



## **VERIZON WIRELESS ROSELAND PROJECT**

11 West Barham Road, Santa Rosa, CA (Sonoma County)  
Assessor's Parcel No. 125-281-032

Initial Study/Mitigated Negative Declaration

CITY OF SANTA ROSA

January 2017

Lead Agency:

City of Santa Rosa  
Community Development Department  
100 Santa Rosa Avenue, Room 3  
Santa Rosa, CA 95404

Contact: Susie Murray, Planner

## INTRODUCTION

1. **Project Title:** Verizon Wireless Roseland Project
2. **Lead Agency Name & Address:** City of Santa Rosa  
Planning and Economic Development  
Planning Division  
100 Santa Rosa Avenue  
Santa Rosa, California 95404
3. **Contact Person & Phone Number:** Susie Murray, City Planner  
Phone number: (707) 543-4348  
E-mail: [smurray@srcity.org](mailto:smurray@srcity.org)
4. **Project Location:** The site is located in the City of Santa Rosa, Sonoma County, California at 11 West Barham Road, Assessor's Parcel No. 125-281-032
5. **Project Sponsor's Name & Address:** Project Sponsor:  
Verizon Wireless  
2785 Mitchell Drive Bldg 9  
Walnut Creek, CA 94598  
  
Sponsor's Representative:  
The Lyle Company  
3140 Gold Camp Drive, Suite 30  
Rancho Cordova, CA 95670
6. **General Plan Designation:** Light Industry
7. **Zoning:** PD (Planned Development, 96-002)
8. **Description of Project:**

The site is an approximately 1.80-acre parcel which currently houses automotive repair facilities and automotive parts storage. It is accessible directly from West Barham Road. The project site is located at 11 West Barham Road. Industrial and commercial uses surround the entire site on all sides. The Project proponent proposes leasing a 1,600 square foot portion of the site.

The Project site is surrounded by commercial development in an urbanized area in the City of Santa Rosa. A railroad track borders the Project site to the east, with storage buildings further to the east and north. West Barham Road forms the southern Project site boundary, with several small businesses south of the road. Automotive repair shops occur on the site as well as to the west of the Project site, and the Sonoma Barrel Décor and Design building occurs immediately north of the Project site. (See Figure 1.)

The Proposed Project is the construction of a 55' stealth structure/pine tree communications tower (monopine) including an equipment shelter to house outdoor equipment cabinets mounted on a proposed 12' x 25' concrete slab; including nine antennae and one RRH for future use per sector for a total of 12 antennas and 12 RRHs on the tower.

Access to the site will be gained via a 15' wide easement extending approximately 555' north, then east from West Barham Avenue to a 6' wide easement that extends in a northeasterly direction to the building pad. (See Figure 2.) Trenching for utilities and the lease area typically will not exceed 4' in depth.

Landscaping and Drainage

The approximately 1.80-acre site has been entirely developed to allow for light industrial uses including large truck access and parking. The site has mostly non-native vegetation and a few redwoods.

Construction

Construction would take less than 60 days, weather permitting, including minor grading and tower construction.

**9. Other Public Agencies Whose Approval is Required:**

The Project would require Design Review approval by the Santa Rosa Design Review Board and a Major Conditional Use Permit to be approved by the Planning Commission. No state or regional agency review is required. The Project requires Federal Application from the Federal Communications Commission (FCC).

**10. Exhibits**

Figure 1:	Vicinity Map
Figure 2:	Site Plan
Figure 3:	Project Elevation
Figure 4a:	Project Photo Simulation
Figure 4b:	Project Photo Simulation
Figure 4c:	Project Photo Simulation

*(Figures found in back of report)*

Attachment A: Biological Resource Analysis

*(Attachments are available electronically)*

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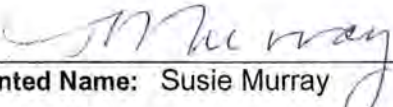
**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project. Please see the checklist for additional information.

- |  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Aesthetics           | <input type="checkbox"/> Agriculture and Forestry      | <input type="checkbox"/> Air Quality                        |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources            | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions        | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            |
| <input type="checkbox"/> Land Use/Planning               | <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population/Housing              | <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic          | <input type="checkbox"/> Utilities/Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance |

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required

<b>Signature:</b>	<b>Date:</b>
	1/11/2017
<b>Printed Name:</b> Susie Murray	<b>Title:</b> City Planner



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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>I. AESTHETICS</b>				
Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

**Discussion:**

The portion of the Project site that will be developed with the monopine is undeveloped. The overall site is surrounded by light industrial uses. The site is located immediately west of the SMART tracks. The site is zoned PD (Planned Development) and partially developed with automotive uses, parking area and storage. To the east of the site, within the SMART ROW is a low grade wetlands area.

The Project proposes to construct a 55' tall monopine (a monopole designed to simulate a pine tree) on a 1,600 square foot leased area at the back of the property. Development includes an equipment shed to enclose operational equipment. Telephone and electrical lines will be run through a utility easement in the onsite access road.

I(a,b) **No Impact.** The project will have no effect on scenic vistas and resources because the project site is not located along a designated scenic corridor nor affect a scenic vista or other scenic resources (trees, rock outcroppings or historic buildings) related to a scenic highway as the site is not visible from any scenic highways. The Project will not conflict with any local policies or ordinances protecting scenic resources, policies or ordinances.

I(c) **Less Than Significant Impact with Mitigation Incorporated.** The monopine structure has been the subject of several photomontages (see Figures 3, 4a-c). These evaluate the view from:

- Sebastopol Road where the monopine blends into the tree line;
- an unnamed road that is southwest of the site where the monopine is seen as a large pine (somewhat larger than nearby trees);
- West Barham Road looking north to the site where the monopine is visible yet part of the occasional trees and utility poles.

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While the property on which the monopine will be constructed is developed and operating with automotive-related uses, the area in which the monopine will be constructed is vacant; there will be no trees or structures directly adjacent to it. As such, it will be visible within the localized areas and for longer distances. It is designed to look like a pine tree, rather than a cell tower, becoming part of the landscape. If the monopine is kept in good condition, it will not have a significant adverse impact on the surrounding area or longer ranging views. Implementation of Mitigation Measure AES-1 will ensure the structure's continued natural appearance. The Design Review process will ensure that the final project architecture and design is consistent with existing development and does not deter the visual character of the site. Therefore, impacts are expected to be less than significant with mitigation.

- I(d) **Less Than Significant Impact.** The City of Santa Rosa Design Guidelines for Industrial Districts requires that all outdoor lighting fixtures be limited to a maximum height of 16 feet in parking lots. In addition, the City of Santa Rosa Zoning Code (Code) Section 20-30.080 requires that lighting fixtures be shielded or recessed to reduce light bleed to adjoining properties, and that each light fixture be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site. At the time of Design Review the project shall demonstrate that lighting has been designed to be adequate without spilling off the property to ensure compliance with City requirements. With these requirements in place, the Proposed Project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area and have a less than significant impact to the area.

#### Mitigation Measures

**AES-1:** The monopine shall be designed to resemble a pine tree and shall be continually maintained in good condition. Limbs, needles and bark shall be replaced as necessary to maintain a healthy appearance.

#### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- City of Santa Rosa Zoning Code, 2006
- City of Santa Rosa Design Guidelines, September 2005 (updated in 2010, 2011)

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
<b>II. AGRICULTURE AND FOREST RESOURCES</b>				
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Conflict with existing zoning for agricultural	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
use, or a Williamson Act contract?				
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

### Discussion

The property is identified as "urban" in the California Department of Conservation Division of Land Resources Protection, Farmland Mapping and Monitoring Program. It is therefore not identified as being prime farmland, unique farmland, or farmland of statewide or local importance. The site is surrounded by urban uses which are incompatible with most agricultural operations due to the need for spraying, dust, and noise related to tilling of farmland or orchards. The City of Santa Rosa has designated and zoned this site for industrial uses. The site is developed with industrial buildings and associated parking. For the above reasons this impact to agricultural soils and potential agricultural uses is considered less than significant.

II(a,c,e) **No Impact.** The project site is located within Santa Rosa's Urban Growth Boundary, is not currently used for agricultural uses, and is currently zoned and used for industrial development. Adjacent properties are similarly designated and developed for industrial development and there are no existing agricultural uses in the immediate area. Therefore, the proposed project is expected to have no impact on conversion of farmland or existing agricultural uses.

II(b) **No Impact.** The project site is currently zoned for industrial uses which are not compatible with agricultural uses. The project site is not under a Williamson Act contract. Therefore, the proposed project would have no impact with existing agricultural zoning or Williamson Act contract for the property.

II(d) **No Impact.** The site is in an urban area and is entirely developed. Therefore the project would have no impact to forest resources.

### Sources:

- California Department of Conservation Division of Land Resources Protection Farmland Mapping & Monitoring Program online at <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.

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- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- City of Santa Rosa Code – Title 20, Zoning Code, adopted August 3, 2004 and revised October 11, 2005
- Soil Survey of Sonoma County, California, prepared by USDA, SCS (1978)

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
<b>III. AIR QUALITY</b>				
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase any criteria pollutant for which the project region is non – attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

### Discussion:

In June 2010, the Bay Area Air Quality Management District (BAAQMD) adopted thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under the California Environmental Quality Act (CEQA) and were posted on BAAQMD's website and included in the Air District's updated CEQA Guidelines. The significance thresholds identified by BAAQMD are used as a guideline in this analysis.

III(a-c) **Less Than Significant Impact.** The BAAQMD CEQA Air Quality Guidelines (Guidelines) set forth criteria for determining a Project's consistency with the Bay Area 2010 Clean Air Plan (BAAQMD 2011). The primary goals of the 2010 Clean Air Plan are to protect air quality, public health, and the climate. The Plan includes 55 "control measures" in five categories: stationary and area source; mobile source; transportation control; land use and local impact; and, energy and climate. These control measures are intended to:

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- Reduce emissions and decrease ambient concentrations of harmful pollutants;
- Safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily impacted by air pollution; and,
- Reduce greenhouse gas (GHG) emissions to protect the climate. (See Section VII.)

The Project would consist of a 300 square foot pad with a monopine and equipment cabinets. Traffic associated with the current use at the Project site consists of an occasional service truck (1 truck trip/week or less).

Operation of the Project will not cause any localized emissions that could expose sensitive receptors to unhealthy air pollutant levels. Construction activity could generate minor dust and equipment exhaust over a few week period; a temporary impact. Additionally, construction emissions would be very low because the Project only involves installation of a small structure within a 1,600 square foot envelope and generate no pollutants.

The Project would not result in project-specific impacts for any criteria pollutant and would not have a contribution to cumulative criteria pollutant impacts.

III(d) **No Impact.** The Project would incorporate best management practices throughout all aspects of the construction. Exposure periods would be short and there are no full-time sensitive receptors at or adjacent to the Project site, resulting in no impacts.

III(e) **No Impact.** The Project would generate very minor localized emissions of diesel exhaust during construction operation due to truck activity. These emissions will not be noticeable to adjacent receptors due to the location of the construction activity. The Project would not generate odors that would be expected to result in odor complaints, resulting in no impacts.

### Sources:

- BAAQCB Website and Significance Thresholds
- City of Santa Rosa Climate Action Plan, adopted June 2012
- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR

## IV. BIOLOGICAL RESOURCES

Would the project:

- a. 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 the California Department of Fish and Game or

Potentially Significant Impact	Less-Than-Significant With Mitigation Incorporation	Less-Than-Significant Impact	No Impact
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X

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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
U.S. Fish and Wildlife Service?				
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
d. 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?	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

The Project was the subject of a Biological Resources Analysis prepared by Monk & Associates, September 20, 2016. The Project site is a highly disturbed parcel with several buildings, trailers, an asphalt driveway and parking areas. There is a small ruderal open area in the northern portion of the property. The eastern edge of the project site is characterized by dense Himalayan blackberry growing along the fence line and one valley oak. Immediately east of the project site there is topographical low feature along the existing railroad tracks that likely is a former borrow area typically associated with early 20<sup>th</sup> century construction of railroad beds. This topographic low area would not be affected by the project but is worth noting such that indirect effects can be avoided by the project. In addition, there are a few ornamental trees growing along West Barham Road in the southeastern corner of the property.

Monk & Associates conducted a mid-summer rare plant survey on July 20, 2016 and found no suitable habitat or rare plants. Given the highly disturbed condition of the site and the limited extent of open area that is dominated by ruderal species, no rare plants are expected to occur on the project site. Furthermore, the project site is located outside of the Santa Rosa Plain Rare Plant Core and Management Areas identified in the USFWS' 2016 Recovery Plan for the Santa Rosa Plain. As such, pursuant to the CEQA, implementation of the project would not result in potentially significant or

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significant impacts to federal and state listed plants, or to other plants that have special status species designations.

The Project site is isolated from extant (i.e., still existing) occupied California Tiger Salamander (CTS) habitat by intervening high density residential and commercial developments and heavily trafficked roads and highways, all of which constitute significant and impenetrable geographic barriers to CTS migration to the project site. Thus, implementation of the project will not destroy habitat that is in use by the CTS nor would it result in take of CTS. Thus, an impact (take) to CTS is less than significant.

IV(a,c) **Less than Significant With Mitigation Incorporation.** There are no likely waters of the U.S. or State on the project site that would be directly affected by implementation of the project. However, there is topography low area that could support saturated low grade wetlands alongside the railroad tracks immediately east of the project site. Therefore, care will be required when constructing the proposed project to be sure that there are no sedimentation or siltation impacts to this topographic low area. To avoid impacts to this feature, the project will implement the mitigation measure below.

IV(b) **No Impact.** The Project site is in an area urban development, primarily covered with impervious surfaces including buildings and paved parking lots. The Project site does not include riparian habitat or other sensitive natural communities, such as grasslands, or oak woodlands, other than those discussed in IV(a,c) above. Therefore, no impact to riparian habitat, or other sensitive natural communities would occur.

IV(d) **Less than Significant With Mitigation Incorporation.** There is a small open area to the northeast of the project site that while small, conceivably could be used for foraging by the white-tailed kite. Therefore, the possibility that this species could nest on the project site cannot be dismissed without conducting formal surveys. Consequently, impacts to white-tailed kite are regarded as potentially significant pursuant to the CEQA. With implementation of the avoidance and mitigation measures, impacts to white-tailed kite can be mitigated to a level considered less than significant pursuant to the CEQA.

Nesting raptors (birds of prey) and passerine (perching) birds are protected pursuant to California Fish and Game Code (Sections 3503, 3503.5, 3513), and the Federal Migratory Bird Treaty Act. The valley oak and landscaping trees present on the project site provide suitable nesting habitat for raptors and passerines. In addition, birds could nest on the abandoned buildings on the project site. Since typically most birds can fly out of harm's way, the proposed project would not be expected to harm adult birds. However, nesting birds are susceptible to take through disturbance that harms eggs or young. The project proponent can avoid impacts to nesting birds by conducting preconstruction nesting surveys and implementing avoidance measures. As such, pursuant to the CEQA, impacts to nesting birds would be less than significant with incorporation of mitigation measures.

IV(e) **No Impact.** No biological resources protected by a local ordinance will be disturbed, therefore, no impact will occur.

IV(f) **No Impact.** The Project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The Project will not conflict with the provisions of the Conservation Strategy. The Project is not covered by any adopted Habitat Conservation Plan, Natural Conservation Community Plans, or other approved local, regional, or state habitat conservation plans and, therefore, will not conflict with any such plan.

### Mitigation Measures

**BIO-1: Waters of the United States and/or State.** Impacts to possible waters of the United States and/or State shall be avoided by installing silt fencing along the existing chain link fence on the eastern project site boundary to prevent any silt or indirect impacts to the topographic low feature immediately east of the project site along the railroad tracks. The silt fence will be maintained for the duration of project construction and until all disturbed areas on the project site become re-vegetated. To facilitate revegetation, all disturbed areas, including the utility easement, will be seeded with an upland erosion control seed mix.

When implemented, these measures would prevent any project impacts to possible waters of the U.S./State. Thus, when implemented these mitigation measures would reduce potential impacts to waters of the U.S. and State to a level regarded as less than significant pursuant to the CEQA.

**BIO-2: Nesting Raptors and other Protected Birds.** In order to avoid impacts to nesting raptors and passerines, a nesting survey shall be conducted 15 days prior to commencing with construction work if this work would begin between February 1st and August 31st. The nesting survey shall be conducted on the project site and within a zone of influence around the Verizon Wireless lease area. The zone of influence includes those areas in the vicinity of the project site where raptors could be disturbed by earth-moving vibrations or construction noise. A nest survey report shall be prepared upon completion of the survey and provided to the City of Santa Rosa with any recommendations required for establishment of protective buffers as necessary to protect nesting birds.

If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist shall establish a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 75 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known from the region of the project site. The nest buffer should be staked with orange construction fencing or orange lath staking.

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

When implemented, these measures would reduce project impacts to nesting raptors and passerine birds to a level considered less than significant pursuant to CEQA.

### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- Monk & Associates, Biological Resources Analysis, Verizon Wireless Roseland Project, September 20, 2016

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b>				
Would the project?				
a. Cause a substantial adverse change in the significance of a historic resource as defined in 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

**Discussion:**

The project site is located on a fully disturbed urban site and the surrounding area is fully developed by industrial uses to the north, south and west, adjacent to the west by the SMART tracks. There are no known unique geological or paleontological features on the project site that would indicate the presence of archaeological resources based upon a site analysis by EBI.

V(a) **No Impact.** The site has no buildings with an historic value according to the site analysis by EBI.

V(b-d) **Less Than Significant Impact.** The cultural resources review concluded that "the present project is not sensitive for the presence of significant precontact and/or historical archaeological resources due to: the low historic and precontact archaeological sensitivity, the negative results of a prior cultural resource survey of the Subject Property, and the negative results of this pedestrian survey of the Project Area. In this context, it is unlikely that the proposed Project Area is sensitive for significant below-grade cultural resources. No Historic Properties were identified within the APE-DE by this survey effort. If resources are discovered during construction, all soil disturbing work shall be halted at the location of any discovery until the archaeologist completes a significance evaluation of the find(s) pursuant to Section 106 of the National Historic Preservation Act (36CFR60.4). No further archaeological testing is recommended for this project", and a less than significant impact is expected.

