



**Geysers-Delta Pond Connection/Diffuser Improvements
Project**

Initial Study/Mitigated Negative Declaration

Response to Comments

November 2021

Prepared by:



ANALYTICAL ENVIRONMENTAL SERVICES

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1.0 OVERVIEW

This Response to Comments document has been prepared to address comments received by the City of Santa Rosa (City or Lead Agency) on the Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) for the Geysers-Delta Pond Connection/Diffuser Improvements Project (Proposed Project). The NOI was published by the City on May 26, 2021, initiating a 30-day public comment period. By the end of the comment period, June 24, 2021, two comment letters were received (**attached**), one from the Federal Emergency Management Agency and one from California Department of Fish and Wildlife. As demonstrated below, the IS/MND as noticed remains sufficient to adequately evaluate the environmental effects of the Project and none of the conditions outlined within Section 15073.5 of the CEQA Guidelines requiring recirculation are met.

2.0 COMMENT LETTER 1 – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE LETTER

The City received a comment letter from the California Department of Fish and Wildlife (CDFW), dated June 22, 2021 (CDFW, 2021) and has been bracketed to address the corresponding comments within the letter. The letter provides comments concerning potential impacts to fish, plant, and wildlife resources pursuant to CEQA Guidelines section 15386. Throughout the comment letter, CDFW requested additional information or additions/revisions to the mitigation measures. Refer to the responses below for the specific additions/revisions. In accordance with 15073.5(a) of the CEQA Guidelines “A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Section 15073.5(b) defines “substantial revision” to mean:

- 1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
- 2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.

As shown in the responses below, no new, avoidable significant effect was identified. Additions or revisions to the requested analysis and mitigation measures/project revisions are consistent with the findings of the IS/MND reviewed by CDFW. Furthermore, the City has determined that the mitigation measures presented in the IS/MND reviewed by CDFW will reduce impacts to less than significant, and that the revisions/additions requested by CDFW provide clarification to the comments provided.

1-A: The City acknowledges that CDFW is a Trustee with the responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact, fish, plant, and wildlife resources. Is also acknowledged that CDFW is considered a Responsible Agency if a project would require discretionary approval, such as permits issued in the California Endangered species Act (CESA), Lake and Streambed Alteration program, or other provisions of the Fish and Game Code that afford protection to the state’s fish and wildlife trust resources.

1-B: The City acknowledges that a CESA Incidental Take Permit must be obtained if the project has the potential to result in “take” of plant or animals listed under CESA, either during construction or over the life of the project. As requested in the letter, additional evaluation for Coho salmon (*Oncorhynchus kisutch*), Sebastopol meadowfoam (*Limnanthes vincularis*), and Sonoma sunshine (*Blennosperma bakeri*) is provided further down in the response to comments located within bracketed comment 1-H for special-status plants and 1-F for special-status fish. It does not appear that take of State listed species will occur. In order to limit duration of in-stream activities, mechanical dredging would be included to remove the bulk sedimentation followed by hydraulic dredging to remove the fine sediment from the diffuser heads. This would further reduce potential impacts and is critical to ensure dredging activities can be complete in a timely manner during the dry season.

1-C: The City acknowledges that Mandatory Findings of Significance will be required if it is likely to substantially restrict the range or reduce the population of a threatened or endangered species. Such restriction is not anticipated.

1-D: LSA notification, pursuant to Fish and Game Code section 1600, will be made for the work conducted within Santa Rosa Creek. Please refer to response 1-N regarding the Delta Pond and unnamed drainage.

1-E: The City acknowledges that this section describes the project summary, location, and approximate timeframe within the IS/MND.

