobed horkelia (1)
- two-fork clover (2)

Date: 12-7-2017
Data: Sol Ecology, CA DFW Sonoma Co.

Base: ESRI
GIS: AJG

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Table 1. Status, distribution and habitat of special-status plants with potential to occur in the vicinity of 2979 Dutton Meadow Avenue, Santa Rosa, Sonoma County, California

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Sonoma alopecurus (*Alopecurus aequalis* var. *sonomensis*)	FE, CNPS 1B	Freshwater marshes and swamps, riparian scrub; elevation 5-360 meters.	May-July	No suitable habitat exists in survey area.
Napa false indigo (*Amorpha californica* var. *napensis*)	CRPR 1B	Broadleafed upland forest, chaparral, cismontane woodland; elevation 150-2000 meters.	April-July	No suitable habitat exists in survey area.
Baker's manzanita (*Arctostaphylos bakeri* ssp. *bakeri*)	SR, CRPR 1B	Broadleafed upland forest, chaparral, often serpentinite; elevation 75-300 meters	February-April	No suitable habitat exists in survey area.
The Cedars manzanita (*Arctostaphylos bakeri* ssp. *sublaevis*)	SR, CRPR 1B	Closed-cone coniferous forest, chaparral, on serpentinite; elevation 185-760 meters	February-May	No suitable habitat exists in survey area.
Sonoma manzanita (*Arctostaphylos canescens* ssp. *sonomensis*)	CRPR 1B	Chaparral, lower montane coniferous forest; elevation 180-1700 meters.	January-April	No suitable habitat exists in survey area.
Vine Hill manzanita (*Arctostaphylos densiflora*)	SE, CRPR 1B	Chaparral. Only known from one site in Sonoma County; elevation 50-100 meters.	February-April	No suitable habitat exists in survey area.
Rincon manzanita (*Arctostaphylos stanfordiana* ssp. *decumbens*)	CRPR 1B	Chaparral, cismontane woodland; elevation 75-370 meters.	February-April	No suitable habitat exists in survey area.
Clara Hunt's milk-vetch (*Astragalus clarianus*)	FE, ST, CRPR 1B	Cismontane woodland, valley and foothill grassland, chaparral. Open, grassy hillsides, especially on exposed shoulders in thin volcanic clay soil moist in spring.	March-May	No suitable habitat exists in survey area.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Sonoma alopecurus (*Alopecurus aequalis var. sonomensis*)	FE, CRPR 1B.1	Wet places; freshwater marshes and swamps, riparian scrub, streamsides in valley and foothill grassland.	May-July	Not observed in 2003 survey.
Bent-flowered fiddleneck (*Amsinckia lunaris*)	CRPR 1B.2	Coastal bluff scrub, cismontane woodland, valley and foothill grassland, openings in broadleaved upland forest.	March-June	Not observed in 2003 survey.
Big-scale balsamroot (*Balsamorhiza macrolepis* var. *macrolepis*)	CRPR 1B	Cismontane woodland, valley and foothill grassland, sometimes serpentinite; elevation 90-1400 meters.	March-June	No suitable habitat exists in survey area.
Sonoma sunshine (*Blennosperma bakeri*)	FE, SE, CRPR 1B	Vernal pools and seasonal wetlands; elevation 10-110 meters.	March-May	Not observed in 2003 survey.
Thurber's reed grass (*Calamagrostis crassiglumis*)	CRPR 2	Coastal scrub, freshwater marsh. Usually in swales surrounded by grassland or coastal scrub; elevation 10-45 meters.	May-July	No suitable habitat exists in survey area.
Swamp harebell (*Campanula californica*)	CRPR 1B	Bogs and fens, closed-cone coniferous forest, coastal prairie, meadows, freshwater marsh, north coast coniferous forest; elevation 1-405 meters.	June-October	No suitable habitat exists in survey area.
White sedge (*Carex albida*)	FE, SE, CRPR 1B	Freshwater marsh, bogs and fens, meadows and seeps; elevation 35-55 meters.	May-July	No suitable habitat exists in survey area.
Bristly sedge (*Carex comosa*)	CRPR 2	Marshes and swamps, lake margins, valley and foothill grassland	May-September	No suitable habitat exists in survey area.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Pitkin Marsh Indian paintbrush (*Castilleja uliginosa*)	SE, CRPR 1A	Freshwater marsh. Extinct from only known site in Sonoma County.	June-July	No suitable habitat exists in survey area.
Rincon Ridge ceanothus (*Ceanothus confusus*)	CRPR 1B	Closed-cone coniferous forest, chaparral, cismontane woodland, known from volcanic or serpentine soils, dry shrubby slopes; elevation 75-1065 meters.	February-April	No suitable habitat exists in survey area.
Calistoga ceanothus (*Ceanothus divergens*)	CRPR 1B	Chaparral, cismontane woodland. Rocky, serpentine, or volcanic sites; elevation 165-950 meters.	February-March	No suitable habitat exists in survey area.
Vine Hill ceanothus (*Ceanothus foliosus* var *vineatus*)	CRPR 1B	Chaparral. Endemic to Sonoma and Mendocino counties. Sandy, acidic soil in chaparral; elevation 45-85 meters.	March-May	No suitable habitat exists in survey area.
Holly-leaved ceanothus (*Ceanothus purpureus*)	CRPR 1B	Rocky volcanic substrate, chaparral, cismontane woodland; elevation 120-640 meters.	February-June	No suitable habitat exists in survey area.
Sonoma ceanothus (*Ceanothus sonomensis*)	CRPR 1B	Chaparral. Sandy, volcanic, or serpentine soils; elevation 215-800 meters.	February-April	No suitable habitat exists in survey area.
Pappose tarplant (*Centromadia* [*Hemizonia*] *parryi* ssp. *parryi*)	CRPR 1B	Saline or alkaline soil, coastal prairie, meadows and seeps, marshes and swamps (especially coastal salt marshes), vernally moist areas in valley and foothill grassland; elevation 2-420 meters.	May-November	Potential for occurrence.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Sonoma spineflower (*Chorizanthe valida*)	FE, SE, CRPR 1B	Sandy soil, coastal prairie. Believed extinct in Sonoma County. Elevation 10- 305 meters.	June-August	No suitable habitat exists in survey area.
Vine Hill clarkia (*Clarkia imbricata*)	FE, SE, CRPR 1B	Acidic sandy loam, chaparral, valley and foothill grassland. Endemic to Sonoma County. Elevation 50-75 meters.	June-August	No suitable habitat exists in survey area.
Pennell's bird's-beak (*Cordylanthus tenuis* ssp. *capillaris*)	FE, SR, CRPR 1B	Serpentinite soil, closed-cone coniferous forest, chaparral; elevation 45-305 meters.	June-September	No suitable habitat exists in survey area.
Baker's larkspur (*Delphinium bakeri*)	FE, SE, CRPR 1B	Coastal scrub, valley and foothill grassland; elevation 80-305 meters.	March-May	No suitable habitat exists in survey area.
Golden larkspur (*Delphinium luteum*)	FE, SR, CRPR 1B	Rocky soil, chaparral, coastal prairie, coastal scrub; elevation 0-100 meters.	March-May	No suitable habitat exists in survey area.