**Sources:**

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- EBI Consulting, Addendum to FCC Form 620-Change to APE-DE Roseland/Ensite #24889 (283597), 11 West Barham Avenue, Santa Rosa, Sonoma County, California 95407, EBI Project #6115001979, January 21, 2016

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- Review of State Historic Preservation Office (SHPO) files, archaeological review, public involvement, and Local Government and SHPO consultation
- Consultation with federally recognized tribes, and consultation of the Native American Heritage Commission (NAHC)

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS</b>				
Would the project:				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
iii) Seismic related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on, or off, site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X



**Discussion:**

The Project site is situated in the southwest quadrant of Santa Rosa, on the Santa Rosa Plain, one of numerous northwesterly trending structural features of the California Coast Range Geomorphic Province. Erosion from the surrounding hills of sedimentary and volcanic bedrock has produced generally flat-lying alluvial sediments hundreds of feet deep in the Santa Rosa area.

Santa Rosa is located within a seismically active area in California. The City is subject to geological hazards primarily related to earthquakes due to the presence of active faults. Most notably the City has a designated Alquist-Priolo Fault Zone extending through the City's downtown area, the fault zone is designated over the faults known as Roger's Creek Fault and the Healdsburg Fault. The City is also susceptible to the movement of the Bay Area's other active faults including the San Andreas Fault. All development is required to adhere to the California Building code (CBC) construction standards to address all potential impacts related to possible area seismic activity, making impacts from geologic hazards less than significant. The CBC requires earthquake resistant design and construction which reduces earthquake damages and losses.

The primary geologic hazard identified at the site is the potential for strong to very strong earthquake-induced ground shaking. Other hazards, as discussed below, are not considered significant at the site.

VI(a-i, a-ii, a-iii, b, c & d)

**Less-than-Significant.** The project site is a flat developed area with no evidence of any geologic activities such as faulting and landsliding, but is located in an area considered to be susceptible to violent ground shaking during an earthquake (General Plan, figure 12-3). All new construction, as well as the proposed change in building occupancy, will require the application of City and California Building code (CBC) construction standards to address potential impacts related to possible seismic activity, making impacts from geologic hazards less-than-significant. The CBC requires earthquake resistant design and construction which reduces earthquake damages and losses.

As the site is primarily developed, and on-site improvements are relatively limited, the potential for soil erosion (or loss of topsoil) which may occur during project construction is limited. The application of City and CBC construction standards will address any potential impacts related to the presence of expansive soils, making impacts from geologic hazards less than significant.

Additionally, all areas proposed to be disturbed will be revegetated with landscaping as appropriate when the project is complete.

VI(a-iv) **No Impact.** The site is flat and not near the foot of a slope eliminating the concern over impacts related to landslides.

There are no known soils or geologic units that would become unstable as a result of the project.

VI(e) **No Impact.** The soils in relation to septic system use are not of concern for this project, because the project is connected to City sewer systems for wastewater disposal, and therefore will not include use of a septic system.

**Sources:**

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- U.S. Department of Agriculture, Natural Resource Conservation Service – Soil Survey

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
<b>VII. GREENHOUSE GAS EMISSIONS</b>				
Would the project:				
a. Generate Greenhouse Gas Emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

Unlike emissions of criteria and toxic air pollutants, which have local or regional impacts, emissions of greenhouse gases (GHGs) contribute to global warming or climate change. Principal GHGs contributing to global warming are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated compounds. GHG emissions can be reduced to some degree by improved coordination of land use and transportation planning on the city, county, and sub regional levels, as well as by other measures to reduce automobile use. Energy conservation measures also can contribute to reductions in GHG emissions (BAAQMD, 2011).

**State of California**

The State of California has set GHG reduction goals through the passage of Assembly Bill 32 (AB 32), the "Global Warming Solutions Act." AB 32 aims at reducing GHG emissions to 1990 levels by 2020. The BAAQMD CEQA Air Quality Guidelines (Guidelines) have established GHG thresholds of significance in order to meet the goals of AB 32. The BAAQMD Guidelines contain the thresholds.

**City of Santa Rosa**

On December 4, 2001 the Santa Rosa City Council adopted a resolution to become a member of Cities for Climate Protection (CCP), a Project of the International Council on Local Environmental Initiatives (now called ICLEI Local Governments for Sustainability). Since that time all eight Sonoma County municipalities and Sonoma County have become members. By becoming a member, local governments commit to completing five milestones: 1) conduct a GHG emissions analysis; 2) set a target for emissions reduction; 3) draft a local action plan for meeting the target; 4) implement the action plan; and 5) monitor and report on the progress. The City adopted the Climate Action Plan in 2012. A Project that is in compliance with a Qualified GHG Reduction Strategy (such as the City of Santa Rosa's Climate Action Plan) would be considered as having a less than significant impact. This Project is consistent with the City's CAP.

**Operation & Construction Discussion:**

The BAAQMD has established screening criteria to provide lead agencies with a conservative indication of whether a Project could result in significant GHG impacts during operations. The operational screening criterion for GHG for light industrial uses is either 121,000 square feet or 72 acres. This Project is

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significantly below the screening criteria with its 1,600 square foot leasehold. The construction related screening size is 259,000 square feet or 11 acres for NOx or 524 employees. This project is significantly below these thresholds.

- VII(a) **Less than Significant Impact:** If a project falls below these screening criteria (discussed above), it can be concluded that the project will result in less than significant impact from GHG emissions.

Construction activities are considered temporary. Construction activities that would result in Project-related GHG emissions include exhaust emissions and the Project has very low emissions, comparable to construction of a small single family home.

The Project's operational contributions are almost immeasurable (significantly less than a single family home), and therefore will have a less than significant impact.

- VII(b) **No Impact.** In June 2012, the City adopted the CAP. Compliance with the CAP is evaluated above. Due to the Project's low impact use, the impact on GHGs would be considered a non-impact.

#### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- City of Santa Rosa Climate Action Plan, adopted June, 2012
- Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, Page 3-2 to 3-4, May, 2010

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
<b>VIII. HAZARDS AND HAZARDOUS MATERIALS</b>				
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>

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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

The site is a leasehold on a property that has been developed in industrial uses. This use will neither affect or be affected by any hazardous materials, nor will it expose additional population to hazardous materials. A small (132 gallon) diesel fuel tank will be installed to serve as power a generator for emergency purposes. The location and permitting for the storage tank is controlled by the Fire Department and will be compliant with the California Fire Code.

VIII(a,b,c)

**Less Than Significant Impact.** Project construction activities would include the use of very limited amounts of hazardous materials such as fuels, lubricants, paints and solvents. Routine transport of hazardous materials to and from the Project site would not result in an incremental increase in the potential for accidents. However, Caltrans and the CHP regulate the transportation of hazardous materials and wastes, including container types and packaging requirements, as well as licensing and training for truck operators, chemical handlers, and hazardous waste haulers. Because contractors would be required to comply with existing and future hazardous materials laws and regulations covering the transport, and use and disposal of hazardous materials, the impacts associated with the potential to create a significant hazard would be less than significant. Limited storage of hazardous material components is proposed and these are subject to California Fire Code and subject to permits by the City Fire Department. Therefore, potential impacts would be less than significant.

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- VIII(d) **Less than Significant.** The Hazardous Waste and Substances Sites List (Cortese List) is a planning document used to comply with CEQA requirements for providing information about the location of hazardous materials release sites.

A search of the data resources that provide information regarding the facilities or sites identified as meeting the "Cortese List" requirements was completed to determine if any known hazardous waste facilities exist on or adjacent to the Project site (EPA 2011). No sites were found

VIII(e,f,g,h)

**No Impact.** The project site is not near an airport or airstrip, is not located on a site listed on the Cortese list pursuant to Section 65962.5, and is not in or near wildlands.

Normal access provides for emergency access onto and around the site. The site will not interfere with any adopted emergency response or evacuation plan.

The Project site is located on urban land in zones designated as "Non-Fire Hazard" by the California Department of Forestry and Fire Protection (CAL FIRE 2008). Therefore, no wildland fire related impact would occur.

**Sources:**

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR.

**IX. HYDROLOGY AND WATER QUALITY**

Would the project:

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off- site?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>



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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off- site?				
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

Water Supply

The Project will require no water hook ups.

Water Quality

Drainage from the Project site flows into city drainage channels.

IX(a,c-f) **Less Than Significant.** The proposed Project will affect less than one acre so is not subject to the SUSMP. Regardless, the Project will have to be reported under the City of Santa Rosa's MS4 permit with the RWQCB, thus may enforce routine BMPs as necessary for the City to ensure that its permitted projects comply with the NPDES. The Project will employ Best Management Practices (BMPs) and be subject to Standard Conditions imposed by the City. Compliance with the conditions of approval will ensure the Project has less than significant impacts.

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IX(b) **No Impact.** The project is consistent with the City's General Plan and will not require any water hook ups. The impact is, therefore, considered a non-impact.

IX(g,h,i,j) **No Impact.** The site is not located near a dam or levee. Therefore, there is no impact related to flooding as a result of a levee or dam failure.

Seiche and tsunamis are short duration, earthquake-generated water waves in large enclosed bodies of water and the open ocean, respectively. The extent and severity of a seiche would be dependent upon ground motions and fault offset from nearby active faults. The site is not located near the Pacific Ocean or large bodies of water. Therefore, the risk of seiche or tsunami damage at the site is low to non-existent. No impacts are expected.

**Sources:**

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- Monk & Associates, Biological Resources Analysis, Verizon Wireless Roseland Project, September 20, 2016

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. LAND USE &amp; PLANNING</b>				
Would the project?				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion**

X(a) **No Impact.** The Project would construct a small structure on a 1,600 square foot portion of the site. The site is located entirely within a developed industrial area that is surrounded by other industrial development, with no off-site improvements needed. The Project would not physically divide an established community.

X(b) **No Impact.** The Project is consistent with the existing Light Industry General Plan designation and the PD zoning of the property. No impact would occur.

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- X(c) **No Impact.** No adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans exists for the Project area. Therefore, no impact would occur.

### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- City of Santa Rosa Zoning Code, 2006

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>XI. MINERAL RESOURCES</b>				
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

### Discussion:

The Surface Mining and Reclamation Act (SMARA) of 1975 identifies specific areas of mineral resources in the North San Francisco Bay Region including Santa Rosa. The project does not lie within one of the listed aggregate deposits in the SMARA report as shown on Santa Rosa Quadrangle.

- XI(a-b) **No Impact.** The development of the project site will not create an adverse impact upon locally or regionally-significant resources as the site development is very small. The City of Santa Rosa's General Plan does not identify any locally important mineral resource locations in the vicinity of the proposed project.

### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- California Division of Mines & Geology, Surface Mining and Reclamation Act of 1975, Note No. 50, 1975

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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>XII. NOISE</b>				
Would the project result in:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

The City of Santa Rosa's General Plan establishes noise and land use compatibility standards to evaluate a project's compatibility with the noise environment. Commercial/industrial type land uses are considered "normally acceptable" in noise environments of 65 dBA DNL or less and are considered "conditionally acceptable" in noise environments between 67 dBA DNL and 77 dBA DNL.

The Project site is located west of US Highway 101 in Santa Rosa, California. Barham Road forms the site's southern boundary. Industrial land uses surround the project site and the SMART rail is located east of the site.

The sensitive receptors nearest to the Project site are residences over 250 feet north of the Proposed Project. The existing noise levels are primarily associated with local industrial uses and distant traffic

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ranging from 65 to 85  $L_{max}$  during the daytime and 55 to 75  $L_{max}$  during the nighttime. The only other nearby receptors include offices associated with on-site commercial industrial buildings.

The operational noise sources associated with the Proposed Project would not increase over existing levels.

The City of Santa Rosa does not have quantitative noise limits for construction activities. However, the City limits construction activities to between the hours of 7:00 AM and 10:00 PM seven days a week. Any activity not in compliance with any provision of the Noise Ordinance will require a special condition permit.

- XI(a-c) **No Impact** The Verizon Wireless Roseland Project would not result in increases in ambient noise levels.
- XI (d) **Less Than Significant Impact.** Construction of the Project will result in short-term noise over a very short time frame. Impacts related to noise have been determined to be less than significant as they would be short term.
- XI(e/f) **No Impact.** The project site is not located within an airport land use plan, or within two miles of a public airport or public use airport. The Proposed Project would not expose persons in the area to excessive aircraft noise, therefore, this Project will have no impact related to airport noise.

#### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>XIII. POPULATION AND HOUSING</b>				
Would the project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X



**Discussion:**

XIII(a-c) **No Impact.** A project would be considered growth-inducing if it were to provide new housing, new employment, expand existing infrastructure, or generate new full-time employment. It would not displace existing housing or people and would not require construction of replacement housing elsewhere. No impact would occur. Therefore, no impacts to population or housing are associated with the Project.

**Sources:**

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
<b>XIV. PUBLIC SERVICES</b>				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services?				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	■	X
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

XIV(a,b) **Less than Significant:** Fire and police protection services would be provided by the City of Santa Rosa. The nearest fire station is located less than 1 mile away to the east on Burbank Avenue. The location for the relocation of the fire station advised in the Roseland Area / Sebastopol Road Specific Plan and Roseland Annexation Projects is Timothy Road, much closer to the site.

The Project site will be served by Santa Rosa Police Department (Beat 7). The Project would result in no new significant structures. However, no additional fire or police personnel or equipment would be necessary to adequately serve the Project.

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A less than significant impact to police or fire services is anticipated.

XIV(c-e) **No Impact:** The Project site is located within the Santa Rosa School District. Pursuant to Senate Bill 50, the Applicant would be required to pay school impact fees at the nonresidential rate for new construction. These fees are established to offset potential impacts on school facilities. Payment of the fees mandated under Senate Bill 50 is prescribed by the statute, with payment of the fees deemed full and complete mitigation. This fee would be assessed when the Project's building permit would be issued. Therefore, the Project would have no impact to area schools. The Project is not residential in nature and would not require park acquisition or park development fees to be paid. The Project would require no other City services. No impact would occur.

#### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- City of Santa Rosa Community Development Department's Standard Conditions of Approval

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>XV. RECREATION</b>				
Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

#### Discussion:

XV(a,b) **No impact:** The Project is not residential in nature and would not require park acquisition or park development. Therefore, no impact to existing recreational resources would occur and no impact would occur from construction or expansion of new recreational facilities, as none would be needed for the Project.

#### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR

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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporation	Less-Than- Significant Impact	No Impact
<b>XVI. TRANSPORTATION/TRAFFIC</b>				
Would the project:				
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

XVI(a-f) **No Impact:** The City of Santa Rosa's adopted Level of Service (LOS) Standard is contained in Santa Rosa General Plan 2035. Standard TD-1 states that the City will try to maintain a level of service (LOS) D or better along all major corridors. Exceptions to meeting this standard are allowed where attainment would result in significant environmental degradation; where topography or environmental impacts make the improvement impossible; or where attainment would ensure loss of an area's unique character.

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The Project will add less than 1 trip/week to local traffic – an immeasurable increase. The Project will not impact the transportation or traffic considerations including intersections, streets, freeways, alternative modes of transit, LOS, or transit.

The Project has no components that would result in a change in air traffic patterns as it is located more than 4 miles from an airport.

The Project will not inhibit sight distance or result in any hazards due to a design feature resulting in no impact.

There are no other changes contemplated as part of the Project that would affect emergency access. Therefore, the Project would have no impact on emergency access.

Existing and planned transit, bicycle and pedestrian facilities in the study area are expected to provide appropriate access to the project site should such be necessary. Traffic to the Project will not impact any plans in progress associated with such facilities.

### Sources:

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
<b>XVII. UTILITIES AND SERVICE SYSTEMS</b>				
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

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	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less-Than- Significant Impact	No Impact
adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

**Discussion:**

XVII(a-g) **No Impact.** The project would not require any new connections to any utilities controlled by the City of Santa Rosa. The project would incrementally add runoff associated with the 1,600 square feet of improvements.

The physical disturbance of the drainage facilities during construction has been addressed in Section IX, Hydrology and Water Quality.

The Project would not require or result in the construction of new off-site storm water drainage facilities or expansion of existing off-site facilities. No impact would occur.

During construction, there should be a temporary increase in solid waste disposal needs associated with construction wastes. Construction wastes for the Project would include small amounts of solid waste from site grading. Construction waste could be accommodated by landfills located in the region. The impact from construction waste would not be an impact.

**Sources:**

- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR

	Potentially Significant Impact	Less-Than- Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------------	--	------------------------------------	--------------

**XVII. MANDATORY FINDINGS OF SIGNIFICANCE**

Would the project?

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
--	--------------------------	---	--------------------------	--------------------------



# VERIZON WIRELESS ROSELAND PROJECT

## Initial Study

animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

☐
☐

X

☐

- c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

☐
☐

X

☐

### Discussion:

XVII(a) **Less-Than-Significant Impact With Mitigation Incorporation.** The property is a mostly developed site containing existing automotive facilities. The Project site is almost entirely disturbed. Mitigation measures that require long term maintenance are provided that will ensure any potential impacts related to the monopines long term aesthetic qualities are less than significant. The site does not support wetlands or special status species. One potential impact relates to nesting birds and raptors. Mitigation measures are identified in Section IV that will reduce the Project's impacts to less than significant. Cultural resources are unlikely. However, standard conditions of approval are prescribed which will ensure that any accidental discoveries of cultural resources related to construction are addressed by standard conditions.

XVII(b) **Less-Than-Significant Impact.** The project does not have the potential to create impacts which are individually limited but cumulatively considerable. The environmental effects of the project are typical of a 1,600 square foot improvement and will be controlled through standard City or State construction standards and practices or conditions of approval.

Greenhouse gas impacts are not expected as the project is below BAAQMD standards and is consistent with the City's Climate Action Plan.

XVII(c) **Less-Than-Significant Impact:** The project does not present potentially significant impacts which may cause adverse impacts upon human beings, either directly or indirectly. Building and improvement plans will be reviewed to ensure compliance with applicable building codes and standards.