1-F: Regarding the potential for special-status fish to occur within the project site, Mitigation Measure Bio-5 listed in the IS/MND will reduce impacts to listed fish species to Less Than Significant. Additionally, the sediment curtain will fully contain the dredge area in a “U” shape thus preventing any fish from entering the dredge area and prevent silt from leaving the immediate area until it settles during either hydraulic or mechanical dredging. Fish will be encouraged to leave the silt curtained area prior to fully closing the downstream side. The sediment screen will not fully cross the creek from bank to bank leaving an area for fish passage. Construction activities will be conducted outside of the known salmonid fall and winter runs. Regarding special-status terrestrial wildlife species, though the eastern portion of project site occurs within critical habitat for CTS, the project site occurs within a floodplain and therefore is not likely to support CTS breeding (USFWS, 2005). Implementation of Bio-1 and 2 of the IS/MND will reduce impacts to special-status wildlife species to Less Than Significant. Regarding special-status plants, no special status plants were observed within the project site during previous site surveys. With the implementation of Bio-4, potential impacts will be reduced to Less Than Significant.

1-G: As requested, the mitigation measure has been updated to clarify that CDFW and the National Marine Fisheries Service will be consulted prior to project construction regarding the potential impact to federal listed fish species. Implementation of the proposed mitigation measures of having a biological monitor present during the installation of the silt screen and the use of a silt curtain which does not fully block the creek, should avoid the need for a CESA ITP or federal authorization for hydraulic and mechanical dredging. Regarding listed salmonids with the potential to occur within the project site, project activities will be conducted during seasonal windows when salmonids are least likely to be present. Due to the implementation of the mitigation measures recommended, especially the placement of a sediment curtain around the area that will be dredged, it is anticipated that there will be no adverse impacts to listed fishery species and therefore no ITP of federal BO is anticipated.

1-H: In response to the comments received, Section 3.4 has been revised to clarify that that the site did not offer suitable habitat to support this species. According to the Draft Recovery Plan for the Santa Rosa Plain (USFWS, 2016), this species occurs within vernal pools, grassy margins of swales, and seasonally wet grasslands. More specifically, within the Santa Rosa Plain, this plant is known to occur within vernal pool and swales found within valley oak woodlands and north coastal prairie grasslands typically growing in shallow vernal pools, 30 to 50 cm deep, and in swales. It may also occur in swale bottoms, but more commonly grow near the upper edges of the high-water line of vernal pools (USFWS, 2016). The habitats listed in this description are lacking from the project site. Though the project site contains grassland habitat, it lacked any depression features or swale features suitable to support this species. The annual grassland habitat present within the project site is routinely maintained in the form of mowing to allow the City of Santa Rosa to access infrastructure for maintenance purposes. During the site visit, observed vegetation was consistent with annual species with dominant species consisting of but not limited to bristly ox-tongue (*Helminthotheca echioides*), perennial pepperweed (*Lepidium latifolium*), field bindweed (*Convolvulus arvensis*), and wild rye (*Elymus* sp.). The required mitigation of a preconstruction survey will likely confirm the lack of the species being present.

As noted above, a habitat suitability assessment for the potential for Sebastopol meadowfoam to occur was conducted to determine if habitat suitable to support this species was present. According to the Draft Recovery Plan for the Santa Rosa Plain, this species grows in northern basalt flow and northern hardpan vernal pools, wet swales and meadows, on the banks of streams, and in artificial habitats such as ditches (USFWS, 2016). This species is most abundant in the margin habitat at the edge of vernal pools and swales (USFWS, 2016). The surrounding plant communities range from oak savanna, grassland, and marsh in Sonoma County to riparian woodland in Napa County (USFWS, 2016). The habitats listed in this description are lacking from the project site with the exception of riparian habitat. However, according to the Draft Recovery Plan for the Santa Rosa Plain, Sebastopol meadowfoam was not identified as occurring along riparian areas within Sonoma County. Additionally, no impact will occur within the riparian habitat with the exception of where dredging activities will occur, which is routinely disturbed for access to a manhole for maintenance purposes. This area is heavily impacted by routine maintenance of infrastructure present at this location. The immediate area surrounding this dredging activity is dominated by willows making up a relatively dense canopy and little to no understory vegetation due to the deposition of leaves occurring within this area suppressing much of the understory growth. As noted above, the preconstruction survey will confirm the lack of the any special species present prior to actual ground work.

