

## Response to Comment Letter Received from California Department of Fish & Wildlife

The following is a response to CDFW's comments regarding the Initial Study / Mitigated Negative Declaration for the Laguna Treatment Plant Flood Protection Project, received on January 24, 2023. For ease of reference, the following is organized using the same headings as the CDFW comment letter, for ease of reference.

### COMMENT 1: Page 3-14

Due to the degraded nature of the wetland habitat, lack of any vernal pools, and no observed occurrences of special status plants from prior surveys over a 10-year period, conducting two additional years of protocol surveys was deemed unnecessary.

In addition to stating that habitat for Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam is marginal, the *Habitat Assessment Report* (Vollmar Natural Lands Consulting 2020) also states that the Project site contains no vernal pools, the species have never been observed during site visits, and is unlikely to occur.

The seasonal wetlands on site are of marginal quality. Most are roadside ditches or have been created through depressional grading for the purpose of draining stormwater, with stormwater inlets/grates at each low point that drain stormwater to the Laguna de Santa Rosa via a culverted system. The seasonal wetlands do not provide vernal pool habitat and include primarily nonnative plant species that indicate hydroperiods and/or soil saturation timeframes that are either shorter than vernal pools or longer than vernal pools—vernal pools are characterized by moderate hydroperiods (e.g., typically at least 1 to 2 months) as well as by the fact that they dry out completely during the dry season and are not generally subjected to any dry-season water (such as anthropogenic “nuisance” or runoff water). Example plant species occurring in the onsite features with shorter hydroperiods include introduced annual grasses and forbs of marginal seasonal wetlands, such as Italian ryegrass (*Festuca perennis*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*), and dock species (e.g., *Rumex crispus*). Example species occurring in the habitats with longer hydroperiods are generally perennial species that are more associated with the Laguna de Santa Rosa or its floodplains, including willows (*Salix* spp.), tall flat sedge (*Cyperus eragrostis*), Baltic rush (*Juncus balticus*), and water plantain (*Alisma triviale*). Unlike vernal pool endemics, all of the above generalist plant species are associated with more common hydrologic regimes that are adapted to disturbed conditions.

In addition to those wetland and special-status plant investigations conducted by Vollmar Natural Lands Consulting, the site has been subject to numerous biological investigations over the years. The following surveys have been conducted at the Laguna Treatment Plan, inclusive of the footprint of the Flood Protection Project, over a 10-year period with no special-status plants found:

- Protocol-level rare plant surveys conducted by the City of Santa Rosa:
  - May and June 2009;
  - March, April, and May 2010; and
  - March, April, and May 2011
- Wetland and floristic surveys conducted by Vollmar Natural Lands:

- November 6, 2015;
- April 15, 2016,
- March 2018, and
- September 2019

The rare plant surveys by the City of Santa Rosa were conducted in accordance with the United States Fish and Wildlife Service's guidelines for conducting and reporting botanical inventories for federally listed plants on the Santa Rosa Plain. Surveys were conducted three times in 2009, 2010, and 2011 to determine presence or absence of special-status plant species. Phenology for special-status plants was monitored at local reference sites within the Santa Rosa Plain. No special-status plant species were found during any of these surveys.

Floristic surveys conducted by VNLC considered and focused on 34 special-status plant species with potential to occur in the Project site. However, following field surveys, habitats in the Project site were determined to provide limited potential to support special-status plants. The April survey, which targeted special-status vernal pool plants, was protocol-level in that it included site visits to known special-status vernal pool species populations, involved a comprehensive survey of the entire project site, and was a full floristic inventory. The botanical surveys as a whole were not protocol only in that they did not include at least three consecutive rounds during the same year and were not conducted over two years in a row. A total of 123 plant taxa were identified within the Project site, none of which were special-status or otherwise considered rare. The habitats on the site are generally disturbed and include a high percentage of nonnative plant species.

Although conducting additional protocol surveys was deemed unnecessary by the Project's botanist, an additional round of surveys will occur in Spring 2023. The first of three surveys has already been complete, with no rare plants found. At the completion of the Spring 2023 surveys, a memo report will be prepared and provided to CDFW for their records.

## **COMMENT 2: Page 1-8**

Project improvements would result in disturbance to approximately 400 square feet of riparian woodland near the southern Llano Road entrance/driveway, including the removal of five trees (two arroyo willow, one weeping willow, and two valley oak). In total, this riparian area is part of an approximate 1.7-acre unbroken swath of riparian habitat consisting of more than 100 trees. Removal of the five trees along the edge of the road and outer limits of the riparian habitat would not have a substantial adverse effect on the riparian habitat.

In addition, as part of the Project and in compliance with the City's Tree Ordinance, removal of the two oak trees would require, by regulation, planting 10 similar tree species, which would occur along the southern border of the Project site. The Project's impact to riparian woodland would be less than significant. Therefore, no mitigation under CEQA is required.

Although reference to obtaining ITP is made in Mitigation Measure BIO-1, it is ancillary to the core of the mitigation measure which identifies numerous procedures and avoidance measures which the City of Santa Rosa will need to follow to reduce potential impacts to CTS. Further, obtaining ITP is not required by law but is at the discretion of the Lead Agency to obtain. Conversely, compliance with Fish & Game Code 1602 is required by law. Therefore, it does not need to be made into a CEQA mitigation measure, as compliance is already required. As noted on page 1-8 of the Initial Study, Section 1602 Lake and Streambed Alteration Agreement is listed as a required approval.

**Environmental Data**

The City and its consultants will comply and report any special-status species detected during project surveys to the California Natural Diversity Database.

**Environmental Document Filing Fees**

The Project is set for consideration before the Board of Public Utilities in May. If the Board approves the project, the City will file a Notice of Determination and pay the environmental document filing fees within 5 days. Documentation will be forwarded to CDFW so that the ITP may be issued.