## Sources

- U.S. Department of Agriculture, Natural Resource Conservation Service – Soil Survey
- Consultation with federally recognized tribes, and consultation of the Native American Heritage Commission (NAHC)
- Soil Survey of Sonoma County, California, prepared by USDA, SCS (1978)
- California Department of Conservation Division of Land Resources Protection Farmland Mapping & Monitoring Program online at <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>.
- California Division of Mines & Geology, Surface Mining and Reclamation Act of 1975, Note No. 50, 1975
- Review of State Historic Preservation Office (SHPO) files, archaeological review, public involvement, and Local Government and SHPO consultation
- Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines, Page 3-2 to 3-4, May, 2010
- BAAQCB Website and Significance Thresholds
- City of Santa Rosa 2035 General Plan, adopted November 3, 2009, and Final EIR
- City of Santa Rosa Zoning Code, 2006
- City of Santa Rosa Design Guidelines, September 2005 (updated in 2010, 2011)
- City of Santa Rosa Code – Title 20, Zoning Code, adopted August 3, 2004 and revised October 11, 2005
- City of Santa Rosa Climate Action Plan, adopted June, 2012
- City of Santa Rosa Community Development Department's Standard Conditions of Approval
- Monk & Associates, Biological Resources Analysis, Verizon Wireless Roseland Project, September 20, 2016
- EBI Consulting, Addendum to FCC Form 620-Change to APE-DE Roseland/Ensite #24889 (283597), 11 West Barham Avenue, Santa Rosa, Sonoma County, California 95407, EBI Project #6115001979, January 21, 2016

VERIZON WIRELESS ROSELAND PROJECT  
Initial Study

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**PROJECT SPONSOR'S INCORPORATION OF MITIGATION MEASURES**

As the project sponsor or the authorized agent of the project sponsor, I, Matt Johnson, The Lyle Company, undersigned, have reviewed the Initial Study for the Verizon Wireless Roseland Project and have particularly reviewed all mitigation measures and monitoring programs identified herein. I accept the findings of the Initial Study and mitigation measures and hereby agree to modify the proposed project applications now on file with the City of Santa Rosa to include and incorporate all mitigation measures and monitoring programs set out in this Initial Study.

  
The Lyle Company  
Representing Verizon Wireless

1-11-17  
Date

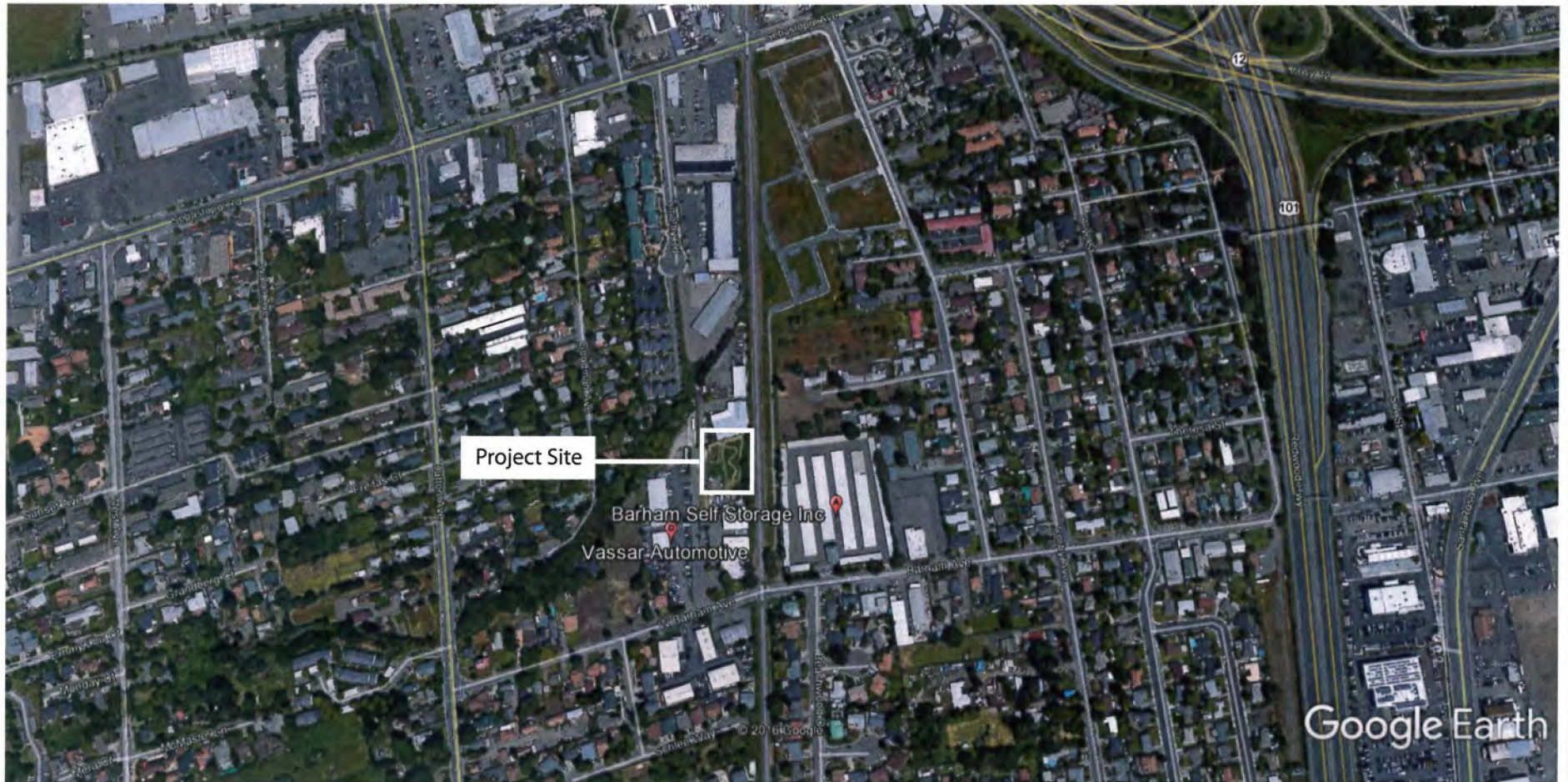
**MITIGATION MONITORING AND REPORTING PROGRAM**  
**Verizon Wireless Roseland Project**

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<b>I. AESTHETICS RESOURCES</b>					
<p><b>Mitigation Measures:</b></p> <p><b>AES-1:</b> The monopine shall be designed to resemble a pine tree and shall be continually maintained in good condition. Limbs, needles and bark shall be replaced as necessary to maintain a healthy appearance.</p>	Require as condition of approval.	Planning Division	Every 5 years, post construction, the Project Sponsor shall submit a description of maintenance to the Planning Division	Revoke use permit	
<b>IV. BIOLOGICAL RESOURCES</b>					
<p><b>Mitigation Measures:</b></p> <p><b>BIO-1:</b> Waters of the United States and/or State. Impacts to possible waters of the United States and/or State shall be avoided by installing silt fencing along the existing chain link fence on the eastern project site boundary to prevent any silt or indirect impacts to the topographic low feature immediately east of the project site along the railroad tracks. The silt fence will be maintained for the duration of project construction and until all disturbed areas on the project site become re-vegetated. To facilitate revegetation, all disturbed areas, including the utility easement, will be seeded with an upland erosion control seed mix.</p> <p><b>BIO-2:</b> Nesting Raptors and other Protected Birds. In order to avoid impacts to nesting raptors and passerines, a nesting survey shall be conducted 15 days prior to commencing with construction work if this work would begin between February 1st and August 31st. The nesting survey shall be conducted on the project site and within a zone of influence around the Verizon Wireless lease area. The zone of influence includes those areas in the vicinity of the project site</p>	Require as condition of approval.	Planning Division	Prior to issuance of building or grading permits, Planner to review required reports and ensure that recommendations are addressed in the project construction plans.	Deny issuance of a building permit until plans are corrected.	
	Require as condition of approval.	Planning Division	Prior to issuance of building or grading permits, Planner to review required reports and ensure that recommendations are addressed in the project construction plans.	Deny issuance of a building permit until plans are corrected.	

VERIZON WIRELESS ROSELAND PROJECT  
Initial Study

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record (Name/Date)
<p>where raptors could be disturbed by earth-moving vibrations or construction noise. A nest survey report shall be prepared upon completion of the survey and provided to the City of Santa Rosa with any recommendations required for establishment of protective buffers as necessary to protect nesting birds.</p> <p>If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist shall establish a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 75 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known from the region of the project site. The nest buffer should be staked with orange construction fencing or orange lath staking.</p> <p>No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones, or that the nesting cycle is otherwise completed. In the region of the project site, most species complete nesting by mid-July. This date can be significantly earlier or later, and would have to be determined by the qualified biologist. At the end of the nesting cycle, and abandonment of the nest by its occupants, as determined by a qualified biologist, temporary nest buffers may be removed and construction may commence in established nesting buffers without further regard for the nest site.</p>					





Google Earth







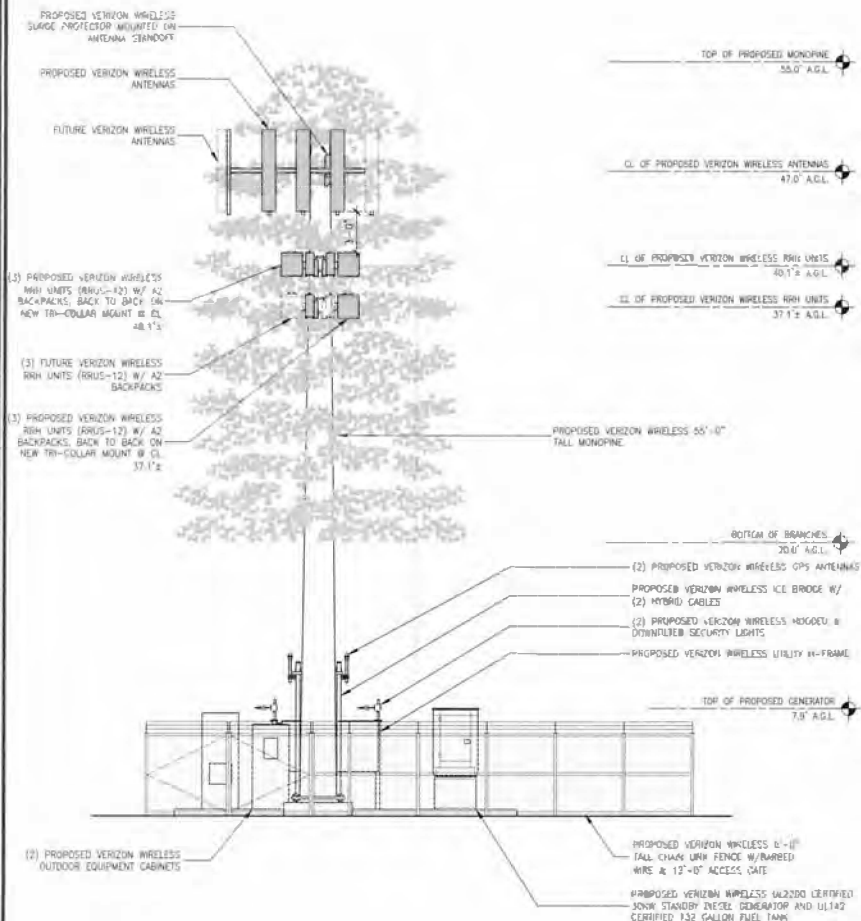
Figure 3. Aerial Photograph of  
Verizon Wireless Roseland Project Site  
Santa Rosa, California

Monk & Associates  
Environmental Consultants  
1136 Saranap Avenue, Suite Q  
Walnut Creek, California 94595  
(925) 947-4867

Aerial Photograph Source: ESRI  
Map Preparation Date: August 4, 2016

NOTE: VERIZON WIRELESS TO INSTALL "NEEDLE SOCKS" ON ALL PROPOSED PANEL ANTENNAS & RRH UNITS. ALL ANTENNAS & EQUIPMENT TO BE PAINTED FLAT GREEN.

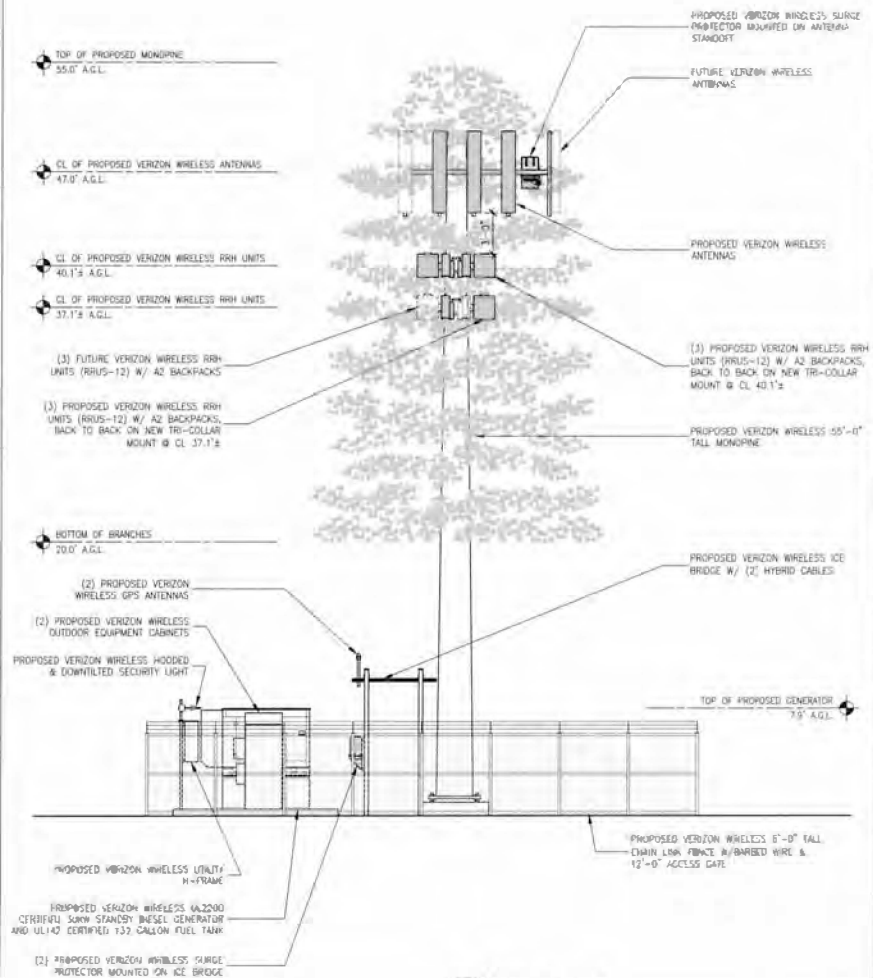
NOTE: BRANCHES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY. NOT TO SCALE.



2 WEST ELEVATION  
A3.1 SCALE: 1/4" = 1'-0"

NOTE: VERIZON WIRELESS TO INSTALL "NEEDLE SOCKS" ON ALL PROPOSED PANEL ANTENNAS & RRH UNITS. ALL ANTENNAS & EQUIPMENT TO BE PAINTED FLAT GREEN.

NOTE: BRANCHES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY. NOT TO SCALE.



1 NORTH ELEVATION  
A3.1 SCALE: 1/4" = 1'-0"



ROSELAND  
11 W. BASHAM AVE.  
SANTA ROSA, CA 95407  
PROJECT ELEVATIONS

verizon wireless

REVISIONS
1. 04/03/15
2. 05/06/15
3. 05/21/15
4. 05/22/15
5. 05/23/15

FILED: 05/23/15  
DRAWN BY: JG  
CHECKED BY: JG  
SCALE: AS NOTED  
DATE: 05/23/15

APP. TEL. 05/15/15

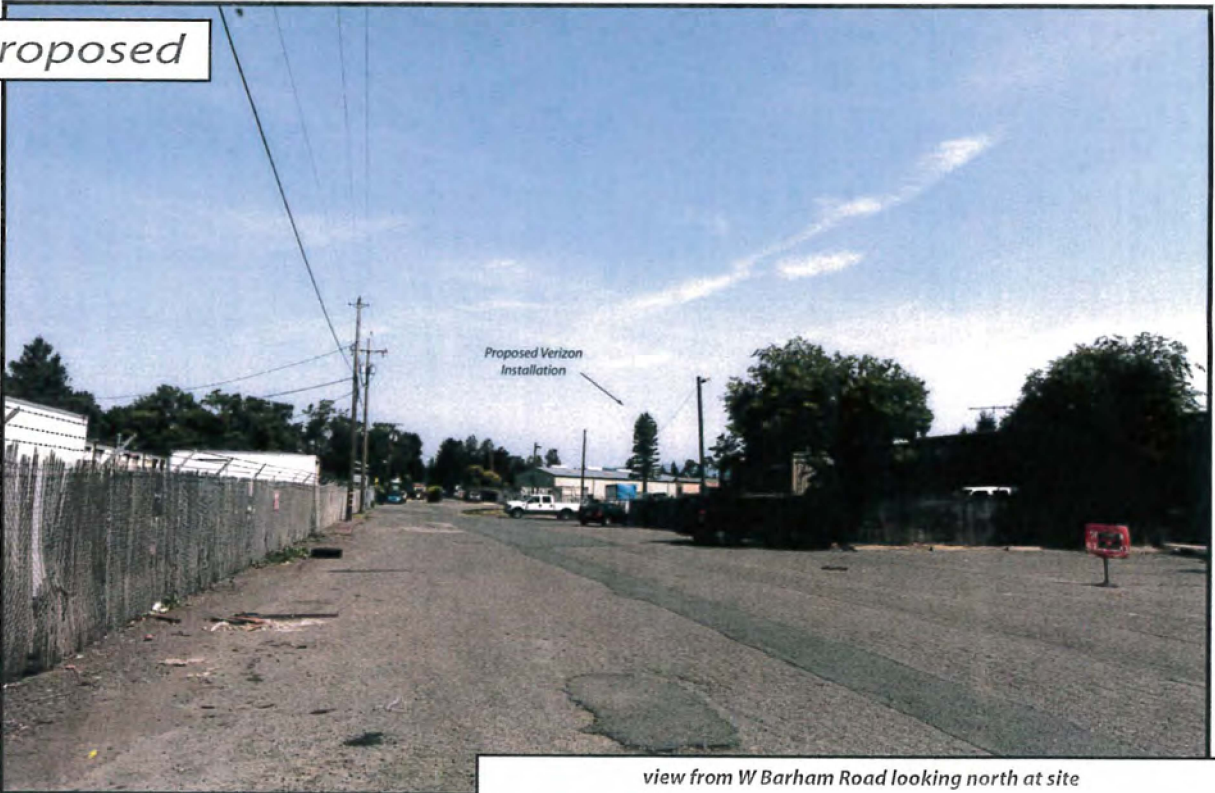
A3.1



Existing



Proposed



view from W Barham Road looking north at site

AdvanceSim  
Photo Simulation Solutions  
Contact (925) 202-8507



Roseland 283597  
11 W Barham Avenue, Santa Rosa, CA  
Photosims Produced on 5-6-2015