1-I: In response to the comments received, Section 3.4 has been revised to clarify that of the 11 special-status plant species identified within the IS/MND, only 2 of special-status plant species were identified as having a potential to occur within the project site. These two species include congested-headed hayfield tarplant (*Hemizonia congesta* ssp. *congesta*) and thin-lobed horkelia (*Horkelia tenuiloba*). The genus of both of these species are identifiable during most times of the year and would have been identifiable during the September 2020 survey. No species within either genus were observed within the project site during past surveys. Based on that finding and with implementation of Mitigation Measure Bio-4 (pre-construction survey), potential impacts to these species will be reduced to Less Than Significant. The preconstruction survey will also fulfil the two year botanical survey requirement following CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Plant Communities (CDFW, 2018).

1-J: It is understood that acceptance of each year of survey results is required.

1-K: An ITP is not required due to lack of presence of congested headed hayfield and thin-leaved horkelia and any other special-status plant species. As indicated in mitigation measure **Bio-4** of the IS/MND, a preconstruction survey will be conducted meeting the need for a final year focused rare plant survey conducted prior to ground disturbing activities between the months of April and August. This will confirm the lack of presence of any special status plant species. Should any be found, which is unlikely, the appropriate State and or Federal Wildlife agency will be contacted.

1-L: The project will not have substantial impact on riparian habitat as only minor limb trimming and removal of trees smaller than 4 inches will occur. Impacts to the riparian habitat will be fully mitigated at a 3:1 replacement and will be based on trees impacted and linear feet of stream frontage impacted. See response to 1-O below for further information.

1-M: As discussed in Section 3.4.3 of the IS/MND, one sensitive habitat was identified that includes riparian habitat. Impacts to this habitat type will be minimized and confined to the area immediately surrounding the dredging activity. It is understood that an LSA notification to CDFW is required.

1-N: LSA notification will be submitted to CDFW prior to project construction for dredging impacts for initial work and ongoing maintenance within Santa Rosa Creek. This process is acknowledged in Table 2-1 of the IS/MND. The Delta Pond does not meet the definition of Waters of the U.S. since it is man-made from upland. It is part of a wastewater treatment system which is by definition exempt from the definitions of the Waters of the State. The Delta Pond has no identifiable fish, wildlife, or habitats in areas scheduled to be impacted that are in any way sensitive or otherwise protected. Impacts are limited to non-vegetated and/or previously riprapped areas near the current inflow location of the pond. The riprap is being slightly expanded to address the increased spreading of the flow to reduce possible siltation in the pond. Therefore, we believe the Delta Pond proper does not fall within an area requiring an LSA. Regarding the unnamed drainage immediately south of the Delta Pond, it is outside of the defined project area and will not be impacted.

1-O: In response to the comments received, Section 3.4.3 has been revised to clarify that approximately 40 linear feet of riparian habitat will be impacted as a result of the project and will be compensated for at a 3:1 ratio resulting in approximately 120 linear feet of restoration/enhancement along the riparian corridor, including the restoration/enhancement of the existing riparian habitat width. Willows are the only trees designated for removal within this riparian corridor. Approximately 10 willows will be removed from this area and will be replaced in kind at a 3:1 ratio within the riparian restoration area(s). Willows 4-inches or greater will not be removed. Enhancement of the riparian habitat will include the removal of invasive species which primarily includes the removal of Himalayan blackberry (*Rubus armeniacus*) and replacement planting of willows. All riparian mitigation will occur on-site or as close to the site as possible within the same stream or watershed.