Western leatherwood (*Dirca occidentalis*)	CRPR 1B	Moist places, broadleafed upland forest, closed-cone coniferous forest, chaparral, cismontane woodland, north coast coniferous forest, riparian forest, riparian woodland, coastal scrub; elevation 50-395 meters.	January-March (April)	No suitable habitat exists in survey area.
Dwarf downingia (*Downingia pusilla*)	CRPR 2	Valley and foothill grassland (mesic sites), vernal pools; elevation 1-445 meters.	March-May	Not observed in 2003 survey.
Streamside daisy (*Erigeron biolettii*)	CRPR 3	Broadleafed upland forest, cismontane woodland, north coast coniferous forest (rocky, mesic); elevation 30-1100 meters.	June-September	No suitable habitat exists in survey area.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Greene's narrow-leaved daisy (*Erigeron greenei* [= *E. angustatus*])	CRPR 1B	Serpentinite or volcanic soils, chaparral; elevation 80-290 meters.	May-September	No suitable habitat exists in survey area.
Serpentine daisy (*Erigeron serpentinus*)	CRPR 1B	Serpentinite soil, chaparral, closed-cone coniferous forest; elevation 60-670 meters.	May-August	No suitable habitat exists in survey area.
Fragrant fritillary (*Fritillaria liliacea*)	CRPR 1B	Coastal prairie, coastal scrub, valley and foothill grasslands (often serpentine); elevation 3-410 meters.	February-April	Potential for occurrence low.
Pale yellow hayfield tarplant (*Hemizonia congesta* ssp. *congesta* [= ssp. *leucocephala*])	CRPR 3	Coastal scrub, valley and foothill grassland, sometimes disturbed places; elevation 25-365 meters.	April-October	Not observed in 2003 survey.
Point Reyes Horkelia (*Horkelia marinensis*)	CRPR 1B	Coastal dunes, coastal prairie, coastal scrub, in sandy soil; elevation 5-350 meters.	May-September	No suitable habitat exists in survey area.
Thin-lobed horkelia (*Horkelia tenuiloba*)	CRPR 1B	Coastal scrub, chaparral; elevation 45-500 meters.	May-July	No suitable habitat exists in survey area.
Burke's goldfields (*Lasthenia burkei*)	FE, SE, CRPR 1B	Vernal pools, meadows, and seeps. Most often in vernal pools and swales; elevation 15-580 meters.	April-June	Not observed in 2003 survey.
Baker's goldfields (*Lasthenia californica* ssp. *bakeri*)	CRPR 1B	Closed-cone coniferous forest (openings), coastal scrub, meadows, marshes; elevation 60-520 meters.	April-October	Not observed in 2003 survey.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Contra Costa goldfields (*Lasthenia conjugens*)	FE, CRPR 1B	Cismontane woodland (mesic), playas (alkaline), valley and foothill grassland (mesic), vernal pools; elevation 0-470 meters.	March-June	Not observed in 2003 survey.
Legenere (*Legenere limosa*)	CRPR 1B	Vernal pools; elevation 1-880 meters.	April-June	Not observed in 2003 survey.
Jepson's leptosiphon (*Leptosiphon* [*Linanthus*] *jepsonii*)	CRPR 1B	Chaparral, cismontane woodland, open to partially shaded grassy slopes, on volcanics or periphery of serpentine substrates; elevation 100-500 meters.	March-May	No suitable habitat exists in survey area.
Crystal Springs lessingia (*Lessingia arachnoidea*)	CRPR 1B	Serpentinite soil, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 60-200 meters.	July-October	No suitable habitat exists in survey area.
Woolly-headed lessingia (*Lessingia hololeuca*)	CRPR 3	Broadleafed upland forest, coastal scrub, lower montane coniferous forest, valley and foothill grassland (clay or serpentine); elevation 15-305 meters.	June-October	No suitable habitat exists in survey area.
Pitkin marsh lily (*Lilium pardalinum* ssp *pitkinense*)	FE, SE, CRPR 1B	Cismontane woodland, meadows and seeps, freshwater marsh; saturated, sandy soils with grasses and shrubs; elevation 35-65 meters.	June-July	No suitable habitat exists in survey area.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Sebastopol meadowfoam (*Limnanthes vinculans*)	FE, SE, CRPR 1B	Mesic meadows, vernal pools, valley and foothill grasslands. Swales, wet meadows and marshy areas in valley oak savanna. On poorly drained soils of clays and sandy loam; elevation 15-305 meters.	April-May	Not observed during survey of 2003.
Mt. Diablo cottonweed (*Micropus amphibolus*)	CRPR 3	Broadleafed upland forest, Chaparral, cismontane woodland, valley and foothill grassland (rocky); elevation 275-1525 meters.	March-May	No suitable habitat exists in survey area.
Marsh microseris (*Microseris paludosa*)	CRPR 1B	Closed-cone coniferous forest, cismontane woodland, coastal scrub, valley and foothill grassland; elevation 5-300 meters.	April-June	Not observed in 2003 survey.
Robust monardella (*Monardella villosa* ssp. *globosa*)	CRPR 1B	Chaparral (openings), cismontane woodland, coastal scrub; elevation 185-600 meters.	June-July	No suitable habitat exists in survey area.
Baker's navarretia (*Navarretia leucocephala* spp. *bakeri*)	CRPR 1B	Cismontane woodland, meadows and seeps, vernal pools, valley and foothill grassland, lower montane coniferous forest. Adobe or alkaline soils; elevation 5-950 meters.	May-July	Not observed in 2003 survey.
Many-flowered navarretia (*Navarretia leucocephala* spp. *plieantha*)	FE, SE, CRPR 1B	Vernal pools (volcanic ash flow); elevation 30-950 meters.	May-June	No suitable habitat exists in survey area.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
North Coast semaphore grass (*Pleuropogon hooverianus*)	ST, CRPR 1B	Broad-leafed upland forest, meadows and seeps, north coast coniferous forest; wet grassy, usually shady areas, sometimes freshwater marsh; associated with forest environments; elevation 10-635 meters.	May-August	No suitable habitat exists in survey area.
Hickman's cinquefoil (*Potentilla hickmanii*)	FE, SE, CRPR 1B	Coastal bluff scrub, closed-cone coniferous forest, meadows and seeps, marshes and swamps; often in open or forested areas along the coast; elevation 10-135 meters.	April-August	No suitable habitat exists in survey area.
White beaked-rush (*Rhynchospora alba*)	CRPR 2	Bogs and fens, meadows, marshes and swamps (freshwater); elevation 60-2040 meters.	July-August	No suitable habitat exists in survey area.
California beaked-rush (*Rhynchospora californica*)	CRPR 1B	Bogs and fens, marshes and swamps, lower montane coniferous forest, meadows and seeps; elevation 45-100 meters.	May-July	No suitable habitat exists in survey area.
Brownish beaked-rush (*Rhynchospora capitellata*)	CRPR 2	± wet places, meadows and seeps, marshes and swamps, lower montane coniferous forest, upper montane coniferous forest; elevation 455-2000 meters.	July-August	No suitable habitat exists in survey area.
Round-headed beaked-rush (*Rhynchospora globularis* var. *globularis*)	CRPR 2	Marshes and swamps; elevation 45-60 meters.	July-August	No suitable habitat exists in survey area.