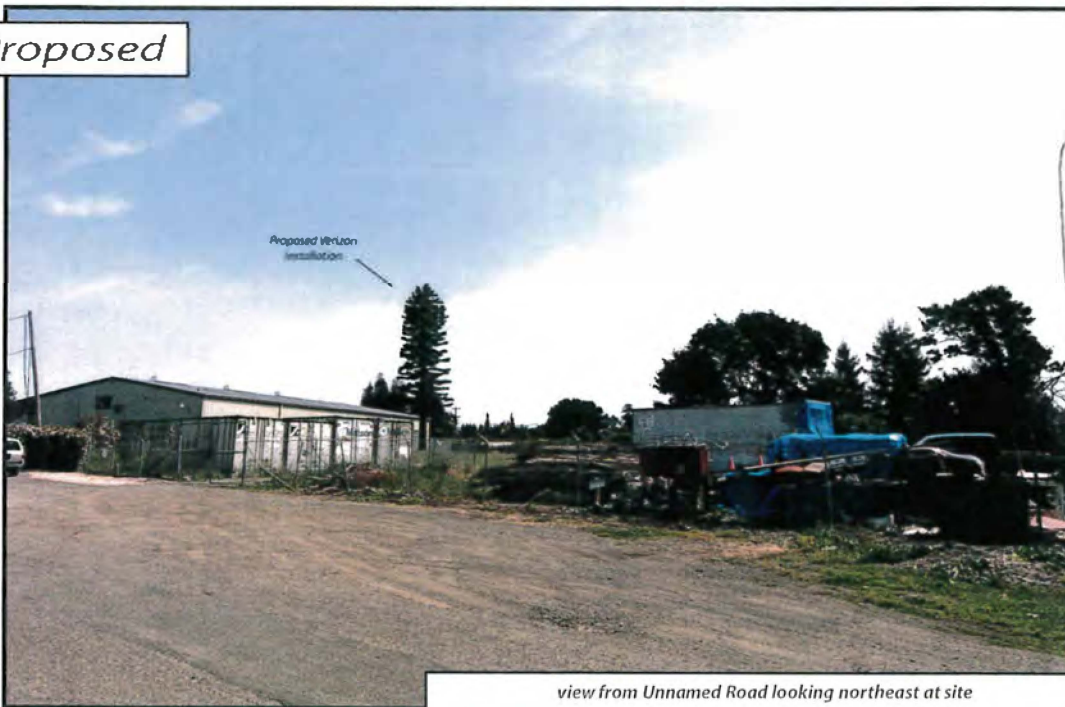
SPONAMORE ASSOCIATES

Project Photo Simulation  
Figure 4A  
Verizon Wireless Roseland Project

Existing



Proposed



view from Unnamed Road looking northeast at site

AdvanceSim  
Photo & Video Solutions  
Contact (925) 207-8507



Roseland 263597  
11 W Barham Avenue, Santa Rosa, CA  
Photosims Produced on 5-6-2015

CITY OF SANTA ROSA

NOV 20 2015

DEPT OF COMMUNITY DEVELOPMENT



*Existing*



*Proposed*



view from Sebastopol Road looking south at site

**AdvanceSim**  
Photo Simulation Solutions  
Contact (925) 202-8507



Roseland 283597  
11 W Barham Avenue, Santa Rosa, CA  
Photosims Produced on 5-6-2015

# **ATTACHMENT A**

## **BIOLOGICAL RESOURCE ANALYSIS Monk & Associates**

**September 20, 2016**



**BIOLOGICAL RESOURCE ANALYSIS  
VERIZON WIRELESS ROSELAND PROJECT  
CITY OF SANTA ROSA, CALIFORNIA  
APN: 125-281-032**

**September 20, 2016**

**Prepared for**

The LYLE Company  
3140 Gold Camp Drive Suite 30  
Rancho Cordova, California 95670  
Attention: Mr. Travis Bill

**Prepared by**

Monk & Associates, Inc.  
1136 Saranap Avenue, Suite Q  
Walnut Creek, CA 94595  
Contact: Ms. Hope Kingma

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Figure 1. Regional Map of the Verizon Wireless Roseland Project Site.

Figure 2. Verizon Wireless Roseland Project Site Location.

Figure 3. Aerial Photograph of the Verizon Wireless Roseland Project Site.

Figure 4. Closest Known Special-Status CNDDB Species Within 3 Miles of the Verizon Wireless Roseland Project Site.

Figure 5: Santa Rosa Plain Rare Plant Core and Management Areas (From USFWS 2014).  
Verizon Wireless Roseland Project Site

Figure 6. USFWS Critical Habitat in the Vicinity of the Verizon Wireless Roseland Project Site.

Figure 7. Santa Rosa Plain California Tiger Salamander Core and Management Areas (From USFWS 2014) Verizon Wireless Roseland Project Site.

**TABLES**  
(At Back of Report)

Table 1. Plant Species Observed on the Verizon Wireless Roseland Project Site.

Table 2. Wildlife Species Observed on the Verizon Wireless Roseland Project Site.

Table 3. Special-Status Plant Species Known to Occur Within 3 Miles of the Verizon Wireless Roseland Project Site.

Table 4. Special-Status Wildlife Species Known to Occur Within 3 Miles of the Verizon Wireless Roseland Project Site.

**ATTACHMENTS**  
(At Back of Report)

Attachment A. Verizon Roseland Plans, prepared by MST Architects (dated 8/31/16)

## 1. INTRODUCTION

Monk & Associates, Inc. (M&A) has prepared this biological resource analysis for the proposed Verizon Wireless Roseland Antenna Project (the project) located at 11 West Barham Road in Santa Rosa, California (herein referred to as the project site) (Figures 1 and 2). The purpose of this analysis is to provide a description of existing biological resources on the project site and to identify potentially significant impacts that could occur to sensitive biological resources from the construction of the proposed Verizon Wireless facility.

Biological resources include common plant and animal species, and special-status plants and animals as designated by the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), National Marine Fisheries Service (NMFS), and other resource organizations including the California Native Plant Society. Biological resources also include waters of the United States and State, as regulated by the U.S. Army Corps of Engineers (Corps), California Regional Water Quality Control Board (RWQCB), and CDFW. It is important to note that our analysis includes an assessment of the potential for impacts to regulated waters but does not provide the level of detail required for a formal delineation of “waters of the U.S.” suitable for submittal to the Corps, the regulatory agency that defines waters of the U.S.

This biological resources analysis also provides mitigation measures for “potentially significant” and “significant” impacts that could occur to biological resources. Whenever possible, upon implementation of the prescribed mitigation measures, potential and significant impacts would be reduced to levels regarded as less than significant pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code §§ 21000 et seq.; 14 Cal. Code Regs §§ 15000 et seq). Accordingly, this report is suitable for review and inclusion in any review being conducted by the City of Santa Rosa for the proposed project pursuant to the CEQA.

## 2. PROJECT LOCATION AND SETTING

The project site is a highly disturbed parcel with several buildings, mobile homes, an asphalt driveway and parking areas. The building located in the southeastern corner of the property is currently vacant. The property has an existing chain link fence around it. The Stanley Wood Products building and several equipment storage areas are located in the center of the project site. There is a storage container and a small ruderal (weedy) open area in the northern portion of the property where the proposed Verizon Wireless lease area would be located.

The project site is surrounded by commercial development in a highly urbanized area in the City of Santa Rosa. A railroad track borders the project site to the east, with storage buildings further to the east. West Barham Road forms the southern project site boundary, with several small businesses south of the road. Car garages and repair shops occur to the west of the project site, and the Sonoma Barrel Décor and Design building occurs immediately north of the project site. Figure 3 provides an aerial photograph of the project site that illustrates the project site and the surrounding land use. Figure 3 indicates that the proposed project site is located in the Santa Rosa Plain.

Biological Resources Analysis  
Verizon Wireless Roseland Project  
City of Santa Rosa, California

### 3. PROPOSED PROJECT

The project would include operating a Verizon wireless telecommunications facility on a 40-foot by 40-foot lease area that would be fenced with a 6-foot chain link fence with barbed wire and a gate. An existing chain-link fence would be modified into this configuration. Within the lease area a 12 foot by 25 foot concrete slab would be poured. There would be an equipment shed furnished with a diesel generator, fuel tank, and equipment cabinets. The wireless antenna will consist of a 55 foot tall monopole that will have 4 antennas per sector. Telephone and electrical lines will be provided to the equipment shed via trenches along a proposed utility easement from the paved access road.

### 4. ANALYSIS METHODS

#### 4.1 Background Research

Prior to preparing this Biological Resource Analysis, M&A researched the most recent version of the California Department of Fish and Wildlife (CDFW) Natural Diversity Database, RareFind 3.2 application (CNDDDB 2016) for historical and recent records of special-status plants and wildlife known to occur in the region of the project site. All special-status species records were compiled in tables. M&A examined all known record locations for special-status species to determine if special-status species could occur on the project site or within an area of affect. In addition M&A reviewed the Santa Rosa Plain Conservation Strategy prepared by the U.S. Fish and Wildlife Service (USFWS 2005) for relevance to the proposed project. Similarly, M&A reviewed the USFWS' Draft Recovery Plan for the Santa Rosa Plain (USFWS 2014) for relevance to the project.

#### 4.2 Biological Reconnaissance Investigation

M&A biologist Ms. Hope Kingma conducted a general survey of the project site on July 20, 2016 to record biological resources and to assess the likelihood of resource agency regulated areas on the project site. The survey involved searching all habitats on the site and recording all plant and wildlife species observed. M&A cross-referenced the habitats found on the project site against the habitat requirements of local or regionally known special-status species to determine if the proposed project could directly or indirectly impact such species. M&A also examined the site to determine if there could be "wetlands," "other waters" or tributaries that could be impacted by the project that would be under the regulatory authority of the U.S. Army Corps of Engineers (Corps), the California Regional Water Quality Control Board (RWQCB), and/or the California Department of Fish and Wildlife (CDFW).

### 5. PLANT COMMUNITIES AND ASSOCIATED WILDLIFE HABITATS

The project site is a highly disturbed parcel with several buildings, mobile homes, an asphalt driveway and parking areas. There is a small ruderal open area in the northern portion of the property. The eastern edge of the project site is characterized by dense Himalayan blackberry (*Rubus armeniacus*) growing along the fenceline and one valley oak (*Quercus lobata*). Immediately east of the project site there is topographical low feature along the existing railroad tracks that likely is a former borrow area typically associated with early 20<sup>th</sup> century construction of railroad beds. This topographic low area would not be affected by the project but is worth



Biological Resources Analysis  
Verizon Wireless Roseland Project  
City of Santa Rosa, California

noting such that indirect affects can be avoided by the project. In addition, there are a few ornamental trees growing along West Barham Road in the southeastern corner of the property.

Due to the extent of intensive site disturbance, only two distinct plant communities were identified in the project area. These included a ruderal plant community on the project site and a possible low grade wetland feature in the topographic low feature located immediately adjacent to the east boundary of the project site. Nomenclature used for plant names follows *The Jepson Manual, 2<sup>nd</sup> edition* (Baldwin 2012) and changes made to this manual as published on the Jepson Interchange Project website<sup>1</sup>. A complete list of plant species observed on the project site is presented in Table 1. A complete list of wildlife species observed on the project site is presented in Table 2. Nomenclature for wildlife follows the CDFW's *Complete list of amphibian, reptile, bird, and mammal species in California* (2014) and any changes made to species nomenclature as published in scientific journals since the publication of the CDFW's list.

#### 5.1.1 RUDERAL PLANT COMMUNITY

Ruderal (weedy) communities are assemblages of plants that thrive in waste areas, roadsides and other sites that have been disturbed by human activity. This community is typically dominated by introduced annual grasses and forbs that are highly adapted to high-intensity ongoing disturbance.

A small ruderal herbaceous community occurs in the northern portion of the project site. Some of the non-native grass dominants found on the project site include Harding grass (*Phalaris aquatica*) and wild oats (*Avena barbata*). Common non-native forbs found on the project site include bristly ox-tongue (*Helminthotheca echioides*), bindweed (*Convolvulus arvensis*), summer cottonweed (*Epilobium brachycarpum*), fennel (*Foeniculum vulgare*), summer mustard (*Hirschfeldia incana*), little mallow (*Malva parviflora*), birdfoot trefoil (*Lotus corniculatus*), puncture vine (*Tribulus terrestris*), prickly lettuce (*Lactuca serriola*) and prickly sow-thistle (*Sonchus asper asper*).

Animals observed or expected to occur in ruderal habitats are typically those species adapted to human disturbance such as the following species observed on the project site: northern mockingbird (*Mimus polyglottos*), mourning dove (*Zenaida macroura*), house sparrow (*Passer domesticus*) and house finch (*Haemorhous mexicanus*).

#### 5.1.2 TOPOGRAPHIC LOW FEATURE

The shallow topographic low feature along the railroad tracks supports tall flatsedge (*Cyperus eragrostis*) and rabbit's-foot grass (*Polypogon monspeliensis*). The sides of the topographic low feature support dense Himalayan blackberry growing along the boundary with the project site (on the fenceline), a single valley oak, Harding grass, and western poison-oak (*Toxicodendron diversilobum*).

The topographic low feature may provide local wildlife with a seasonal water source that allows animals to drink and forage in the water during the winter and spring months; however, the

<sup>1</sup> <http://ucjeps.berkeley.edu/interchange/index.html>

Biological Resources Analysis  
 Verizon Wireless Roseland Project  
 City of Santa Rosa, California

shallow, highly disturbed and ephemeral nature of the offsite topographic low feature provides limited habitat value to local wildlife, such as raccoon (*Procyon lotor*).

## 6. POTENTIAL IMPACTS TO SPECIAL-STATUS WILDLIFE AND PLANTS

### 6.1 Special-Status Plants

Figure 4 provides a visual representation of the known records of special-status plant species within 3 miles of the project site. Based on a record search of the CDFW's California Natural Diversity Database (CNDDDB 2016) for special-status plant records occur within 3 miles of the project site, M&A compiled a list of 14 special status plant species, including their legal status, habitat requirements, and probability of occurring on the project site (Table 3). Many of these species require specialized habitats such as valley and foothill grassland, vernal pools, meadows, seeps, coastal scrub, cismontane woodland, chaparral, marshes, swamps, coastal prairie, lower montane coniferous forest, or other habitats that are not found on the project site. In all cases, these plants species are not expected to occur on the project site. The project site has a history of heavy use and disturbance by construction and commercial use over many years. Furthermore, M&A conducted a mid-summer rare plant survey on July 20, 2016 and found no suitable habitat or rare plants. Given the highly disturbed condition of the site and the limited extent of open area that is dominated by ruderal species, no rare plants are expected to occur on the project site.

Furthermore, the project site is located outside of the Santa Rosa Plain Rare Plant Core and Management Areas identified in the USFWS' 2014 Draft Recovery Plan for the Santa Rosa Plain (USFWS 2014) (Figure 5). As such, pursuant to the CEQA, implementation of the project would not result in potentially significant or significant impacts to federal and state listed plants, or to other plants that have special status species designations.

### 6.2 Special-Status Wildlife

Figure 4 provides a visual representation of the known records of special-status wildlife species within 3 miles of the project site. Based on a record search of the CDFW's California Natural Diversity Database (CNDDDB 2016) for special-status wildlife records within 3 miles of the project site, M&A compiled a list of 4 special-status wildlife species that are known from the vicinity of the project site (Table 4). The project site does not provide suitable habitat that would be used by of these species. Regardless, given the sensitivity of the California tiger salamander (*Ambystoma californiense*), we discuss this species further below. In addition, while not likely to nest on the project site due to the extent of development and the limited foraging areas around the project site, owing to a nearby CNDDDB record, we also discuss the white-tailed kite (*Elanus leucurus*) further below.

#### 6.2.1 CALIFORNIA TIGER SALAMANDER

The project site is located within the known range of the Sonoma County "Distinct Population Segment" (DPS) of the California tiger salamander (CTS). Under the FESA, the USFWS emergency listed the Sonoma County DPS as endangered on July 22, 2002. The USFWS formalized the listing of the Sonoma County DPS of the California tiger salamander as endangered on March 19, 2003 (USFWS 2003). The USFWS determined that this population is significantly and immediately imperiled by a variety of threats including habitat destruction, degradation, and fragmentation due to urban development, road construction, pesticide drift,

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collection, and inadequate regulatory mechanisms. In addition, it was determined that this population could face extinction as a result of naturally occurring events (e.g., fires, droughts) due to the small and isolated nature of the remaining breeding sites combined with the small number of individuals in the population.

Finally, in 2011, the USFWS designated revised critical habitat for the Sonoma County DPS of the CTS. In total, approximately 47,383 acres (19,175 hectares) of land were designated as critical habitat for the Sonoma County DPS of the California tiger salamander under the revised Final Rule (USFWS 2011). *The project site is located within this mapped critical habitat* (Figure 6). It should be noted that areas mapped critical habitat covered a regional area and includes developed areas, roads, etc. and wildlands. The mapped extent of critical habitat overlays habitats that are known to support the CTS and unsuitable habitats that would never be occupied by the CTS. Thus, a designation of Critical Habitat is not an indication that a project would/could result in “take” of the CTS. Rather, it is a legal mandate to other federal nexus agencies to consult with the USFWS (or National Marine Fisheries Service) prior to authorizing any “discretionary permit” within the designated critical habitat.