Additionally, some previously planted trees within the staging area will need to be removed for placement of dredge material for decanting purposes. This activity is a permanent impact and the removal of trees in this area will be compensated for with a replanting ratio of 3:1 and will be replaced in kind. This replanting will

occur adjacent to where these trees were removed. The trees removed will not be replanted in the same location as where they were removed as this area will be used for placement of spoils for ongoing maintenance of dredging work. No willows will be removed from this area. No trees greater than 4- inches in diameter breast height will be removed. In addition to planting at a 3:1 ratio, extra trees will be planted to account for potential die off to ensure success criteria is met at the end of the five year monitoring period. No more than 160 trees will be removed from the proposed staging area, composed of valley oak and Oregon ash. As compensation for the removal of these previously planted trees, they will be replaced in kind at a 3:1 ratio with extra trees planted ($\geq 20\%$ over planting or as determined necessary) to ensure success criteria is met at the end of the five year monitoring period. Based on final tree removal needs and space requirements needed for decanting and staging of equipment and material determined upon the start of the project, there may be a reduction in the number of trees needing to be removed. This will result in less trees needing to be replanted for mitigation purposes. Final tree mitigation replanting numbers and location of the plantings will be included in the as-built plan and within the annual monitoring report.

1-P: In response to the comments received, Section 3.4.3 has been revised to clarify that trees removed outside of the riparian habitat will be replaced in kind at a 3:1 ratio for trees up to a 6-inch DBH. No oaks occur within the project site that are greater than 5-inches and no non-oak species will be removed greater than 4-inches. See discussion of riparian tree mitigation in RTC 1-O. All Trees planted for mitigation purposes will be monitored for a minimum of five years, with survival during the last two years of the five-year monitoring period being without irrigation.

1-Q: Refer to Comment 1-H and 1-I regarding impacts to special-status plant species. Regarding special-status wildlife species refer to bracketed comment 1-F. The proposed dredging activities and minor vegetation removal/trimming would constitute having the potential to have substantial adverse effects on special-status wildlife species, however with the implementation of mitigation measures Bio-1, Bio-2, and Bio-5 identified within the IS/MND, potential impacts to special-status animal species will be reduced to **Less than Significant**. Mitigation measures include pre-construction surveys, installation of exclusion fencing, sediment curtains installed encompassing the dredge area, biological monitoring during ground disturbing activities, and daily inspections of the work site and equipment prior to the start of daily construction activities as well as the placement of silt fencing to ensure that during drying activities of removed dredge material no silt will return to the creek. Once the material has been “dried out” it will be removed from the site.

1-R: The project would result in the removal of no more than 10 willow trees from the area immediately surrounding the dredging area in addition to some young, recently planted trees consisting of Oregon ash and valley oak. In response to the comments received, Section 3.4.3 has been revised to clarify that there is no suitable habitat present to support roosting of the pallid bat (*Antrozous pallidus*). Additionally, upon further review and a site visit, it was determined that there is a potential for western red bat (*Lasiurus blossevillei*) to roost within the trees present within the riparian habitat. However, only trees less than 4 inches in diameter will be removed. Western red bats prefer to roost in mature riparian trees and the trees designated for removal within the project site were determined to not be suitable to support roosting of the western red bat. Vegetation designated for removal/trimming lacks exfoliating bark and cavities. Given the lack of suitable habitat, no bat habitat is present within the impact area where tree removal/trimming will occur.

1-S: The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or the established native resident or migratory corridor, or impede the use of native wildlife nursery sites. The dredge impact area of the stream will be encompassed by a “U” shaped sediment curtain to exclude fish from the dredge area. This sediment curtain will not go across the entirety of the creek leaving the north end of the creek accessible for fish passage and other aquatic species. The silt curtain will be placed in a manner to allow any fish within to escape before it is fully in place. Removal of the U-shaped sediment curtain will be supervised by a fishery biologist and shall be conducted in a manner to minimize the movement of silt downstream from the immediate project area. This work will be completed within a short time frame, with the dredge work being completed in as little as three weeks. The remainder of the project occurs within upland areas, with surrounding areas allowing for wildlife movement. The project will not impede the used of native nursery sites.

1-T: Mitigation Measure Bio-2 in the IS/MND be revised to require a nesting bird survey no more than 7 days prior to project construction, and an additional survey for any lapses of 7 days of more in construction activities.