Plant Species	Status	Habitat	Flowering Period	Potential for Occurrence in Survey Area
Point Reyes checkerbloom (*Sidalcea calycosa* ssp. *rhizomata*)	CRPR 1B	Freshwater marshes near the coast, possibly also salt marshes; elevation 3-75 meters.	April-September	No suitable habitat exists in survey area.
Two-fork clover (*Trifolium amoenum*)	FE, CRPR 1B	Coastal bluff scrub, valley and foothill grassland (sometimes serpentinite); elevation 5-415 meters.	April-June	No suitable habitat exists in survey area.
Santa Cruz clover (*Trifolium buckwestiorum*)	CRPR 1B	Broadleafed upland forest, cismontane woodland (margins), coastal prairie; elevation 105-610 meters.	April-October	No suitable habitat exists in survey area.
Saline clover (*Trifolium depauperatum* var. *hydrophilum*)	CRPR 1B	Marshes and swamps, valley and foothill grassland (mesic, alkaline), vernal pools; elevation 0-300 meters.	April-June April-June	Not observed in 2003 survey.
Oval-leaved viburnum (*Viburnum ellipticum*)	CRPR 2	Chaparral, cismontane woodland, lower montane coniferous forest; elevation 215-1400 meters.	May-June	No suitable habitat exists in survey area.

FE = federally listed as endangered under the federal Endangered Species Act; SE = state listed as endangered under the California Endangered Species Act and the California Native Plant Protection Act; ST = state listed as threatened; SR = state listed as rare; CRPR 1A = List 1A (Presumed extinct) in the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California*; CRPR 1B = List 1B (Rare, threatened, or endangered in California and elsewhere) in the CNPS *Inventory*; CRPR 2 = List 2 (Rare, threatened or endangered in California, but more common elsewhere) in the CNPS *Inventory*; CRPR 3 = List 3 (More information is needed) in the CRPR *Inventory*.