On March 4, 2010, the California tiger salamander was also state-listed as a threatened species under the California Endangered Species Act. Proposed projects may not impact California tiger salamanders without incidental take authority from both the USFWS and the CDFW. Prior to implementing a project that would result in “take” (i.e., to harm, harass, or kill) of California tiger salamanders, the USFWS must prepare an incidental take permit pursuant to either Section 7 or Section 10 of the Federal Endangered Species Act (FESA). Similarly, projects that impact California tiger salamanders also require incidental take authority from the CDFW pursuant to the California Endangered Species Act (CESA).

CTS occur in grasslands and open oak woodlands that provide suitable aestivation and/or breeding habitats. M&A has worked with populations that are almost at sea level (Catellus Site in the City of Fremont) to almost 2,900 feet above sea level (Kammerer Ranch, East Santa Clara County). CTS spend the majority of their lives underground. They typically only emerge from their subterranean refugia for a few nights each year during the rainy season to migrate to breeding ponds. While 1.3 miles is typically considered the maximum migration distance of CTS to/from their breeding pools to upland over-summering habitat, there is literature suggesting that the CTS could migrate up to 1.5 miles from their breeding pools. This migration distance is reported by the USFWS’ Draft Recovery Plan for the Santa Rosa Plain (USFWS 2014) where it states: *Based on distances travelled per night, Searcy and Shaffer (2011) estimated that Central California tiger salamanders are physiologically capable of moving up to 2.4 km (1.5 mi) each breeding season, with an average dispersal distance estimated to be 0.56 km (1,840 ft). Orloff (2007) found that the majority of California tiger salamanders dispersed at least 0.5 mile (0.8 km) from the breeding site, with a smaller number of salamanders appearing to move even farther—from 1.2 to 2.2 km (0.75 to 1.3 mi) between breeding ponds and upland habitat.* M&A biologists Mr. Geoff Monk and Ms. Sarah Lynch have observed CTS migrating up to 0.6-mile and further from their underground refugia to breeding ponds (personal data from Livermore, California collected in 1997). As such, unobstructed migration corridors are important component of CTS habitat.

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In Sonoma County, CTS emerge during the first heavy, warm rains of the year, typically in late November and early December. In most instances, larger movements of CTS do not occur unless it has been raining hard and continuously for several hours. Typically, for larger movements of CTS to occur, nighttime temperatures also must be above 48° F (G. Monk and S. Lynch pers. observations). Other factors that encourage larger movements of CTS to their breeding ponds include flooding of refugia (observed by G. Monk in Springtown, east Alameda County in 1997) as occurs after significant rainfall events.

During the spring, summer, and fall months, most known populations of the CTS throughout this species range in California predominately use California ground squirrel (*Spermophilus beechyi*) burrows as over summering habitat (G. Monk personal observation). However, in Sonoma County where California ground squirrel populations are scarce to non-existent, subterranean refugia likely include Botta's pocket gopher (*Thomomys bottae*) burrows, deep fissures in desiccated clay soils, and debris piles (e.g., downed wood, rock piles).

Stock ponds, seasonal wetlands, and deep vernal pools typically provide most of the breeding habitat used by CTS. In such locations, CTS attach their eggs to rooted, emergent vegetation, and other stable filamentous objects in the water column. Eggs are gelatinous and are laid singly or occasionally in small clusters. Eggs range in size from about ¾ the diameter of a dime to the full diameter of a dime.

Occasionally CTS are found breeding in slow moving streams or ditches. In 1997, Mr. G. Monk observed CTS breeding in large, still ditches in Fremont, California. Similarly, in 2001/2002, Mr. D. Wooten observed CTS breeding in a roadside ditch in Cotati, California (D. Wooten, formerly of USFWS, pers. comm. w/ Mr. G. Monk). Ditches and/or streams that are subject to rapid flows, even if only on occasion, typically will not support or sustain CTS egg attachment through hatching, and thus, are not usually used successfully by CTS for breeding (G. Monk and S. Lynch, pers. observations). Similarly, streams and/or ditches that support predators of CTS or their eggs and larvae such as fish, bullfrogs (*Rana catesbeiana*), red swamp crayfish (*Procambarus clarkii*), or signal crayfish (*Pacifastacus leniusculus*), almost never constitute suitable breeding habitat.

In most of the range of the CTS, seasonal wetlands that are used for breeding typically must hold water into the month of May to allow enough time for larvae to fully metamorphose. Typically in Sonoma County pools that are 16 inches or deeper in the peak winter months will remain inundated long enough to provide good breeding conditions for CTS. In dry years, seasonal wetlands, especially shallower pools, may dry too early to allow enough time for CTS larvae to successfully metamorphose. Under such circumstances, desiccated CTS larvae are often found in dried pools. In addition, as pools dry down to very small areas of inundation, CTS larvae become concentrated and are very susceptible to predation.

The closest known record for California tiger salamander is located 1.0 mile southwest of the project site (CNDDB Occurrence No. 1105). Gravid females were found along Hearn Avenue in 2003 at that record location. Ms. Kingma is a federally permitted California tiger salamander biologist under M&A's Federal Permit No. TE776608-10. Similarly, M&A's principal biologist Mr. Geoff Monk holds a Memorandum of Understanding (SC-001886) with the California



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Department of Fish and Wildlife that designates Ms. Kingma as an Independent Researcher allowed to work with the California tiger salamander. M&A biologists have completed many CTS studies in the Santa Rosa Plain for over 25 years. We have completed greater than 30 CTS drift fence studies and larval trapping studies in the last 15 years. M&A is one of the largest recorders of CNDDDB CTS records in the Santa Rosa Plain. Thus, M&A biologists including Ms. Kingma are highly qualified to assess the suitability of a project site for use by the CTS. M&A biologist Ms. Kingma and Mr. Monk do not believe that the project site supports CTS now and is most unlikely to support the CTS in the future. There is no suitable breeding habitat on or adjacent to the project site (i.e., pools/ponds that flood and hold water into April-May). Similarly, there is no suitable over-summering habitat on this existing, intensively used and small parcel of land. Finally, the project site is isolated from extant (i.e., still existing) occupied CTS habitat by intervening high density residential and commercial developments, and heavily trafficked roads and highways, all that constitute significant and impenetrable geographic barriers to CTS migration to the project site. Thus, implementation of the project will not destroy habitat that is in use by the CTS nor would it result in take of CTS. ***Thus, no mitigation for take of the CTS is warranted.***

While the project site falls into a CTS mapped overlay of critical habitat designated by the USFWS, this designation is not an indication that the proposed project would result in “take” of the CTS. In fact from a critical habitat perspective the project site is no more likely to support the CTS than for example the alignment of Highway 101. ***Despite the fact that the project site falls within designated critical habitat, the project site is NOT regarded as habitat that supports the California tiger salamander. This conclusion is supported by how the USFWS has otherwise mapped or not mapped the project site location.*** The project site is located in an area of the Santa Rosa Plain that is designated in the Conservation Strategy (USFWS 2005b) as within “Urban Growth Boundaries.” Accordingly, the USFWS anticipated that the project site would be developed when it prepared the Conservation Strategy. ***Finally, the project site is located outside of the Santa Rosa Plain California tiger salamander Core and Management Areas identified in the USFWS’ 2014 Draft Recovery Plan for the Santa Rosa Plain (USFWS 2014)(Figure 7).***

***As no federal agency is contemplating a discretionary permit for the proposed project, consultation with the USFWS is not warranted. Also, as the proposed project would not result in “take” of CT, incidental take permits are not warranted from either the CDFW or the USFWS. Finally, pursuant to the CEQA, the project would not result in potentially significant or significant impacts to the CTS.***

#### 6.2.2 WHITE-TAILED KITE

The white-tailed kite (*Elanus caeruleus*) is a “Fully Protected” species under the California Fish and Game Code (§3511). Fully protected birds may not be “taken” or possessed (i.e., kept in captivity) at any time. It is also protected under the Federal Migratory Bird Treaty Act (50 CFR 10.13). The white-tailed kite is typically found foraging in grassland, marsh, or cultivated fields where there are dense-topped trees or shrubs for nesting and perching. They nest in a wide variety of trees of moderate height and sometimes in tall bushes, such as coyote bush. Native trees used are live and deciduous oaks (*Quercus* spp.), willows (*Salix* spp.), cottonwoods (*Populus* spp.), sycamores (*Platanus* spp.), maples (*Acer* spp.), toyon (*Heteromeles arbutifolia*), and Monterey cypress (*Cupressus macrocarpa*). Although the surrounding terrain may be

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semiarid, kites often reside near water sources, where prey is more abundant. The particular characteristics of the nesting site do not appear to be as important as its proximity to a suitable food source (Shuford 1993). Kites primarily hunt small mammals, with California meadow voles (*Microtus californicus*) accounting from between 50-100% of their diet (Shuford 1993).

The closest CNDDDB record for white-tailed kite is located 1.0 mile south of the project site where two adults were observed in courtship and nesting in mature landscape trees in 2003 (CNDDDB Occurrence No. 77). The area around this record location has significantly developed since that record was located removing both nesting and available foraging habitat. While the project site has several mature landscape trees and a valley oak that could provide suitable nesting habitat for this species, owing to the absence of large open fields that could provide foraging habitat, this kite is unlikely to nest on the project site. Regardless, there is a small open space area to the northeast of the project site that while small, conceivably could be used for foraging by the white-tailed kite. Therefore, the possibility that this species could nest on the project site cannot be dismissed without conducting formal surveys. Consequently, impacts to white-tailed kite are regarded as potentially significant pursuant to the CEQA. **With implementation of the avoidance and mitigation measures listed in the "Impacts and Mitigations" section below, impacts to white-tailed kite can be mitigated to a level considered less than significant pursuant to the CEQA.**

## 7. REGULATORY FRAMEWORK FOR NATIVE WILDLIFE, FISH, AND PLANTS

This section provides a discussion of those laws and regulations that are in place to protect native wildlife, fish, and plants. Under each law we discuss their pertinence to the proposed development.

### 7.1 Federal Endangered Species Act

The Federal Endangered Species Act (FESA) forms the basis for the federal protection of threatened or endangered plants, insects, fish and wildlife. FESA contains four main elements, they are as follows:

Section 4 (16 USCA §1533): Species listing, Critical Habitat Designation, and Recovery Planning: outlines the procedure for listing endangered plants and wildlife.

Section 7 (§1536): Federal Consultation Requirement: imposes limits on the actions of federal agencies that might impact listed species.

Section 9 (§1538): Prohibition on Take: prohibits the "taking" of a listed species by anyone, including private individuals, and State and local agencies.

Section 10: Exceptions to the Take Prohibition: non-federal agencies can obtain an incidental take permit through approval of a Habitat Conservation Plan.

In the case of salt water fish and other marine organisms, the requirements of FESA are enforced by the National Marine Fisheries Service (NMFS). The USFWS enforces all other cases. Below,



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Sections 9, 7, and 10 of FESA are discussed since they are the sections most relevant to the proposed project.

Section 9 of FESA as amended, prohibits the "take" of any fish or wildlife species listed under FESA as endangered. Under Federal regulation, "take" of fish or wildlife species listed as threatened is also prohibited unless otherwise specifically authorized by regulation. "Take," as defined by FESA, means "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." "Harm" includes not only the direct taking of a species itself, but the destruction or modification of the species' habitat resulting in the potential injury of the species. As such, "harm" is further defined to mean "an act which actually kills or injures wildlife; such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering" (50 CFR 17.3). A December 2001 decision by the 9th Circuit Court of Appeals (*Arizona Cattle Growers' Association, Jeff Menges, vs. the U.S. Fish and Wildlife Service and Bureau of Land Management, and the Southwest Center for Biological Diversity*) ruled that the USFWS must show that a threatened or endangered species is present on a project site and that it would be taken by the project activities. According to this ruling, the USFWS can no longer require mitigation based on the probability that the species could use the site. Rather they must show that it is actually present.

Section 9 applies to any person, corporation, federal agency, or any local or State agency. If "take" of a listed species is necessary to complete an otherwise lawful activity, this triggers the need to obtain an incidental take permit either through a Section 7 Consultation as discussed further below (for federal actions or private actions that are permitted or funded by a federal agency), or requires preparation of a Habitat Conservation Plan (HCP) pursuant to Section 10 of FESA (for state and local agencies, or individuals, and projects without a federal "nexus").

Section 7(a)(2) of the Act requires that each federal agency consult with the USFWS to ensure that any action authorized, funded or carried out by such agency is not likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of critical habitat for listed species. Critical habitat designations mean: (1) specific areas within a geographic region currently occupied by a listed species, on which are found those physical or biological features that are essential to the conservation of a listed species and that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a listed species that are determined essential for the conservation of the species.

The Section 7 consultation process only applies to actions taken by federal agencies that are considering authorizing discretionary projects. Section 7 is by and between the NMFS and/or the USFWS and the federal agency contemplating a discretionary approval (that is, the "federal nexus agency," for example, the Corps or the Federal Highway Administration). Private parties, cities, counties, etc. (i.e., applicants) may participate in the Section 7 consultation *at the discretion of the federal agencies conducting the Section 7 consultation*. The Section 7 consultation process is triggered by a determination of the "action agency" – that is, the federal agency that is carrying out, funding, or approving a project - that the project "may affect" a listed species or critical habitat. If an action is likely to adversely affect a listed species or designated

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critical habitat, formal consultation between the nexus agency and the USFWS/NMFS is required. As part of the formal consultation, the USFWS/NMFS may resolve any issues informally with the nexus agency or may prepare a formal Biological Opinion assessing whether the proposed action would be likely to result in "jeopardy" to a listed species or if it could adversely modify designated critical habitat. If the USFWS/NMFS prepares a Biological Opinion it will contain either a "jeopardy" or "non-jeopardy" decision. If the USFWS/NMFS concludes that a proposed project would result in adverse modification of critical habitat or would jeopardize the continued existence of a federal listed species (that is, it will issue a jeopardy decision), the nexus federal agency would be most unlikely to authorize its discretionary permit. If the USFWS/NMFS prepares a "non-jeopardy" Biological Opinion, the nexus federal agency may authorize the discretionary permit making all conditions of the Biological Opinion conditions of its discretionary permit. A non-jeopardy Biological Opinion constitutes an "incidental take" permit that allows applicants to "take" federally listed species while otherwise carrying out legally sanctioned projects.

For non-federal entities, for example private parties, cities, counties that are considering a discretionary permit, Section 10 provides the mechanism for obtaining take authorization. Under Section 10 of FESA, the applicant for an "incidental take permit" is required to submit a "conservation plan" to USFWS or NMFS that specifies, among other things, the impacts that are likely to result from the taking, and the measures the permit applicant will undertake to minimize and mitigate such impacts, and the funding that will be available to implement those steps. Conservation plans under FESA have come to be known as "habitat conservation plans" or "HCPs" for short. The terms incidental take permit, Section 10 permit, and Section 10(a)(1)(B) permit are used interchangeably by USFWS. Section 10(a)(2)(B) of FESA provides statutory criteria that must be satisfied before an incidental take permit can be issued.

#### 7.1.1 RESPONSIBLE AGENCY

FESA gives regulatory authority to the USFWS for federally listed terrestrial species and non-anadromous fish. The NMFS has regulatory authority over federally listed marine mammals and anadromous fish.

#### 7.1.2 APPLICABILITY TO THE PROPOSED PROJECT

The ruderal project site that occurs within a highly developed commercial and urban area does not provide habitat for any federally listed plant or wildlife species.

Ms. Kingma is a federally permitted California tiger salamander biologist under M&A's Federal Permit No. TE776608-10. Similarly, M&A's principal biologist Mr. Geoff Monk holds a Memorandum of Understanding (SC-001886) with the California Department of Fish and Wildlife that designates Ms. Kingma as an Independent Researcher allowed to work with the California tiger salamander. M&A biologists have completed many CTS studies in the Santa Rosa Plain for over 25 years. We have completed greater than 30 CTS drift fence studies and larval trapping studies in the last 15 years. M&A is one of the largest recorders of CNDDB CTS records in the Santa Rosa Plain. Thus, M&A biologists including Ms. Kingma are highly qualified to assess the suitability of a project site for use by the CTS. M&A biologist Ms. Kingma and Mr. Monk do not believe that the project site supports CTS now and would be most unlikely to support the CTS in the future. There is no suitable breeding habitat on or adjacent to

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the project site (i.e., pools/ponds that flood and hold water into April-May). Similarly, there is no suitable over-summering habitat on this existing, intensively used and small parcel of land. Finally, the project site is isolated from extant (i.e., still existing) occupied CTS habitat by intervening high density residential and commercial developments, and heavily trafficked roads and highways, all that constitute significant and impenetrable geographic barriers to CTS migration to the project site. Thus, implementation of the project will not destroy habitat that is in use by the CTS nor would it result in take of CTS.

While the project site falls into a CTS mapped overlay of critical habitat designated by the USFWS, this designation is not an indication that the proposed project would result in “take” of the CTS. In fact from a critical habitat perspective the project site is no more likely to support the CTS than for example the alignment of Highway 101. *Despite the fact that the project site falls within designated critical habitat, the project site is NOT regarded as habitat that supports the California tiger salamander. This conclusion is supported by how the USFWS has otherwise mapped or not mapped the project site location.* The project site is located in an area of the Santa Rosa Plain that is designated in the Conservation Strategy (USFWS 2005b) as within “Urban Growth Boundaries.” Accordingly, the USFWS anticipated that the project site would be developed when it prepared the Conservation Strategy. *Finally, the project site is located outside of the Santa Rosa Plain California tiger salamander Core and Management Areas identified in the USFWS’ 2014 Draft Recovery Plan for the Santa Rosa Plain (USFWS 2014)(Figure 7).*

*As no federal agency is contemplating a discretionary permit for the proposed project, consultation with the USFWS is not warranted. Also, as the proposed project would not result in “take” of CTS incidental take permits are not warranted from either the CDFW or the USFWS.* Finally, pursuant to the CEQA, the project would not result in potentially significant or significant impacts to the CTS. *Since the proposed project will have no effects on federally listed species, Section 7 or Section 10 consultation pursuant to the FESA is not warranted.*

## 7.2 Federal Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to “take” (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).