1-U: The City acknowledges that information developed in the negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. Any special-status species and natural communities detected during project surveys will be submitted to CNDDDB.

1-V: The City acknowledges that the project as proposed, would have an impact on fish and/or wildlife species, and assessment of filling fees is necessary.

1-W: The City acknowledges that mitigation measures described in the comments will be incorporated into the final CEQA document for the project as enforceable.

3.0 COMMENT LETTER 2 – FEDERAL EMERGENCY MANAGEMENT AGENCY LETTER

The City received one comment letter from the Federal Emergency Management Agency (FEMA), dated June 14, 2021. The letter provides comments concerning whether or not the Proposed Project would result in a rise of base flood elevation levels caused by new development. No new significant effects were identified and no revisions to the IS/MND were warranted, as discussed below.

A though the project site is located within a riverine floodplain (Flood Zone AE), no buildings will be constructed as a result of the Proposed Project. No rise is base flood levels would result from construction or operation of the Proposed Project.

As shown on FIRM parcel no. 06097C0705E, dated December 2, 2008, the project site is located within a 100-year flood hazard area, and a regulatory floodway as delineated on the Flood Insurance Rate Maps (FIRM) (FEMA, 2008). **Mitigation Measure HYD-2** has been incorporated into Section 3-10 of the IS/MND, which would require a hydrologic and hydraulic analysis prior to the start of construction to confirm that no development resulting from the Proposed Project would cause any rise in base flood levels. Although the

Proposed Project is located within an existing Special Flood Hazard Area, no changes to existing drainages or base flood elevation levels would occur as a result of the Proposed Project. Section 3.10.2 of the IS/MND states that, “[t]he Proposed Project would not alter the course of any stream, nor substantially increase the amount of runoff which would result in flooding and erosion.” As a result, no FIRM revisions would be warranted. Furthermore, as discussed in Section 3.10.2 of the IS/MND, there are no Proposed Project components that would result in an increased amount or rate of flooding. Section 3.10.2 of the IS/MND states, “[a]s a result of the Proposed Project, the rate or amount of surface runoff that would result in flooding on- or offsite would not change, and therefore the impact would be less-than-significant. The upgrade of the existing gravel access road would consist of resurfacing with rock, thus allowing water to percolate through, and minimizing any flood impacts. Two low spots along the access road between Willowside Road and the Geysers staging area would be temporarily filled with gravel during the construction season as necessary for access and these low spots would be re-established prior to the rainy season. Additionally, the Geysers component would involve underground work which would not adversely affect impacts related to flooding or surface runoff.” Furthermore, dredging along the existing effluent diffuser would increase the capacity for surface water flow and reduce flooding in the area by removing accumulated sediment as part of the Proposed Project.

The Proposed Project is located within Flood Zone AE as delineated on the FIRM, however is not located within a coastal high hazard zone. Additionally, no buildings will be constructed as a result of the Proposed Project.

4.0 REFERENCES

- California Department of Fish and Wildlife (CDFW), 2018. Protocols for surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities; State of California, California Natural Resources Agency, Department of Fish and Wildlife. Available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>. Accessed August 10, 2021
- CDFW, 2021. Geysers-Delta Pond Connection/Diffuser Improvements Project, Mitigated Negative Declaration, SCH 2021050577, Sonoma County. Bracketed response to the CDFW Comment letter on the MND.
- California Environmental Quality Act (CEQA), 2019. 2019 CEQA, California Environmental Quality Act, Statute & Guidelines. Accessed August 8, 2021. Available at: https://resources.ca.gov/-/media/CNRA-Website/Files/Programs-and-Projects/CEQA/CEQA-Homepage/2019_CEQA_Statutes_and_Guidelines.pdf?la=en&hash=28D5D3CF051762486FC0A43BB50921F85E30E8CC
- U.S. Fish and Wildlife Service (USFWS), 2005. Santa Rosa Plain Conservation Strategy. Conservation Strategy Team. Santa Rosa, California.
- USFWS, 2016. Draft Recovery Plan for the Santa Rosa Plain. Date accessed: August 5, 2021. Available online at: https://www.fws.gov/sacramento/outreach/2014/12-11/docs/Draft_Recovery_Plan-Santa_Rosa_Plain-12-4-14.pdf