3.2.3 Wildlife Resources

3.2.3.1 Methods

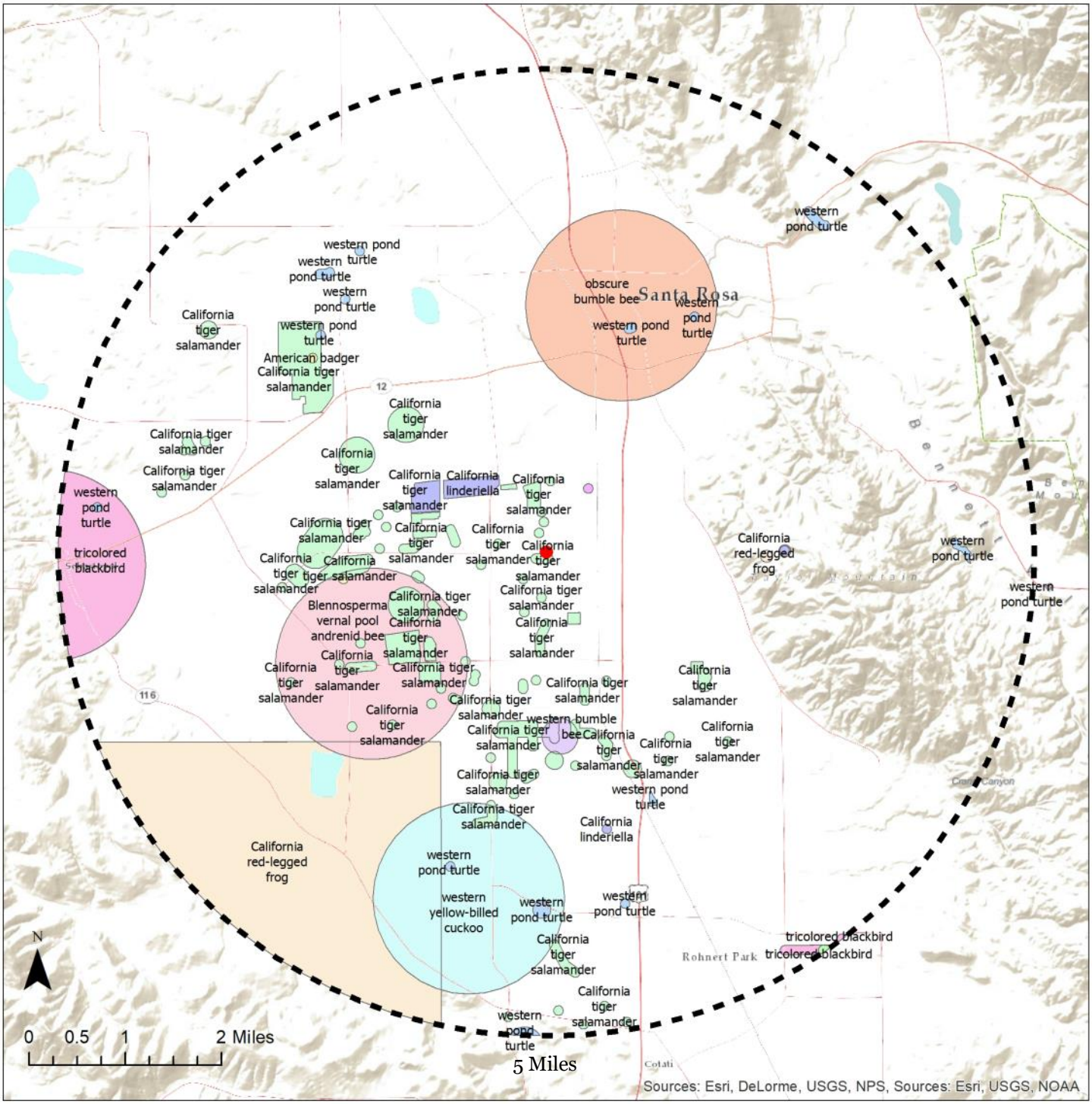
Potential occurrence of special-status wildlife species on the Project Site was evaluated by first determining which special-status species occur near the Project Site. A literature review and database search were performed to review documented occurrences of special-status species focused on the Santa Rosa 7.5-minute USGS quadrangle and the eight surrounding USGS quadrangles published since the 2003 Golden Bear Biostudies Biological Assessment report. The following sources were reviewed to determine which special-status wildlife species have been documented to occur in the surrounding 5-mile vicinity of the Project Site:

- California Natural Diversity Database (CNDDB) records (CDFW 2017)
- CDFW Special Animals List (October 2017)
- USFWS Information for Planning and Conservation Species Lists (USFWS 2017)
- CDFG publication "California's Wildlife, Volumes I-III" (Zeiner et al. 1990)
- CDFG publication *California Bird Species of Special Concern* (Shuford and Gardali 2008)
- CDFW and University of California Press publication *California Amphibian and Reptile Species of Special Concern* (Thomson et al. 2016)
- Golden Bear Studies Biological Assessment for 2979 Dutton Meadows, Santa Rosa (April 14, 2003).

The CDFW Special Animals List was reviewed to determine whether the listing status of any previously identified species with potential to occur has changed or whether any new species have been added to the list since the 2003 assessment. Updates to listings are summarized in Table 1 under Results.

Ms. Dana Riggs, Principal Biologist with Sol Ecology, Inc. performed a reconnaissance-level survey for special status wildlife species on and adjacent to the Project Site on November 14, 2017. The focus of the survey was to identify whether suitable habitat elements for each of the special status species documented in the surrounding vicinity or in the range of the Project Site are present on the Project Site or not and whether the project would have the potential to result in impacts to any of these species and/or their habitats either on- or off-site. Habitat elements examined included the presence of: dispersal habitat, foraging habitat, refugia or estivation habitat, and breeding (or nesting) habitat. Wildlife species observed on the site during the assessment were recorded.