Executive Order 13186 for conservation of migratory birds (January 11, 2001) requires that any project with federal involvement address impacts of federal actions on migratory birds. The order is designed to assist federal agencies in their efforts to comply with the MBTA and does not constitute any legal authorization to take migratory birds. The order also requires federal agencies to work with the USFWS to develop a memorandum of understanding (MOU). Protocols developed under the MOU must promote the conservation of migratory bird populations through the following means:

- avoid and minimize, to the extent practicable, adverse impacts on migratory bird resources when conducting agency actions;

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- restore and enhance habitat of migratory birds, as practicable; and prevent or abate the pollution or detrimental alteration of the environment for the benefit of migratory birds, as practicable.

#### 7.2.1 APPLICABILITY TO THE PROPOSED PROJECT

The trees on the project site provide nesting habitat for raptors. Raptors (birds of prey) are protected pursuant to the Migratory Bird Treaty Act. Common songbirds that could nest on the site would be protected pursuant to this Act. As long as there is no direct mortality of species protected pursuant to this Act caused by installation of the antenna on the site, there should be no constraints for this project. To comply with the Migratory Bird Treaty Act, all active nest sites would have to be avoided while such birds are nesting. Upon completion of nesting, the project could commence as otherwise planned. Please review specific requirements for avoidance of nest sites for potentially occurring bird species in the Impact and Mitigation BIO-1 section.

### 7.3 California Endangered Species Act

#### 7.3.1 SECTION 2081 OF THE CALIFORNIA ENDANGERED SPECIES ACT

In 1984, the state legislated the California Endangered Species Act (CESA) (Fish and Game Code §2050). The basic policy of CESA is to conserve and enhance endangered species and their habitats. State agencies will not approve private or public projects under their jurisdiction that would impact threatened or endangered species if reasonable and prudent alternatives are available. Because CESA does not have a provision for "harm" (see discussion of FESA, above), the CDFW considerations pursuant to CESA are limited to those actions that would result in the direct take of a listed species.

If the CDFW determines that a proposed project could impact a State listed threatened or endangered species, the CDFW will provide recommendations for "reasonable and prudent" project alternatives. The CEQA lead agency can only approve a project if these alternatives are implemented, unless it finds that the project's benefits clearly outweigh the costs, reasonable mitigation measures are adopted, there has been no "irreversible or irretrievable" commitment of resources made in the interim, and the resulting project would not result in the extinction of the species. In addition, if there would be impacts to threatened or endangered species, the lead agency typically requires project applicants to demonstrate that they have acquired "incidental take" permits from the CDFW and/or USFWS (if it is a Federal listed species) prior to allowing/permitting impacts to such species.

If proposed projects would result in impacts to a State listed species, an "incidental take" permit pursuant to §2081 of the Fish and Game Code would be necessary (versus a Federal incidental take permit for Federal listed species). The CDFW will issue an incidental take permit only if:

- 1) The authorized take is incidental to an otherwise lawful activity;
- 2) the impacts of the authorized take are minimized and fully mitigated;
- 3) measures required to minimize and fully mitigate the impacts of the authorized take:
  - a) are roughly proportional in extent to the impact of the taking on the species;
  - b) maintain the project applicant's objectives to the greatest extent possible; and
  - c) capable of successful implementation; and,



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- 4) adequate funding is provided to implement the required minimization and mitigation measures and to monitor compliance with, and the effectiveness of, the measures.

If an applicant is preparing a habitat conservation plan (HCP) as part of the federal 10(a) permit process, the HCP might be incorporated into the §2081 permit if it meets the substantive criteria of §2081(b). To ensure that an HCP meets the mitigation and monitoring standards in Section 2081(b), an applicant should involve the CDFW staff in development of the HCP. If a final Biological Opinion (federal action) has been issued for the project pursuant to Section 7 of the federal Endangered Species Act, it might also be incorporated into the §2081 permit if it meets the standards of §2081(b).

No §2081 permit may authorize the take of a species for which the Legislature has imposed strict prohibitions on all forms of "take." These species are listed in several statutes that identify "fully protected" species and "specified birds." *See* Fish and Game Code §§ 3505, 3511, 4700, 5050, 5515, and 5517. If a project is planned in an area where a "fully protected" species or a "specified bird" occurs, an applicant must design the project to avoid all take.

In September 1997, Assembly Bill 21 (Fish and Game Code §2080.1) was passed. This bill allows an applicant who has obtained a "non-jeopardy" federal Biological Opinion pursuant to Section 7, or who has received a federal 10(a) permit (federal incidental take permit), to submit the federal opinion or permit to the CDFW for a determination as to whether the federal document is "consistent" with CESA. If after 30 days the CDFW determines that the federal incidental take permit is consistent with state law and that all state listed species under consideration have been considered in the federal Biological Opinion, then no further permit or consultation is required under CESA for the project. However, if the CDFW determines that the federal opinion or permit is not consistent with CESA, or that there are state listed species that were not considered in the federal Biological Opinion, then the applicant must apply for a state permit under Section 2081(b). The process provided in Fish and Game Code §2080.1 (Assembly Bill 21) may be of use when the incidental take would occur to species that are listed under both the federal and state endangered species acts. Assembly Bill 21 is of no use if an affected species is state-listed, but not federally listed.

State and federal incidental take permits are issued on a discretionary basis, and are typically only authorized if applicants are able to demonstrate that impacts to the listed species in question are unavoidable, and can be mitigated to an extent that the reviewing agency can conclude that the proposed impacts would not jeopardize the continued existence of the listed species under review. Typically, if there would be impacts to a listed species, mitigation that includes habitat avoidance, preservation, and creation of endangered species habitat is necessary to demonstrate that projects would not threaten the continued existence of a species. In addition, management endowment fees are usually collected as part of the agreement for the incidental take permit(s). The endowment is used to manage any lands set-aside to protect listed species, and for biological mitigation monitoring of these lands over (typically) a five-year period.

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#### 7.3.2 APPLICABILITY TO THE PROPOSED PROJECT

The project site does not provide suitable habitat for state listed plant species. No state listed plant species occurs or would be expected to occur on the project site in the future. Thus, state listed plants will not be impacted by implementation of the project (Table 3).

Ms. Kingma is a federally permitted California tiger salamander biologist under M&A's Federal Permit No. TE776608-10. Similarly, M&A's principal biologist Mr. Geoff Monk holds a Memorandum of Understanding (SC-001886) with the California Department of Fish and Wildlife that designates Ms. Kingma as an Independent Researcher allowed to work with the California tiger salamander. M&A biologists have completed many CTS studies in the Santa Rosa Plain for over 25 years. We have completed greater than 30 CTS drift fence studies and larval trapping studies in the last 15 years. M&A is one of the largest recorders of CNDDDB CTS records in the Santa Rosa Plain. Thus, M&A biologists including Ms. Kingma are highly qualified to assess the suitability of a project site for use by the CTS. M&A biologist Ms. Kingma and Mr. Monk do not believe that the project site supports CTS now and would be most unlikely to support the CTS in the future. There is no suitable breeding habitat on or adjacent to the project site (i.e., pools/ponds that flood and hold water into April-May). Similarly, there is no suitable over-summering habitat on this existing, intensively used and small parcel of land. Finally, the project site is isolated from extant (i.e., still existing) occupied CTS habitat by intervening high density residential and commercial developments, and heavily trafficked roads and highways, all that constitute significant and impenetrable geographic barriers to CTS migration to the project site. Thus, implementation of the project will not destroy habitat that is in use by the CTS nor would it result in take of CTS.

***No impacts to CESA protected plant or animal species are expected from implementation of the project. Accordingly, an Incidental Take Permit from CDFW is not warranted.***

#### 7.4 California Fish and Game Code § 3503, 3503.5, 3511, and 3513

California Fish and Game Code §3503, 3503.5, 3511, and 3513 prohibit the "take, possession, or destruction of birds, their nests or eggs." Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered "take." Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act).

All raptors (that is, hawks, eagles, owls) their nests, eggs, and young are protected under California Fish and Game Code (§3503.5). Additionally, "fully protected" birds, such as the white-tailed kite (*Elanus leucurus*) and golden eagle (*Aquila chrysaetos*), are protected under California Fish and Game Code (§3511). "Fully protected" birds may not be taken or possessed (that is, kept in captivity) at any time.

#### 7.4.1 APPLICABILITY TO THE PROPOSED PROJECT

The valley oak and landscape trees on the project site provide suitable nesting habitat for song birds and perhaps (although unlikely) raptors. Preconstruction surveys would have to be conducted for these species to ensure that there is no direct take of these birds including their eggs, or young. Any active nests that were found during preconstruction surveys would have to be avoided by the project. Suitable non-disturbance buffers would have to be established around



nest sites until the nesting cycle is complete. More specifics on the size of buffers are provided below in the Impact and Mitigation BIO-1 section.

## 7.5 Santa Rosa Plain Conservation Strategy (USFWS 2005)

The Federal listing of California tiger salamander resulted in uncertainty for many local jurisdictions, landowners, and developers about its effects on their current and proposed activities. Because of this uncertainty, local private and public interest groups met with the USFWS to discuss a cooperative approach to protecting California tiger salamander, while allowing currently planned and future land uses to occur within its range. The result of these discussions was the creation of the Final Santa Rosa Plain Conservation Strategy (USFWS 2005b).

The goal of the *Conservation Strategy* is to preserve a large enough area of suitable habitat to ensure the conservation of the California tiger salamander and listed plants and contribute to their recovery. In order to do this, areas are identified within the Santa Rosa Plain that currently do or potentially could support California tiger salamander and listed plants, as well as the areas that currently do or likely will support development. This information was used to develop appropriate “conservation areas” and requirements as well as mitigation guidelines and requirements, in order to “provide consistency, timeliness and certainty for permitted activities.”

Proposed projects within the potential California tiger salamander range will fall into one of three categories:

- a.) Projects within 1.3 miles of a known California tiger salamander breeding site, and likely to impact California tiger salamander breeding and/or upland habitat; or
- b.) Projects beyond 1.3 miles from a known California tiger salamander breeding site, but within the “Potential for Presence of California tiger salamander” or “Potential for Presence of California tiger salamander and Plants”; or
- c.) Projects where “Presence of California tiger salamander is Not Likely”.

Different mitigation ratios are recommended for each of these categories.

The *Conservation Strategy* recommends that projects filling *potential* listed plant habitat should mitigate these impacts via the preservation of existing occupied habitat at a 1:1 ratio, and projects filling *known* listed plant habitat should mitigate these impacts via the preservation of existing occupied habitat at a 2:1 ratio, as per a Programmatic Biological Opinion (USFWS 1998) in effect at the time of the *Conservation Strategy* was prepared in 2005. The USFWS’ 2007 Programmatic Biological Opinion (USFWS 2007) has since superseded the 1998 Programmatic Biological Opinion.

The *Conservation Strategy* recommends that projects filling wetlands should mitigate these impacts via the preservation of wetlands at a minimum of a 1:1 replacement ratio, depending on the quality of the filled wetlands, as per a Programmatic Biological Opinion (USFWS 1998) in effect at the time of the *Conservation Strategy* was prepared in 2005. The 1998 Programmatic Biological Opinion was superseded by a Programmatic Biological Opinion prepared by the USFWS for the Corps in 2007 (USFWS 2007). Currently the 2007 *Programmatic Biological Opinion* is under revision to incorporate the elements of the Draft Recovery Plan for the Santa

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Rosa Plain (USFWS 2014)(See Draft Recovery Plan below). This revised *Programmatic Biological Opinion* currently under revision has not been released to the public at this time.

#### 7.5.1 APPLICABILITY TO THE PROPOSED PROJECT

The project site is located in an area of the Santa Rosa Plain that is designated in the Conservation Strategy (USFWS 2005b) as within “Urban Growth Boundaries.” **Accordingly, the USFWS anticipated that the project site would be developed when it prepared the Conservation Strategy.**

### 7.6 Santa Rosa Plain Programmatic Biological Opinion (USFWS 2007)

The *Programmatic Biological Opinion* (USFWS 2007) is based on the biological framework presented in the *Conservation Strategy*. This *Programmatic Biological Opinion* replaced (supersedes) the July 17, 1998 *Programmatic Formal Consultation for U.S. Army Corps of Engineers 404 Permitted Projects that May Affect Four Endangered Plant Species on the Santa Rosa Plain* (USFWS 1998), that was prepared for listed plant species on the Santa Rosa Plain.

Projects that require a Corps permit, that remain consistent with objectives stated in the *Conservation Strategy*, can be appended to the *Programmatic Biological Opinion* at the discretion of the USFWS. Projects that are appended to the *Programmatic Biological Opinion* will be provided individual take authorization for impacts to federally listed species.

#### 7.6.1 APPLICABILITY TO THE PROPOSED PROJECT

Since the project will not require a permit from the Corps, the Corps will not be consulting with the USFWS pursuant to Section 7, and the project will not need to be appended to the *Programmatic Biological Opinion* (USFWS 2007).

### 7.7 USFWS Draft Recovery Plan for the Santa Rosa Plain (USFWS 2014)

In late 2014, the USFWS released a Draft Recovery Plan (Recovery Plan) for the Santa Rosa Plain addressing recovery efforts necessary to protect and otherwise eventually recover the federally listed Sonoma County Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*) and three vernal pool plants: *Blennosperma bakeri* (Sonoma sunshine); *Lasthenia burkei* (Burke’s goldfields); *Limnanthes vinculans* (Sebastopol meadowfoam) (USFWS 2014). All four species are confined almost entirely to the Santa Rosa Plain. The Recovery Plan and its objectives are implemented through cooperative CEQA lead agencies, and through federal nexus agency consultations (e.g., Corps consultations) with the USFWS via Section 7 of the Federal Endangered Species Act (FESA). Any federal nexus agency that consults with the USFWS pursuant to Section 7 will obtain a letter of no effect or a Biological Opinion that provides or denies “incidental take authority.” Pursuant to the FESA Incidental take would include loss of a listed species habitat or harm that could occur to a federal listed species. An Incidental Take Permit allows an otherwise legally sanctioned activity to proceed even if there is a collateral impact to a federal listed species. Similarly, any Section 10 FESA consultation with the USFWS, which is allowed for in the FESA for all non-federal entities, which results in Incidental Take authority granted by the USFWS to the non-federal entities, would otherwise include provisions for compliance with the objectives of the Recovery Plan.

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The USFWS has determined that the primary threats to the three listed vernal pool plants and the California tiger salamander on the Santa Rosa Plain is the reduction and fragmentation of habitat due to urban development, agricultural land conversion, and habitat degradation that modifies vernal pool hydrology, and colonization of seasonal wetlands by competitive invasive plants. Consequently, the Recovery Plan focuses on these threats. In order to downlist or delist the four species that are imperiled in the Santa Rosa Plain the threats to the species' habitat must be reduced or eliminated. The USFWS criteria for downlisting are based upon preservation of extant vernal pools systems and attending uplands that support wetland complexes. The USFWS has segmented the Santa Rosa Plain into "Core" and "Management Areas" (Exhibits A and B) where species preservation, and habitat enhancement and management must occur to recover these four listed species.

[The following information has been obtained from various personal communications in 2016 between Mr. G. Monk and Mr. Vincent Griego and/or Mr. Ryan Olah of the Sacramento Endangered Species Office of the USFWS]. While not specified in the Recovery Plan, in practice the USFWS is now requiring that projects that impact seasonal wetlands and California tiger salamander breeding and over summering habitat in these species' designated Core Habitats (Exhibits A and B), mitigate through preservation and enhancement of extant species habitats in the same Core Area where the impacts will occur. The USFWS has thus far shown some flexibility with how impacts in Management Areas are mitigated. Impacts to specific species Management Areas are to be mitigated in the same Management Areas, or in a Core Habitat of the species that would be impacted.

#### 7.7.1 APPLICABILITY TO THE PROPOSED PROJECT

The project site is located outside of the Santa Rosa Plain California tiger salamander Core and Management Areas identified in the USFWS' 2014 Draft Recovery Plan for the Santa Rosa Plain (Figure 7).

### 8. CITY OF SANTA ROSA TREE ORDINANCE

The Santa Rosa City Code, Chapter 17.24, has three articles that pertain to the protection of trees within the City of Santa Rosa to discourage the alteration, removal or relocation of trees, including any heritage, protected, or street tree, without a permit.

#### 8.1.1.1 Article III – Prohibitions – Tree alteration, removal, relocation-Permit required.

Article III has provisions that protect trees which are defined as any woody plant with a single trunk diameter of 4 inches or more or a combination of multiple trunks having a total diameter of 8 inches or more. This article also protects the following types of trees:

- (a) Heritage tree which includes any of the following trees, whether located on public or private property, at a diameter equal to or greater than those listed below:

Species	Diameter
Valley oak ( <i>Quercus lobata</i> )	6
Coast live oak ( <i>Quercus agrifolia</i> )	18
Black oak ( <i>Quercus kelloggii</i> )	18
Oregon oak ( <i>Quercus garryana</i> )	18
Canyon oak ( <i>Quercus chrysolepis</i> )	18
Blue oak ( <i>Quercus douglasii</i> )	6
Interior live oak ( <i>Quercus wislizenii</i> )	18
Coast redwood ( <i>Sequoia sempervirens</i> )	24
Bay ( <i>Umbellularia californica</i> )	24
Madrone ( <i>Arbutus menziesii</i> )	12
Douglas's fir ( <i>Pseudotsuga menziesii</i> )	24
Red alder ( <i>Alnus rubra</i> )	18
White alder ( <i>Alnus rhombifolia</i> )	18
Big leaf maple ( <i>Acer macrophyllum</i> )	24

- (b) Protected tree which means any tree, including a heritage tree, designated to be preserved on an approved development plan or as a condition of approval of a tentative map, a tentative parcel map, or other development.
- (c) Street tree which means any tree having a single trunk circumference greater than 6 and one-quarter inches or a diameter greater than 2 inches, a height of more than 6 feet, and one half or more of its trunk is within a public right of way or within 5 feet of the paved portion of a City street or a public side walk.