Attachment

Comments Received



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 22, 2021

Mr. Andy Wilt
City of Santa Rosa
Transportation and Public Works Department
69 Stony Circle
Santa Rosa, CA 95401
AWilt@srcity.org

Subject: Geysers-Delta Pond Connection/Diffuser Improvements Project,
Mitigated Negative Declaration, SCH No. 2021050577, Sonoma County

Dear Mr. Wilt:

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 Geysers-Delta Pond Connection/Diffuser Improvements 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-A

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. **Based on information provided in the MND, additional evaluation is necessary to determine if the project may result in take of the following listed as endangered species: Coho salmon**

1-B

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(*Oncorhynchus kisutch*), Sebastopol meadowfoam (*Limnanthes vinculans*), and Sonoma sunshine (*Blennosperma bakeri*), as further described below. Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

1-B
cont.

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 and a Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the project proponent's obligation to comply with CESA.

1-C

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. **According to the MND, the project would result in impacts to Santa Rosa Creek, requiring an LSA Notification. It is unclear if the project would result in impacts to the Delta Pond or an unnamed drainage immediately south of Delta Pond, as described in additional detail below; such impacts would also require an LSA Notification.** 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.

1-D

PROJECT DESCRIPTION SUMMARY

Proponent: City of Santa Rosa

Objective: Upsize the connection between the existing Geysers pipeline and the Delta Pond to meet the City's desired recycled water conveyance capacity of 50 million gallons per day. Additionally, sediment that has built up over the effluent diffuser within Santa Rosa Creek will be removed by hydraulic dredging sediment around the diffuser's nozzles. An existing gravel access road from Willowside Road to the Delta Pond would also be improved.

1-E

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Location: The project is located at the Delta Pond and Santa Rosa Creek, in the Santa Rosa, approximately 0.60 miles west of Willowside Road where it intersects with Santa Rosa Creek Trail. It is on Assessor's Parcel Numbers 130-040-008, 130-210-028, 130-040-014 and centered at approximately 38.445796°N, -122.817932°W.

1-E

Timeframe: The project is anticipated to take approximately four months to complete.

Cont

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.

1-F

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

Mitigation Measures

Comment 1: MND Page 3-25

The MND Mitigation Measure (MM) BIO-5 indicates that the project would be conducted during seasonal windows when salmonids are not expected to be present, including Coho salmon, a CESA and federally listed as endangered species, and other federally listed fish species.

1-G

However, CDFW must complete a review of the project details to determine if the project could result in impacts to Coho salmon, and it appears that impacts to other federally listed fish species could occur. Therefore, to reduce project impacts to less-than-significant, CDFW recommends that the MND MM BIO-5 require that the project consult with CDFW and National Marine Fisheries Service regarding the need for a CESA ITP or federal authorization and obtain such authorizations if warranted prior to project construction.

Comment 2: MND Pages 3-19 and 3-24

The MND indicates Sonoma sunshine and Sebastopol meadowfoam, CESA listed and federally listed as endangered plant species, may occur on the project site. MM BIO-5 indicates that a rare plant survey will be conducted prior to project construction.

1-H

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However, it is unclear if suitable habitat for these species occurs on or adjacent to the project site. Additionally, Appendix D of the Santa Rosa Plain Conservation Strategy requires two years of botanical surveys to document absence of listed plants (see: <https://www.fws.gov/sacramento/es/Recovery-Planning/Santa-Rosa/santa-rosa-strategy.php>). Therefore, to reduce project impacts to less-than-significant, CDFW recommends that the MND include a habitat suitability assessment for Sonoma sunshine and Sebastopol meadowfoam to determine if they may occur on or adjacent to the project site. If suitable habitat is present, the MND should require:

- 1) Authorization from the U.S Fish and Wildlife Service (USFWS) for impacts to suitable habitat even if it is not occupied by the species.
- 2) Two years of botanical surveys following *CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (see: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>).
- 3) CDFW's written acceptance of each year of survey results.
- 4) The project to obtain a CESA ITP from CDFW for CESA listed plants if surveys are not conducted or if listed plants may be impacted by the project as determined by CDFW's review of the survey results.