Figure 3a: Special Status Animal Species within 5 Miles of the Project Site
2979 Dutton Meadow, Santa Rosa, CA



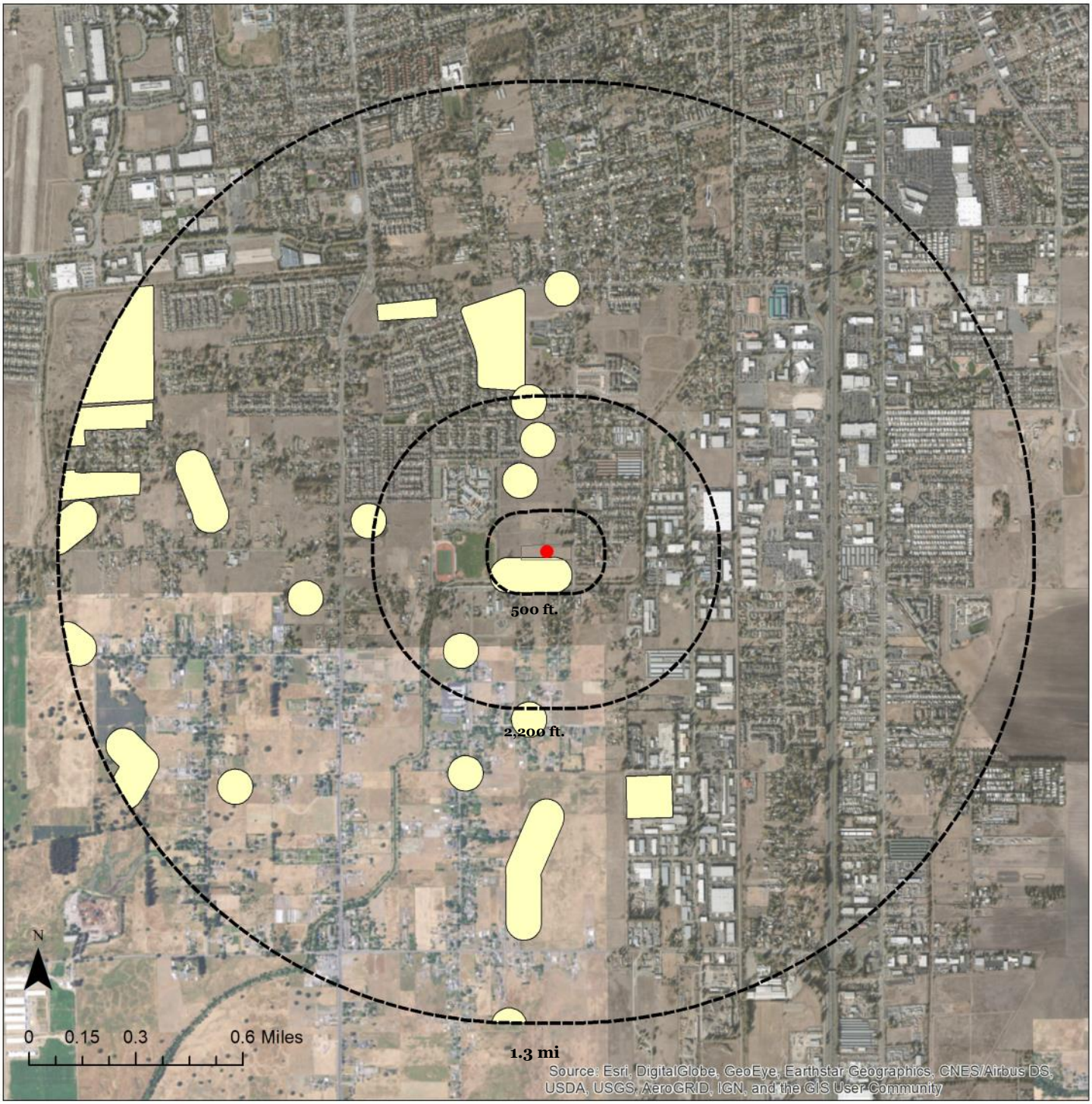
- Project Location
- 5-Mile Buffer
- American badger (2)
- Blennosperma vernal pool andrenid bee (1)
- California linderiella (4)
- California red-legged frog (2)
- California tiger salamander (65)
- foothill yellow-legged frog (1)
- obscure bumble bee (1)
- tricolored blackbird (2)
- western bumble bee (1)
- western pond turtle (15)
- western yellow-billed cuckoo (1)
- white-tailed kite (1)

Date: 12-7-2017
Data: Sol Ecology, CA DFW
Sonoma Co.

Base: ESRI
GIS: AJG

SOL ECOLOGY
solecology.com

Figure 3b: CTS Locations within 500' Circle, 2,200' Circle, and 1.3 Mile Circle of the Site
2979 Dutton Meadow, Santa Rosa, CA



Date: 12-7-2017
Data: Sol Ecology, CA DFW Sonoma Co.
Base: ESRI
GIS: AJG

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3.2.3.2 Regulatory Background

Special status species are those species in California that are afforded special protections under state and federal regulation. In addition to wildlife listed as federal or state endangered and/or threatened, CDFW Species of Special Concern (SSC), CDFW California Fully Protected (formerly SFP, now CFP) species, USFWS Birds of Conservation Concern (BCC), and CDFW Special-status Invertebrates (SSI) are all considered special-status species. Although these species generally have no special legal status, they are given special consideration under CEQA. Furthermore, CDFG Fish and Game Code prohibits the take of actively nesting birds as well as common maternity roosting bats, including those bats designated by the Western Bat Working Group as High or Medium Priority for conservation. The 2003 Golden Bear Biostudies report also lists Federal Species of Concern (FSC). This listing type no longer exists, and only federal listed, federal candidate (FC), and BCC species are considered as "federally protected species".

Critical habitat is a term defined in the ESA as a specific and designated geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. The project site is located within critical habitat for the California tiger salamander. The Santa Rosa Plain Conservation Strategy defines the area of critical habitat for the species within Sonoma County. The final plan was published on December 1, 2005, with a revision to the plan area on April 18, 2007. A programmatic biological opinion (PBO) was issued by USFWS on November 9, 2007, which defines appropriate mitigation for sites within 1.3 miles of a documented CTS occurrence.