The following tree species are exempt from the above provisions (except for those that may exist as street trees): acacia, silver maple, poplar, ailanthus, hawthorn, fruitless mulberry, privet, pyracantha, Monterey pine, Monterey cypress, and fruit and nut trees (except walnut trees). A permit is not required for these tree species alteration, removal or relocation.

#### 8.1.1.1 Article IV – Permit Category II – Tree alteration, removal or relocation on property proposed for development-Requirements.

Article IV requires the following:

- (a) All development proposals and subdivision applications shall clearly designate all trees and heritage trees on the property by trunk location and accurate outline of the dripline and shall indicate those trees proposed to be altered, removed or relocated. The reasons for the removal of any tree shall be stated in writing. The development plan or tentative subdivision map shall indicate the genus and species, shape, drip-line and trunk circumference of each tree and heritage tree. The owner of the property and person in control of the proposed development shall protect and preserve each tree and heritage tree situated within the site of the proposed development during the period the application for the proposed development is being considered by the City. The proposed development shall be designed so that:



- (1) The proposed lots and/or improvements preserve any heritage trees to the greatest possible extent.
  - (2) The road and lot grades protect heritage trees to the greatest extent possible and the existing grad shall be maintained within each such tree's root zone.
- (b) If the proposed project is approved, the recordation of the final map or issuance of a grading permit or building permit for the project shall constitute a permit to alter, remove or relocate any trees designated for alteration, removal or relocation upon the project's approved plans. Any change in the trees to altered, removed or relocated as designated on the approved development plan or tentative map shall only be permitted upon the written approval of the Director or, when the Director determines that the proposed change may be substantial, by the Planning Commission.
- (c) A tree replacement program that will require the applicant to replace trees and heritage trees approved for removal as part of the approval of the project in accordance with subdivision 1; each protected tree removed or damaged shall be replaced in accordance with subdivision 2. For each 6 inches or fraction thereof of the diameter of a tree which was approved for removal, two trees of the same genus and species as the removed tree (or another approved species), each of a minimum 15-gallon container size, shall be planted on the project site. For each 6 inches or fraction thereof of the diameter of a tree which was not approved for removal, four trees of the same genus and species as the removed tree (or another approved species), each of a minimum 15-gallon container size, shall be planted on the project site.
- (d) If the development site is inadequate in size to accommodate the replacement trees, the trees shall be planted on public property with the approval of the Director of the City's Recreation and Parks Department. Upon the request of the developer and the approval of the Director, the City may accept an in-lieu payment of \$100.00 per 15-gallon replacement tree on the condition that all such payments shall be used for tree-related educational projects and/or planting programs of the City.
- (e) The following requirements will apply any applicant of property upon which a protected tree is located:
- (1) Before the start of any clearing, excavation, construction or other work on the site, every protected tree shall be securely fenced off at the "protected perimeter" which shall either be the root zone or other limit as may be established by the City.
  - (2) If the proposed development, including any site work for the development, will encroach upon the protected perimeter of a protected tree, special measures shall be utilized, to allow the roots to obtain oxygen, water and nutrients as needed. Any excavation, cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the Director, shall be minimized and subject to such conditions as may be imposed by the Director. No significant change in existing ground level shall be made within the dripline of a protected tree.

- (3) No oil, gas, chemicals or other substances that may be harmful to trees shall be stored or dumped within the protected perimeter. All brush, earth and other debris shall be removed in a manner which prevents injury to the protected tree.
- (4) Underground trenching for utilities shall avoid major support and absorbing tree roots of protected trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to USFWS as many units as possible. Trenching within the drip line of protected trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.
- (5) No concrete or asphalt paving shall be placed over the root zones of protected trees. No artificial irrigation shall occur within the root zone of oaks.
- (6) No compaction of the soil within the root zone of protected trees shall occur.
- (7) If the trees proposed to be removed can be economically relocated, the developer shall move the trees to a suitable location on the site shown on the approved plans.

8.1.1.2 Article V – Permit category II – Street trees and plantings on and adjacent to public streets and sidewalks.

Article V pertains to the alteration, removal, and relocation of street trees and entails the following:

- (a) As per Section 17-24.075, no tree growing within a planting strip or within any public right-of-way shall be removed or altered by or at the instigation of the abutting property owner or anyone other than a duly authorized officer, agent or employee of the City, except upon issuance of a permit therefore by the Director of Recreation and Parks who may require, as a condition of permitting the removal or alteration of a tree, the posting of security for such work and the planting, at the expense of the permittee, of a tree to replace the one removed from a list approved under Section 17-24.070 of the city code.
- (b) As per Section 17-24.080, a permit approved by the Director of Recreation and Parks under the provisions of this article shall be valid for a period of 60 days from its issuance unless a longer term is set forth in the permit. If the work to be done under the permit does not commence prior to the permit's expiration and thereafter expeditiously pursued, the permit shall become null and void.

8.1.2 APPLICABILITY TO THE PROPOSED PROJECT

The proposed project will not remove or impact the dripline of any trees, therefore, a tree permit will not be required for this project.



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## **9. REGULATORY REQUIREMENTS PERTAINING TO WATERS OF THE UNITED STATES AND STATE**

This section presents an overview of the criteria used by the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, the State Water Resources Control Board, and the CDFW to determine those areas within a project area that would be subject to their regulation.

### **9.1 U.S. Army Corps of Engineers Jurisdiction and Permitting**

#### **9.1.1 SECTION 404 OF THE CLEAN WATER ACT**

Congress enacted the Clean Water Act "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33 U.S.C. §1251(a)). Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), the Corps regulates the disposal of dredged or fill material into "waters of the United States" (33 CFR Parts 328 through 330). This requires project applicants to obtain authorization from the Corps prior to discharging dredged or fill materials into any water of the United States.

In the Federal Register "waters of the United States" are defined as, "...all interstate waters including interstate wetlands...intrastate lakes, rivers, streams (including intermittent streams), wetlands, [and] natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce..." (33 CFR Section 328.3).

Limits of Corps' jurisdiction:

(a) Territorial Seas. The limit of jurisdiction in the territorial seas is measured from the baseline in a seaward direction a distance of three nautical miles. (See 33 CFR 329.12)

(b) Tidal Waters of the United States. The landward limits of jurisdiction in tidal waters:

- (1) Extends to the high tide line, or
- (2) When adjacent non-tidal waters of the United States are present, the jurisdiction extends to the limits identified in paragraph (c) of this section.

(c) Non-Tidal Waters of the United States. The limits of jurisdiction in non-tidal waters:

- (1) In the absence of adjacent wetlands, the jurisdiction extends to the ordinary high water mark, or
- (2) When adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands.
- (3) When the water of the United States consists only of wetlands the jurisdiction extends to the limit of the wetland.

Section 404 jurisdiction in "other waters" such as lakes, ponds, and streams, extends to the upward limit of the OHWM or the upward extent of any adjacent wetland. The OHWM on a non-tidal water is:

- the "line on shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter or debris; or other appropriate means that consider the characteristics of the surrounding areas" (33 CFR Section 328.3[e]).

Wetlands are defined as: "...those areas that are inundated or saturated by surface or ground water at a frequency and duration to support a prevalence of vegetation adapted for life in saturated soil conditions" (33 CFR Section 328.8 [b]). Wetlands usually must possess hydrophytic vegetation (i.e., plants adapted to inundated or saturated conditions), wetland hydrology (e.g., topographic low areas, exposed water tables, stream channels), and hydric soils (i.e., soils that are periodically or permanently saturated, inundated or flooded) to be regulated by the Corps pursuant to Section 404 of the Clean Water Act.

#### 9.1.1.1 Significant Nexus of Tributaries

On December 2, 2008, the Corps and the Environmental Protection Agency (EPA) issued joint guidance on implementing the U.S. Supreme Court decision in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* (herein referred to simply as "Rapanos") which address the jurisdiction over waters of the United States under the Clean Water Act. In this joint guidance these agencies provide guidance on where they will assert jurisdiction over waters of the U.S.

The EPA and Corps will assert jurisdiction over the following waters:

- Traditional navigable waters
- Wetlands adjacent to traditional navigable waters
- Non-navigable tributaries of traditional navigable waters that are relatively permanent where the tributaries typically flow year-round or have continuous flow at least seasonally (for example, typically three months).
- Wetlands that directly abut such tributaries.

The agencies generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow); and
- Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

The agencies will apply the significant nexus standard as follows:

- A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by all wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical and biological integrity of downstream traditional navigable waters; and
- Significant nexus includes consideration of hydrologic and ecologic factors.

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#### 9.1.1.2 Isolated Areas Excluded from Section 404 Jurisdiction

In addition to areas that may be exempt from Section 404 jurisdiction, some isolated wetlands and waters may also be considered outside of Corps jurisdiction as a result of the Supreme Court's decision in *Solid Waste Agency of Northern Cook County (SWANCC) v. United States Army Corps of Engineers* (531 U.S. 159 [2001]). Isolated wetlands and waters are those areas that do not have a surface or groundwater connection to, and are not adjacent to a navigable "Waters of the U.S.," and do not otherwise exhibit an interstate commerce connection.

#### 9.1.1.3 Permitting Corps Jurisdictional Areas

To remain in compliance with Section 404 of the Clean Water Act, project proponents and property owners (applicants) are required to be permitted by the Corps prior to discharging or otherwise impacting waters of the United States. In many cases, the Corps must visit a proposed project area (to conduct a "jurisdictional determination") to confirm the extent of area falling under their jurisdiction prior to authorizing any permit for that project area. Typically, at the time the jurisdictional determination is conducted, applicants (or their representative) will discuss the appropriate permit application that would be filed with the Corps for permitting the proposed impact(s) to "waters of the United States."

Pursuant to Section 404 of the Clean Water Act, the Corps normally provides two alternatives for permitting impacts to the type of "waters of the United States" found in the project area. The first alternative would be to use Nationwide Permit(s) (NWP). The second alternative is to apply to the Corps for an Individual Permit (33 CFR Section 235.5(2)(b)). The application process for Individual Permits is extensive and includes public interest review procedures (i.e., public notice and receipt of public comments) and must contain an "alternatives analysis" that is prepared pursuant to Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). The alternatives analysis is also typically reviewed by the federal EPA and thus brings another resource agency into the permitting framework. Both the Corps and EPA take the initial viewpoint that there are practical alternatives to the proposed project if there would be impacts to waters of the U.S., and the proposed permitted action is not a water dependent project (e.g. a pier or a dredging project). Alternative analyses therefore must provide convincing reasons that the proposed permitted impacts are unavoidable. Individual Permits may be available for use in the event that discharges into regulated waters fail to meet conditions of NWP(s).

NWPs are a type of general permit administered by the Corps and issued on a nationwide basis that authorize minor activities that affect Corps regulated waters. Under NWP, if certain conditions are met, the specified activities can take place without the need for an individual or regional permit from the Corps (33 CFR, Section 235.5[c][2]). In order to use NWP(s), a project must meet 27 general nationwide permit conditions, and all specific conditions pertaining to the NWP being used (as presented at 33 CFR Section 330, Appendices A and C). It is also important to note that pursuant to 33 CFR Section 330.4(e), there may be special regional conditions or modifications to NWPs that could have relevance to individual proposed projects. Finally, pursuant to 33 CFR Section 330.6(a), Nationwide permittees may, and in some cases must, request from the Corps confirmation that an activity complies with the terms and conditions of the NWP intended for use (*i.e.*, must receive "verification" from the Corps).

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Prior to finalizing design plans, the applicant needs to be aware that the Corps maintains a policy of “no net loss” of wetlands (waters of the United States) from project area development. Therefore, it is incumbent upon applicants that propose to impact Corps regulated areas to submit a mitigation plan that demonstrates that impacted regulated areas would be recreated (*i.e.*, impacts would be mitigated). Typically, the Corps requires mitigation to be “in-kind” (*i.e.*, if a stream channel would be filled, mitigation would include replacing it with a new stream channel), and at a minimum of a 1:1 replacement ratio. Often a 2:1 replacement ratio is required. Usually the 2:1 ratio is met by recreation or enhancement of an equivalent amount of wetland as is impacted, in addition to a requirement to preserve an equivalent amount of wetland as is impacted by the project. In some cases, the Corps allows “out-of-kind” mitigation if the compensation site has greater value than the impacted site. For example, if project designs call for filling an intermittent drainage, mitigation should include recreating the same approximate jurisdictional area (same drainage widths) at an offsite location or on a set-aside portion of the project area. Finally, there are many Corps approved wetland mitigation banks where wetland mitigation credits can be purchased by applicants to meet mitigation compensation requirements. Mitigation banks have defined service areas and the Corps may only allow their use when a project would have minimal impacts to wetlands.

#### 9.1.2 APPLICABILITY TO THE PROPOSED PROJECT

A topographic low feature immediately east of the project site located along the adjacent railroad tracks may be considered a “water of the U.S.” Therefore, care will be required when constructing the proposed project to be sure that there are no sedimentation or siltation impacts to this topographic low area. To avoid impacts to this feature, the project will implement the mitigation measure in the Impact and Mitigation BIO-2 section.

### **9.2 State Water Resources Control Board (SWRCB) /California Regional Water Quality Control Board (RWQCB)**

#### 9.2.1 SECTION 401 OF THE CLEAN WATER ACT

The SWRCB and RWQCB regulate activities in “waters of the State” (which includes wetlands) through Section 401 of the Clean Water Act. While the Corps administers a permitting program that authorizes impacts to waters of the United States, including wetlands and other waters, any Corps permit authorized for a proposed project would be inoperative unless it is a NWP that has been certified for use in California by the SWRCB, or if the RWQCB has issued a project specific certification or waiver of water quality. Certification of NWPs requires a finding by the SWRCB that the activities permitted by the NWP will not violate water quality standards individually or cumulatively over the term of the permit (the term is typically for five years). Certification must be consistent with the requirements of the federal Clean Water Act, the California Environmental Quality Act, the California Endangered Species Act, and the SWRCB’s mandate to protect beneficial uses of waters of the State. Any denied (*i.e.*, not certified) NWPs, and all Individual Corps permits, would require a project specific RWQCB certification of water quality.

Additionally, if a proposed project would impact waters of the State, including wetlands, the project applicant must demonstrate that the project is unable to avoid these adverse impacts, or water quality certification will most likely be denied. Section 401 Certification may also be denied



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based on significant adverse impacts to waters of the United States/State, including wetlands. The RWQCB has also adopted the Corps' policy that there shall be "no net loss" of wetlands. Thus, prior to certifying water quality, the RWQCB will impose avoidance mitigation requirements on project proponents that impact waters of the State.

#### 9.2.2 APPLICABILITY TO THE PROPOSED PROJECT

An topographic low feature immediately east of the project site located along the adjacent railroad tracks may be considered a "waters of the State." Therefore, care will be required when constructing the proposed project to be sure that there are no sedimentation or siltation impacts to this topographic low area. To avoid impacts to this feature, the project will implement the mitigation measure in the Impact and Mitigation BIO-2 section.

#### 9.2.3 PORTER-COLOGNE WATER QUALITY CONTROL ACT

The Porter-Cologne Water Quality Control Act, Water Code § 13260, requires that "any person discharging waste, or proposing to discharge waste, that could affect the waters of the State to file a report of discharge" with the RWQCB through an application for waste discharge (Water Code Section 13260(a)(1)). The term "waters of the State" is defined as any surface water or groundwater, including saline waters, within the boundaries of the State (Water Code § 13050(e)). It should be noted that pursuant to the Porter-Cologne Water Quality Control Act, the RWQCB also regulates "isolated wetlands," or those wetlands considered to be outside of the Corps' jurisdiction pursuant to the SWANCC decision (see Corps Section above).

The RWQCB generally considers filling in waters of the State to constitute "pollution." Pollution is defined as an alteration of the quality of the waters of the state by waste that unreasonably affects its beneficial uses (Water Code §13050(1)). The RWQCB litmus test for determining if a project should be regulated pursuant to the Porter-Cologne Water Quality Control Act is if the action could result in any "threat" to water quality.

The RWQCB requires complete pre- and post-development Best Management Practices Plan (BMPs) of any portion of the project site that is developed. This means that a water quality treatment plan for the pre- and post-developed project site must be prepared and implemented. Preconstruction requirements must be consistent with the requirements of the National Pollutant Discharge Elimination System (NPDES). That is, a *Stormwater Pollution Prevention Plan* (SWPPP) must be developed prior to the time that a site is graded (see NPDES section below). In addition, a post construction BMPs plan, or a Stormwater Management Plan (SWMP) must be developed and incorporated into any site development plan.

#### 9.2.4 APPLICABILITY TO PROPOSED PROJECT

Since any "threat" to water quality could conceivably be regulated pursuant to the Porter-Cologne Water Quality Control Act, care will be required when constructing the proposed project to be sure that there are no sedimentation or siltation impacts to a topographic low area that may constitute low grade seasonal wetland immediately to the east of the project site along the railroad tracks. To avoid impacts to this feature, the project will implement the mitigation measure in the Impact and Mitigation BIO-2 section.



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### 9.2.5 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

In 1972 the Clean Water Act was amended to state that the discharge of pollutants to waters of the United States from any point source is unlawful unless the discharge is in compliance with an NPDES permit. The 1987 amendments to the Clean Water Act added Section 402(p) which establishes a framework for regulating municipal and industrial stormwater discharges under the NPDES Program.

While federal regulations allow two permitting options for stormwater discharges (individual permits and General Permits), the SWRCB has elected to adopt only one statewide Construction General Permit at this time that will apply to all stormwater discharges associated with construction activity, except from those on Tribal Lands, in the Lake Tahoe Hydrologic Unit, and those performed by the California Department of Transportation (CalTrans).

The Construction General Permit requires all dischargers where construction activity disturbs greater than one acre of land or those sites less than one acre that are part of a common plan of development or sale that disturbs more than one acre of land surface to:

1. Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting stormwater with the intent of keeping all products of erosion from moving off site into receiving waters.
2. Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the nation. Achieve quantitatively-defined (i.e., numeric) pollutant-specific discharge standards, and conduct much more rigorous monitoring based on the project's projected risk level.
3. Perform inspections of all BMPs.