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or USFWS?

Comment 3: MND Pages 3-22, 3-24, and 3-25

Mitigation Measures

The MND indicates the project would impact Santa Rosa Creek, and it appears that it could impact Delta Pond and the unnamed drainage immediately south of Delta Pond as mapped on the California Aquatic Resources Inventory. MMs BIO-3 and BIO-6 indicate that Best Management Practices would be implemented, and tree removal would comply with a City ordinance requiring a permit for tree removal.

However, for impacts to Santa Rosa Creek or associated riparian habitat, the project would also require an LSA Notification to CDFW and it is unclear if impacted habitat would constitute a sensitive natural community (see: <https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities>). Therefore, to reduce project impacts to less-than-significant CDFW recommends that the MND require:

1-H
Cont.

1-I

1-J

1-K

1-L

1-M

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1) Identifying any sensitive natural communities that would be impacted.

I-M
Cont.

2) The project to submit an LSA Notification to CDFW prior to project construction for impacts to Santa Rosa Creek, and if applicable, the Delta Pond and the unnamed drainage, and comply with the LSA Agreement if issued by CDFW.

I-N

3) Impacts to riparian habitat as a result of the project shall be compensated for at the below mitigation to impact ratios.

- 1:1 replacement based on area and linear feet for temporary impacts
- 3:1 replacement based on area and linear feet for permanent impacts

I-O

Habitat replacement shall occur on-site or as close to the site as possible within the same stream or watershed, and may consist of restoration or enhancement of riparian habitat. If mitigation is not possible within the same stream or watershed, mitigation ratios may increase at the discretion of CDFW.

4) Trees removed or impacted as a result of the project shall be replaced pursuant to the below mitigation to impact ratios.

Oak trees:

- 3:1 replacement for trees 5 to 8 inches diameter at breast height (DBH)
- 5:1 replacement for trees 8 inches to 16 inches DBH
- 15:1 replacement for trees greater than 16-inch DBH, which are considered old-growth oaks

I-P

Replacement oaks shall come from nursery stock grown from locally sourced acorns, preferably from the same watershed in which they are planted.

Other trees:

- 1:1 replacement for non-native trees
- 3:1 replacement for trees up to 6-inch DBH
- 6:1 replacement for trees greater than 6-inch DBH

Planted trees shall be monitored for a minimum of five years to ensure survival. The trees must survive the last two years of the minimum five-year monitoring period without irrigation. Replanted trees shall have the same five-year monitoring requirements.

Mr. Andy Wilt
City of Santa Rosa
June 22, 2021
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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 USFWS?

1-Q

Environmental Setting

Comment 4: MND Page 3-23

The project would result in removal of trees that could provide habitat for pallid bat (*Antrozous pallidus*), a California Species of Special Concern, and other bat species.

For an adequate environmental setting, and to reduce impacts to bats to less-than-significant, CDFW recommends that the MND require that prior to any tree removal, a Qualified Biologist shall conduct a habitat assessment for bats. The habitat assessment shall be conducted a minimum of 30 to 90 days prior to tree removal and shall include a visual inspection of potential roosting features (e.g., cavities, crevices in wood and bark, or exfoliating bark for colonial species, and suitable canopy for foliage-roosting species). If suitable habitat trees are found, they shall be flagged or otherwise clearly marked, CDFW shall be notified immediately, and tree trimming or removal shall not proceed without approval in writing from CDFW. Trees may be removed only if: a) presence of bats is presumed, or documented during the surveys described below, in trees with suitable bat habitat, and removal using the two-step removal process detailed below occurs only during seasonal periods of bat activity from approximately March 1 through April 15 and September 1 through October 15, or b) after a qualified bat biologist, under prior written approval of the proposed survey methods by CDFW, conducts night emergence surveys or complete visual examination of roost features that establish absence of roosting bats. Two-step tree removal shall be conducted over two consecutive days, as follows: 1) the first day (in the afternoon), under direct supervision and instruction by a qualified bat biologist with experience conducting two-step tree removal limbs and branches shall be removed by a tree cutter using chainsaws only. Limbs with cavities, crevices or deep bark fissures shall be avoided, and 2) the second day the entire tree shall be removed.