3.2.3.3 Results

Seventeen special status wildlife species were determined to have potential to occur on the project site in 2003 according to Table 2 of Golden Bear's previous studies (Golden Bear Biostudies 2003). Since 2003, the listing status has changed for ten of these species. These species and their previous and current listing statuses are summarized in Table 2 below. Additionally, new documented occurrences have been published within five miles of the Project Site for American badger and California tiger salamander,

including two new adult CTS occurrences within 1.3 mile. A single adult occurrence documented in 2003 is located south of the project site; approximately two-thirds of the site is within 500 feet of this adult occurrence.

Table 2 - Special-status Animal Species Potentially Occurring on or Near 2979 Dutton Meadow Avenue, Santa Rosa, California

Common Name	Scientific Name	Previous Listing Status	Current Listing Status*	Comments
California tiger salamander	*Ambystoma californiense*	FE, SSC	FE (Sonoma distinct population segment), **ST**	See below for additional mitigation measures based on new state listing and critical habitat designation.
white-tailed kite	*Elanus caeruleus*	SFP	CFP	Potential for occurrence
Northern harrier	*Circus cyaneus*	SSC	SSC	Potential for occurrence
sharp-shinned hawk	*Accipiter striatus*	SSC	**None**	Potential for occurrence
ferruginous hawk	*Buteo regalis*	SSC, FSC	**BCC**	Potential for occurrence
prairie falcon	*Falco mexicanus*	SSC	**BCC**	Potential for occurrence
burrowing owl	*Athene cunicularia*	SSC, FSC	SSC	No evidence or sign of burrowing owl observed during 2017 site assessment
short-eared owl	*Asio flammeus*	SSC, FSC	SSC	Potential for occurrence
purple martin	*Progne subis*	SSC	SSC	Potential for occurrence
loggerhead shrike	*Lanius ludovicianus*	SSC, FSC	SSC, **BCC**	Potential for occurrence
American badger	*Taxidea taxus*	SSC	SSC	No evidence of badger dens observed during 2017 site assessment.
little brown myotis (bat)	*Myotis lucifigus*	SSC, FSC	**none**	Suitable roost habitat is not present.
pallid bat	*Antrozous pallidus*	SSC	SSC	Suitable roost habitat is not present.
Yuma myotis	*Myotis yumanensis*	SSC, FSC	**none**	Suitable roost habitat is not present.
long-eared myotis	*Myotis evotis*	FSC	**WBWG (M)**	Suitable roost habitat is not present.
fringed myotis	*Myotis thysanodes*	SSC, FSC	**WBWG (H)**	Suitable roost habitat is not present.
long-legged myotis	*Myotis Volans*	FSC	**WBWG (H)**	Suitable roost habitat is not present.
Additional Species Not Previously Documented Near the Site				
Common Name	**Scientific Name**	**Previous Listing Status**	**Current Listing Status***	**Comments**
grasshopper sparrow	*Ammodramus savannarum*	none	**SSC**	Potential for occurrence. See below for recommended mitigation.
tricolored blackbird	*Agelaius tricolor*	none	**SCE, SSC, BCC**	Potential for occurrence low.

FE/SE: Federal Endangered/State Endangered

FT/ST: Federal Threatened/State Threatened
SCE: State Candidate Endangered
SSC: CDFW Species of Special Concern
CFP: CDFW Fully Protected Species
BCC: Federal Bird of Conservation Concern
WBWG: Western Bat Working Group High and Medium Priority Conservation Species

In addition, two species with potential to occur on the project site have been added to the special status list since 2003 as shown in Table 2. These two species and their potential to occur on the site are discussed in more detail below.

Grasshopper sparrow (*Ammodramus savannarum*), CDFW Species of Special Concern. The grasshopper sparrow is a summer resident in California, wintering in Mexico and Central America. This species occurs in open grassland and prairie-like habitats with short- to moderate-height vegetation, and often scattered shrubs (Shuford and Gardali 2008). Both perennial and annual (non-native) grasslands are used. Nests are placed on the ground and well concealed, often adjacent to grass clumps (Shuford and Gardali 2008). Grasshopper sparrows are secretive and generally detected by voice. Grasshopper sparrows generally prefer moderately open grasslands and prairies with patchy bare ground. Grasshopper sparrows are ground-nesting birds, and the nest cup is domed with overhanging grasses and a side entrance. Eggs are usually laid in early to mid-June and hatch 12 days later. Males and females provide care to the young and second broods are common. While there are no documented occurrences within five miles, there is suitable nesting habitat present throughout the project site. Impacts to nesting birds will be less than significant with mitigation.

Tricolored blackbird (*Agelaius tricolor*). State Candidate (Endangered), CDFW Species of Special Concern, USFWS Bird of Conservation Concern. The tricolored blackbird is a locally common resident in the Central Valley and along coastal California. Most tricolored blackbirds reside in the Central Valley March through August, then move into the Sacramento-San Joaquin Delta and east to Merced County and coastal locations during winter (Meese et al. 2014). This species breeds adjacent to fresh water, preferring emergent wetlands with tall, dense cattails or tules, thickets of willow or blackberry, and/or tall herbs. Flooded agricultural fields with dense vegetation are also used (Shuford and Gardali 2008). This species is highly colonial; nesting habitat must be large enough to support a minimum of 30 pairs, and colonies are commonly substantially larger (up to thousands of pairs).

No suitable nesting habitat was observed on the project site or nearby neighboring properties. Individuals have been documented to forage up to 5.6 miles (9 kilometers) from their colonies (Hamilton and Meese 2006). However, Shuford and Gardali (2008) suggest that most of the colony forage within 5 kilometers (3.1 miles) of their nesting site. There is a single occurrence of a tricolored blackbird nesting colony approximately 5 miles east of the site; this colony was last observed in 1976 and is presumed extant. Because this occurrence is at the upper limit of this species' foraging range, impacts to foraging habitat are not likely significant and therefore, no mitigation is recommended.

3.2.3.4 Recommendations

Grasshopper Sparrow and other Migratory Birds

To avoid impacts to nesting birds, the following measures are recommended:

- Vegetation removal (including mowing) and ground disturbance activities should be initiated during the non-nesting season from September 1 to January 31.

- If work cannot be initiated during this period, or if there is a break in activity lasting more than 14 days after February 1 then nesting bird surveys should be performed within 250 feet of proposed activities.

- If nests are found, a no-disturbance buffer should be placed around the nest until young have fledged or the nest is determined to be no longer active by the biologist. The size of the buffer may be determined by the biologist based on species and proximity to activities.

California Tiger Salamander

Due to the recent state listing, critical habitat designation, and revised regulatory guidance for CTS developed since the 2003 Biological Assessment, additional mitigation may be necessary to offset potentially significant impacts to this species from the proposed project. Minimum avoidance and minimization measures prescribed in the 2007 PBO are provided below and should be implemented as part of the Biological Resources Management Implementation Plan.

In addition, because most of the project site is within 500 feet of an adult occurrence, mitigation for the loss of CTS upland and wetland habitat is prescribed by the PBO at a 2:1 ratio. A copy of the proof of purchase is attached as Appendix B

<u>Avoidance and Minimization Measures</u>

Prior to construction, fencing will be installed to exclude CTS from entering the project site. Fences with ramps may be required to allow any CTS onsite to move into an adjacent habitat offsite. In these instances, translocation may occur and would be determined on a case-by-case basis.

1. A Service approved biological monitor will be on site each day during initial site grading.

2. The biological monitor will conduct a training session for all construction workers before work is started on the project.
3. Before the start of work each day, the biological monitor will check for animals under any equipment such as vehicles and stored pipes. The biological monitor will check all excavated steep-walled holes or trenches greater than one foot deep for any CTS. CTS will be removed by the biological monitor and translocated as described in PBO or as directed by the Service.
4. An erosion and sediment control plan will be implemented to prevent impacts to wetland habitats located outside the work areas.
5. Access routes, number and size of staging areas, and work areas, will be limited to the minimum necessary to achieve the project goals. Routes and boundaries of the roadwork will be clearly marked prior to initiating construction/grading.
6. All foods and food-related trash items will be enclosed in sealed trash containers at the end of each day, and removed from the site every three days.
7. No pets will be allowed on the project site.
8. No more than a maximum speed limit of 15 mph will be permitted.
9. All equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents.
10. Hazardous materials such as fuels, oils, solvents, etc., will be stored in sealable containers in a designated location that is at least 200 feet from aquatic habitats. All fueling, and maintenance of vehicles and other equipment and staging areas will occur at least 200 feet from any aquatic habitat.
11. Grading and clearing will be conducted between April 15 and October 15, of any given year, depending on the level of rainfall and/or site conditions.
12. Project areas temporarily disturbed by construction activities will be re-vegetated with locally-occurring native plants.

Assuming the requisite amount of CTS and wetlands credits is procured, there will be no significant, unmitigated impacts to the CTS, other federally list species or wetlands. The plant surveys completed by Ted Winfield revealed no special status species occur on-site; therefore, there will be no impacts to any special -status plants.

REFERENCES

California Department of Fish and Wildlife (CDFW). 2017. California Natural Diversity Database. Wildlife and Habitat Data Analysis Branch, Sacramento, CA; most recently accessed November 2017.

Golden Bear Biostudies, 2003. Biological Assessment for 2975 Dutton Meadows, Santa Rosa, California. APN 043-121-006. July 31.

Environmental Laboratory, 1987. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87.

Hamilton III, WJ and RJ Meese. 2006. Habitat and population characteristics of Tricolored Blackbird colonies in California. 2005 final report. U.C. Davis for California Department. of Fish and Game. Kollmorgen Instruments Corporation. 1975.

Meese, R.J., E.C. Beedy and W.J. Hamilton, III. 2014. Tricolored Blackbird (Agelaius tricolor), The Birds of North America Online (A Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: http://bna.birds.cornell.edu/bna/species/423.

Munsell Soil Book of Color. Kollmorgen Instruments Corporation, Baltimore, Maryland.

Munz, P. A. and D. D. Keck. 1973. A California flora and supplement. University of California Press, Berkeley, CA.

Shuford, WD, and T Gardali (eds). 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and CDFG, Sacramento.

Thomson, R.C., A.N. Wright, and H.B. Shaffer. 2016. California Amphibian and Reptile Species of Special Concern. Co-published by the California Department of Fish and Wildlife and University of California Press. Oakland, California.

United States Fish and Wildlife Service (USFWS). 2017. Information for Conservation and Planning Database. Available online at: https://ecos.fws.gov/ipac/; most recently accessed: November 2017

[WBWG] Western Bat Working Group. 2015. Species Accounts. Available online at: http://wbwg.org/western-bat-species/; Accessed November 2017.

Zeiner, DC, WF Laudenslayer, Jr., KE Mayer, and M White. 1990. California's Wildlife, Volume I-III: Amphibians and Reptiles, Birds, Mammals. California Statewide Wildlife Habitat Relationships System, California Department of Fish and Game, Sacramento, CA.

Hickman, J. C. (ed.). 1993. The Jepson manual: higher plants of California. University of California Press, Berkeley, CA.

U.S. Army Corps of Engineers, 2008. Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region.

U.S. Department of Agriculture, Natural Resources Conservation Service. 2017. Web soil survey.