1-R

Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

1-S

Comment 5: MND Page 3-24

CDFW recommends that MM BIO-2 for nesting bird protection be revised to require a nesting bird survey no more than 7 days prior to project construction, and an additional survey for any lapses of 7 days or more in construction activities.

1-T

Mr. Andy Wilt
City of Santa Rosa
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Page 7

Please be advised that the LSA Agreement, if issued by CDFW, will likely require the above recommendations, as applicable.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDDB. The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

1-u

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).

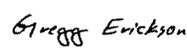
1-v

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.

Questions regarding this letter or further coordination should be directed to Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov; or Craig Weightman, Environmental Program Manager, at Craig.Weightman@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

ec: State Clearinghouse (SCH No. 2021050577)
Vincent Griego, U.S. Fish and Wildlife Service, Vincent.Griego@fws.gov

Mr. Andy Wilt
City of Santa Rosa
June 22, 2021
Page 7

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I-U

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I-V

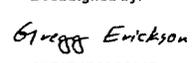
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W

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Sincerely,

DocuSigned by:

BE74D4C93C804EA...
Gregg Erickson
Regional Manager
Bay Delta Region

ec: State Clearinghouse (SCH No. 2021050577)
Vincent Griego, U.S. Fish and Wildlife Service, Vincent.Griego@fws.gov

Comment Letter 2

U.S. Department of Homeland Security
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052



June 14, 2021

Andy Wilt
69 Stony Circle
Santa Rosa, California 95401

Dear Mr. Wilt:

This is in response to your request for comments regarding the Geysers-Delta Pond Connection/Diffuser Improvement Project Draft Initial Study/Mitigated Negative Declaration for the City of Santa Rosa, Sonoma County, California.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Sonoma (Community Number 060375), Maps revised March 7, 2017, and the City of Santa Rosa (Community Number 060381), Maps revised October 16, 2012. Please note that the City of Santa Rosa, Sonoma County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any **development** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Andy Wilt
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- All buildings constructed within a coastal high hazard area, (any of the “V” Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA’s Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

Please Note:

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community’s floodplain manager for more information on local floodplain management building requirements. The Santa Rosa floodplain manager can be reached by calling Jesse Oswald, Chief Building Official, at (707) 543-3249. The Sonoma County floodplain manager can be reached by calling Nathan Quarles, Deputy Director, Sonoma County – Permit, at (707)

If you have any questions or concerns, please do not hesitate to contact members of the Floodplain Management and Insurance Branch staff, Michael Hornick, NFIP Planner at Michael.Hornick@fema.dhs.gov or Ramona Sudbeck, NFIP Planner, Ramona.Sudbeck@fema.dhs.gov.

Sincerely,

Edith C. Lohmann

Edith Lohmann, Acting Branch Chief
Floodplain Management and Insurance Branch

Andy Wilt
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June 14, 2021

cc:

Jesse Oswald, Chief Building Official, City of Santa Rosa
Nathan Quarles, Deputy Director, Sonoma County – Permit, Sonoma County
Kelly Soule, State of California, Department of Water Resources
Daniel Burgett, State of California, Department of Water Resources, South Central Region
Robert Lampa, State of California, Department of Water Resources, South Central Region
Michael Hornick, NFIP Planner, DHS/FEMA Region IX
Ramona Sudbeck, NFIP Planner, DHS/FEMA Region IX
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX

Andy Wilt
Page 4
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