APPENDIX A – PROOF OF PURCHASE WETLAND MITIGATION CREDITS

EXHIBIT J
Credit Sales Confirmation/Agreement
Desmond Mitigation Bank
Desmond Mitigation Bank, 4801 Llano Road, Sebastopol, CA 95472

To: U. S. Army Corps of Engineers
U. S. EPA
U. S. Fish and Wildlife Service
California Department of Fish and Game

Sale number: 002(a) Sale Date: March 30, 2006
This is to confirm that the Desmond Mitigation Bank sold to

Cobblestone Homes, Inc. or Assigns(project proponent)_____
(name of assigns)

(1) 0.05 (no. of) Wetland **Creation** Credits (1.0 credit = 1.0 acre) for **seasonal wetlands**

(2) 0 Wetland **Preservation** Credits (1.0 credit = 1.0 acre) for:

0 **Seasonal Wetlands** (Sebastopol meadowfoam) 0 **Riparian/Seep** Wetlands.
and/or
(3) 0 (acres / lineal feet) of riparian restoration opportunity.

These credits have been purchased to mitigate the impacts caused by the filling of
(a) wetlands and/or **(b) riparian** habitat (circle that which applies) at the

The project, located at 2975 Dutton Meadow,

Sonoma County A.P. No. 043-121-006 , Army Corps file number _____,

or other permitting agency file number _____.

These credits were bought by the purchaser at his/her own risk, with or without specific authorizing permits, and upon his/her belief that such permit may be forthcoming in the future, or for possible sale to another project proponent. By signing below, the buyer of these credits acknowledges that he/she has been forewarned by the Desmond Mitigation Bank that he/she may not be able to use the purchased credits without a specific permit from the relevant authorities/agencies, and that further sale to other project proponent(s) will require reporting to the MBRT.

Desmond Mitigation Bank:

By: _____
Christopher Desmond, Manager

Project Proponent/Purchaser:

By: _____

Joseph P. Keith President
(print name of signer) (title of signer)

STATE OF CALIFORNIA
COUNTY OF Sonoma } S.S.

On May 5, 2008 before me,

Traci Dominguez

a Notary Public in and for said County and State, personally appeared

Christopher Desmond

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Traci Dominguez

TRACI DOMINGUEZ
Commission # 1496673
Notary Public - California
Sonoma County
My Comm. Expires Jun 26, 2008

(This area for official notorial seal)

APPENDIX B – PROOF OF PURCHASE OF CTS MITIGATION CREDITS

5 May 08

ASSIGNMENT OF INTEREST
CTS MITIGATION CREDITS

Cobblestone Homes, Inc., a California corporation, as agent for Keith Investments, LLC ("Assignor"), hereby assigns to Burbank Housing Development Corporation, a California nonprofit corporation ("Assignee") its right, title and interest in 27.15 Credits (each Credit being one-tenth of an acre) that Assignor owns at the Wright Preservation Bank in Santa Rosa, California ("Bank"). Evidence of ownership of the Credits, and the properties to which those Credits have been assigned, is attached hereto for reference.

The assignment is made in connection with, and as part of the consideration for, Assignee's purchase of approximately 4 acres of Assignor's property located at 2975 Dutton Meadow Drive, Santa Rosa, California (the "Property"), and is to be allocated as follows:

- 22.85 Credits are to be used to mitigate taking of California Tiger Salamander Habitat
- 4.30 Credits are to be used to provide required mitigation for rare and endangered plant habitat.

This assignment is conditioned upon close of escrow and transfer of title of the Property to Assignee. A fully executed copy hereof shall be delivered to Escrow No. 30101654 at Liberty Title Company in Santa Rosa, California, along with instructions that it be delivered to Assignee at close of escrow.

This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument. Duplicate unexecuted pages of one or more counterparts may be discarded and the remaining pages assembled as one or more complete documents.

Agreed upon this 5th day of May, 2008, in Santa Rosa, California.

Assignor: Cobblestone Homes, Inc.

By: Joseph P. Keith, its President

Assignee: Burbank Housing Development Corporation

By: Pascal Sisich, Acquisitions Dir.

19 June 08

ASSIGNMENT OF INTEREST
CREATION MITIGATION CREDITS

Cobblestone Homes, Inc., a California corporation, as agent for Keith Investments, LLC ("Assignor"), hereby assigns to Burbank Housing Development Corporation, a California nonprofit corporation ("Assignee") its right, title and interest in 0.35 acres of Wetland Creation Credits (1.0 credit = 1.0 acre) that Assignor owns at the Desmond Mitigation Bank in Sebastopol, California ("Bank").

The assignment is made in connection with, and as part of the consideration for, Assignee's purchase of approximately 4 acres of Assignor's property located at 2975 Dutton Meadow Drive, Santa Rosa, California (the "Property"), and is to be allocated as follows:

- .35 Credits are to be used to mitigate the impacts caused by the filling of seasonal wetlands

This assignment is conditioned upon close of escrow and transfer of title of the Property to Assignee. A fully executed copy hereof shall be delivered to Escrow No. 30101654 at Liberty Title Company in Santa Rosa, California, along with instructions that it be delivered to Assignee at close of escrow.

This Agreement may be executed in any number of counterparts, each of which when executed and delivered shall be deemed to be an original and all of which counterparts taken together shall constitute but one and the same instrument. Duplicate unexecuted pages of one or more counterparts may be discarded and the remaining pages assembled as one or more complete documents.

Agreed upon this 19th day of June, 2008, in Santa Rosa, California.

Assignor: Cobblestone Homes, Inc.

By: Joseph P. Keith, its President

Assignee: Burbank Housing Development Corporation

By: Pascal Sisich, Acquisitions Dir.