This Construction General Permit is implemented and enforced by the nine California Regional Water Quality Control Boards (RWQCBs). It is also enforceable through citizens' suits and represents a dramatic shift in the State Water Board's approach to regulating new and redevelopment sites, imposing new affirmative duties and fixed standards on builders and developers.

#### Types of Construction Activity Covered by the Construction General Permit

- clearing,
- grading,
- disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least one acre or more of total land area.

Construction activity that results in soil disturbances to a smaller area would still be subject to this General Permit if the construction activity is part of a larger common plan of development that encompasses greater than one acre of soil disturbance, or if there is significant water quality impairment resulting from the activity.

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Construction activity does not include:

- routine maintenance to maintain original line and grade,
- hydraulic capacity, or original purpose of the facility,
- nor does it include emergency construction activities required to protect public health and safety.

Project proponents (landowners) should confirm with the local RWQCB whether or not a particular routine maintenance activity is subject to this General Permit.

The State Water Board's new quantitative standards (Order 2009-0009-DWQ) take a two-tiered approach, depending on the risk level associated with the site in question. Exceedance of a benchmark Numeric Action Level ("NAL") measured in terms of pH and turbidity (a measure related to both the amount of sediment in and the velocity of site runoff) triggers an additional obligation to implement additional BMPs and corrective action to improve SWPPP performance. New minimum BMPs include Active Treatment Systems, which may be necessary where traditional erosion and sediment controls do not effectively control accelerated erosion; where site constraints inhibit the ability to construct a correctly-sized sediment basin; where clay and/or highly erosive soils are present; or where the site has very steep or long slope lengths.

In addition, the Construction General Permit includes several "post-construction" requirements. These requirements entail that site designs provide no net increase in overall site runoff and match pre-project hydrology by maintaining runoff volume and drainage concentrations. To achieve the required results where impervious surfaces such as roofs and paved surfaces are being increased, developers must implement non-structural off-setting BMPs, such as landform grading, site design BMPs, and distributed structural BMPs (bioretention cells, rain gardens, and rain cisterns). This "runoff reduction" approach is essentially a State Water Board-imposed regulatory requirement to implement Low Impact Development ("LID") design features. Volume that cannot be addressed using non-structural BMPs must be captured in structural BMPs that are approved by the RWQCB.

Improving the quality of site runoff is necessary to improve water quality in impaired and threatened streams, rivers, and lakes (that is, water bodies on the EPA's 303(d) list). The RWQCB prioritizes the water bodies on the 303(d) list according to potential impacts to beneficial uses. Beneficial uses can include a wide range of uses, such as nautical navigation; wildlife habitat; fish spawning and migration; commercial fishing, including shellfish harvesting; recreation, including swimming, surfing, fishing, boating, beachcombing, and more; water supply for domestic consumption or industrial processes; and groundwater recharge, among other uses. The State is required to develop action plans and establish Total Maximum Daily Loads (TMDLs) to improve water quality within these impaired water bodies. The TMDL is the quantity of a pollutant that can be safely assimilated by a water body without violating the applicable water quality standards.

The uncontrolled discharge of pollutants into impaired water bodies is considered particularly detrimental. According to the U.S. Environmental Protection Agency (USEPA), sediment is one of the most widespread pollutants contaminating U.S. rivers and streams. Sediment runoff from

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construction sites is 10 to 20 times greater than from agricultural lands and 1,000 to 2,000 times greater than from forest lands (EPA 2005). Consequently, the discharge of stormwater from large construction sites is regulated by the RWQCB under the federal CWA and California's Porter-Cologne Water Quality Control Act. Pursuant to the CWA, the RWQCB regulates construction discharges under the National Pollutant Discharge Elimination System (NPDES). The project sponsor of construction or other activities that disturb more than 1 acre of land must obtain coverage under NPDES Construction General Permit Order 2009-0009-DWQ, administered by the RWQCB<sup>2</sup>.

#### 9.2.6 APPLICABILITY TO THE PROPOSED PROJECT

If the proposed project would impact greater than one acre, the project will be required to obtain coverage under the State Water Board's Construction General Permit. M&A does not believe that the project will impact greater than one acre of surface area. However, if the project would impact greater than one acre, to obtain coverage from the State Water Board the applicant would have to electronically file a number of permit-related compliance documents (Permit Registration Documents (PRDs)), including a Notice of Intent (NOI), a risk assessment, site map, signed certification, Stormwater Pollution Prevention Plan (SWPPP), Notice of Termination (NOT), NAL exceedance reports, and other site-specific PRDs that may be required. The PRDs must be prepared by a Qualified SWPPP Practitioner (QSP) or Qualified SWPPP Developer (QSD) and filed by a Legally Responsible Person (LRP) on the RWQCB's Stormwater Multi-Application Report Tracking System (SMARTS). (QSDs are typically civil engineers, professional hydrologists, engineering geologists, or landscape architects). Once filed, these documents become immediately available to the public for review and comment. At a minimum the SWPPP shall identify Best Management Practices (BMPs) for implementation during project construction that are in accordance with the applicable guidance and procedures contained in the California Stormwater Quality Association's *California Stormwater Best Management Practices Handbook* (2015).

Construction stormwater BMPs are intended to minimize the migration of sediments offsite. They can include:

- covering soil stockpiles,
- sweeping soil from streets or other paved areas,
- performing site-disturbing activities in dry periods,
- planting vegetation or landscaping quickly after disturbance to stabilize soils.

Other typical stormwater BMPs include erosion reduction controls such as:

- hay bales, water bars, covers, sediment fences, sensitive area access restrictions, vehicle mats in wet areas, geotextile blankets, fiber rolls, temporary slope drains, mulching of exposed areas, vehicle mats in wet areas, and other erosion-reducing features, and retention/settlement ponds.

<sup>2</sup> CGP Order 2009-0009-DWQ remains in effect, but has been amended by CGP Order 2009-0014-DWQ, effective February 14, 2011, and CGP Order 2009-0016-DWQ, effective July 17, 2012. The first amendment merely provided additional clarification to Order 2009-0009-DWQ, while Order 2009-0016-DWQ eliminated numeric effluent limits on pH and turbidity (except in the case of active treatment systems), in response to a legal challenge to the original order.

Excavation and other soil-disturbing activities associated with the project could potentially affect water quality as a result of erosion of sediment. In addition, leaks from construction equipment; accidental spills of fuel, oil, or hazardous liquids used for equipment maintenance; and accidental spills of construction materials are all potential sources of pollutants that could degrade water quality.

#### **10. STANDARD URBAN STORM WATER MITIGATION PLAN (SUSMP),**

The City of Santa Rosa is a participating City with the County of Sonoma and others (participating entities) that on June 3, 2005 published the *Guidelines for the Standard Urban Storm Water Mitigation Plan (SUSMP), Storm Water Best Management Practices for New Development and Redevelopment for the Santa Rosa Area and Unincorporated Areas around Petaluma and Sonoma*. This SUSMP was updated and republished in 2014. The SUSMP guidelines were created to comply with the municipal storm water NPDES permit requirements enforced by the SWRCB and the RWQCB. The SUSMP guidelines were developed to assist project sponsors and municipal staff to implement the SUSMP requirements adopted by the North Coast Regional Water Quality Control Board. Since the SUSMP requirements apply to both privately sponsored projects and public capital improvement projects, these Guidelines are required to be used by development project applicants, municipal development project review staff, and municipal staff responsible for capital improvement projects. The SUSMP requirements ensure that projects otherwise meet Storm Water Management Plan requirements enforceable pursuant to the National Pollutant Discharge Elimination System (NPDES) C3 requirements.

The SUSMP goals for new and redevelopment projects are to manage, as close to the point of origin as possible, 1) storm water quality, 2) storm water quantity, and 3) to conserve natural areas of the development site. These three goals are described further below. It should be noted that the concept of “maximum extent practical” (MEP) applies to each of the goals. The MEP requirement is a technology based standard established by Congress in the Clean Water Act U.S.C. S 1342 (p)(3)(B)(iii) that municipal dischargers of storm water must meet. To achieve the maximum extent practicable standard, municipalities must employ whatever Best Management Practices (BMPs) are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. Reducing pollutants to the maximum extent practicable means choosing effective BMPs, and rejecting applicable BMPs only where other effective BMPs will serve the same purpose, or the BMPs would not be technically feasible, or the cost would be prohibitive.

The SUSMP goals for new and redevelopment projects are as follows:

**Storm Water Quality.** The first goal is to prevent pollutants generated at development and redevelopment projects from reaching storm drains. Projects covered by the SUSMP must be designed to minimize the introduction of pollutants.

**Storm Water Quantity.** The second goal is to prevent increases in storm water runoff from the two-year 24 hour storm event for Sonoma County. SUSMP projects should incorporate best



management practices to limit the post-development runoff to pre-development conditions to the MEP. Best management practices are methods used to minimize pollutants in storm water and the quantity of runoff. One of the objectives of these guidelines is to provide more specific information about how MEP will be achieved.

**Conserve Natural Areas.** The third goal is to conserve natural areas of a development site. This goal supports the other two goals by preserving areas where storm water runoff can be purified naturally by infiltration into the soil and flow over vegetated areas. SUSMP projects should strive to maximize the amount of land left in a natural, undisturbed condition, preserve riparian areas and wetlands, limit clearing of native vegetation, and maximize trees and vegetation.

This SUSMP applies to applicable projects that require a discretionary permit, including any ministerial permits that are based on the discretionary permit. Source controls will be recommended for all discretionary projects.

Projects that must comply with the SUSMP include:

- a) Development projects that create one acre (43,560 square feet) or more of new impervious surface. This category includes development of any type on public or private land, which falls under the planning and building authority of Sonoma County or City of Santa Rosa, where one acre or more of new impervious surface, collectively over the entire project site, will be created.
- b) Streets, roads, highways and freeways that create one acre (43,560 square feet) or more of new impervious surface. This category includes any newly constructed impervious surface used for the transportation of pedestrians, bicycles, and motorized vehicles.
- c) Redevelopment projects that are located on an already developed site and result in the addition of and/or reconstruction of one acre (43,560 square feet) or more of new impervious surface. Only the additional and/or reconstructed portion(s) of the site must be included in treatment design. Excluded from this category are interior remodels and routine maintenance or repair, including roof or exterior surface replacement and resurfacing.
- d) Development and redevelopment projects located directly adjacent to a natural waterway, modified natural waterway, or constructed channel or that requires a new storm drain outfall to such waterway, regardless of project size or impervious surface. This requirement is intended to protect environmentally sensitive areas. For redevelopment projects, excluded from this category are interior remodels and routine maintenance or repair, including roof or exterior surface replacement and resurfacing.

Regarding phased projects, new development or redevelopment activity that is part of a larger common plan of development that results in less than one acre of impervious surface must comply with SUSMP requirements. For example, if 50% of a subdivision is constructed and results in 0.9 acre of impervious surface and the remaining 50% of the subdivision is to be developed at a future date, the property owner must comply with SUSMP requirements.



### **10.1 Source and Treatment Control Requirements**

Source control and treatment control BMPs are intended to reduce runoff and keep pollutants out of storm water throughout the life of the project. They may be described as post-construction BMPs or “post-development” control measures. Post-construction BMPs differ from construction BMPs, which are used during the construction phase to prevent erosion and keep construction-related pollutants from reaching storm water.

The SUSMP recognizes two types of post-development BMPs for storm water pollution control – source controls and treatment controls. Source controls include BMPs that are designed to prevent pollutants from reaching storm water runoff and minimize site runoff. Source controls include a large variety of BMPs that range from minimizing the amount of impervious surface used at a project site to specific pollution prevention BMPs such as providing a roof over waste storage areas. The municipal storm water NPDES permit characterizes source control as the first line of defense at a project site and storm water treatment as a backup or additional line of defense. Source controls will be recommended for all discretionary projects.

Storm water treatment controls are engineered systems that are designed to remove pollutants from storm water. The SUSMP and NPDES permit have specific hydraulic design criteria for sizing storm water treatment controls to assure that an optimum amount of storm water receives treatment. Examples of storm water treatment controls include vegetated swales, extended detention basins, and bioretention areas. These are described in more detail in Chapter 4.

Source and treatment controls require long-term maintenance to continue to function effectively and avoid the creation of nuisance conditions. The SUSMP requires the project applicant to provide to the City or County a signed statement accepting responsibility for maintenance until the responsibility is legally transferred. The SUSMP further requires property owners to conduct maintenance inspection of all source and treatment control BMPs at least once a year or as specified by the designer or manufacturer.

### **10.2 Post-Construction Sediment and Erosion Control**

Sediment is an important pollutant of concern in the North Coast Region. During construction sediment and erosion control BMPs must be implemented in accordance with the Statewide Construction Activity NPDES General Permit and the City of Santa Rosa or County of Sonoma grading permit programs. The design of projects must also consider potential sedimentation and erosion issues during long-term project operations and incorporate appropriate sediment and erosion controls in the project design.

Source Controls includes the need to select and maintain vegetation in landscaped pervious areas to prevent runoff from contacting bare earth and conveying sediment into the storm drain system. Similarly, pervious paving materials must also be selected, designed and maintained to avoid sedimentation and erosion.

### **10.3 Enforceability**

The NPDES permit issued to the participating SUSMP entities requires these entities to control pollutant discharges to their respective storm drain systems. At a minimum, this legal authority

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empowers the participating entities to use enforcement mechanisms, including monetary fines, to require compliance by private entities within their jurisdictions. In the event that a project applicant fails to comply with the SUSMP requirements, the participating entities may determine that it is necessary to undertake enforcement actions, which may include a monetary fine.

#### **10.4 Applicability to the Proposed Project**

The proposed project will affect less than one acre so is not subject to the SUSMP. Regardless, the project will have to be reported under the City of Santa Rosa's MS4 permit with the RWQCB, thus may enforce routine BMPs as necessary for the City to ensure that its permitted projects comply with the NPDES.

### **11. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE PROTECTIONS**

#### **11.1.1 SECTION 1602 OF CALIFORNIA FISH AND GAME CODE**

Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates activities that divert, obstruct, or alter stream flow, or substantially modify the bed, channel, or bank of a stream which the CDFW typically considers to include its riparian vegetation. Any proposed activity in a natural stream channel that would substantially adversely affect an existing fish and/or wildlife resource, would require entering into a Streambed Alteration Agreement (SBAA) with the CDFW prior to commencing with work in the stream. However, prior to authorizing such permits, the CDFW typically reviews an analysis of the expected biological impacts, any proposed mitigation plans that would be implemented to offset biological impacts and engineering and erosion control plans.

#### **11.1.2 APPLICABILITY TO PROPOSED PROJECT**

There are no streams, tributaries or creeks on or adjacent to the project site that would be impacted by the proposed project. Accordingly, no 1602 permit is required for this project from the CDFW.

### **12. CEQA LEVEL IMPACTS ANALYSIS**

Below the criteria used in assessing impacts to Biological Resources is presented.

#### **12.1 Significance Criteria**

A significant impact is determined using CEQA and CEQA Guidelines. Pursuant to CEQA §21068, a significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment. Pursuant to CEQA Guideline §15382, a significant effect on the environment is further defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. Other Federal, State, and local agencies' considerations and regulations are also used in the evaluation of significance of proposed actions.

Direct and indirect adverse impacts to biological resources are classified as "significant," "potentially significant," or "less than significant." Biological resources are broken down into

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four categories: vegetation, wildlife, threatened and endangered species, and regulated “waters of the United States” and/or stream channels.

#### 12.1.1 THRESHOLDS OF SIGNIFICANCE

##### 12.1.1.1 Plants, Wildlife, Waters

In accordance with Appendix G (Environmental Checklist Form) of the CEQA Guidelines, implementing the project would have a significant biological impact if it would:

- 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 the CDFW or USFWS.
- 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 CDFW or USFWS.
- Have a substantial adverse effect on federally protected “wetlands” as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- 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.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

##### 12.1.1.2 Waters of the United States and State.

Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, which includes wetlands, as discussed in the bulleted item above, and also includes “other waters” (stream channels, rivers) (33 CFR Parts 328 through 330). Substantial impacts to Corps regulated areas on a project site would be considered a significant adverse impact. Similarly, pursuant to Section 401 of the Clean Water Act, and to the Porter-Cologne Water Quality Control Act, the RWQCB regulates impacts to waters of the state. Thus, substantial impacts to RWQCB regulated areas on a project site would also be considered a significant adverse impact.

##### 12.1.1.3 Stream Channels

Pursuant to Section 1602 of the California Fish and Game Code, the CDFW regulates activities that divert, obstruct, or alter stream flow, or substantially modify the bed, channel, or bank of a

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stream which the CDFW typically considers to include riparian vegetation. Any proposed activity that would result in substantial modifications to a natural stream channel would be considered a significant adverse impact.

### 13. IMPACTS ANALYSIS

Below the criteria used in assessing impacts to Biological Resources is presented.

#### 13.1 Significance Criteria

A significant impact is determined using CEQA and CEQA Guidelines. Pursuant to CEQA §21068, a significant effect on the environment means a substantial, or potentially substantial, adverse change in the environment. Pursuant to CEQA Guideline §15382, a significant effect on the environment is further defined as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance. Other Federal, State, and local agencies' considerations and regulations are also used in the evaluation of significance of proposed actions.

Direct and indirect adverse impacts to biological resources are classified as "significant," "potentially significant," or "less than significant." Biological resources are broken down into four categories: vegetation, wildlife, threatened and endangered species, and regulated "waters of the United States" and/or stream channels.

##### 13.1.1 THRESHOLDS OF SIGNIFICANCE

###### 13.1.1.1 Plants, Wildlife, Waters

In accordance with Appendix G (Environmental Checklist Form) of the CEQA Guidelines, implementing the project would have a significant biological impact if it would:

- 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 the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- 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 US Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected "wetlands" as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- 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.

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- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

#### 13.1.1.2 Waters of the United States and State.

Pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), the U.S. Army Corps of Engineers (Corps) regulates the discharge of dredged or fill material into waters of the United States, which includes wetlands, as discussed in the bulleted item above, and also includes “other waters” (stream channels, rivers) (33 CFR Parts 328 through 330). Substantial impacts to Corps regulated areas on a project site would be considered a significant adverse impact. Similarly, pursuant to Section 401 of the Clean Water Act, and to the Porter-Cologne Water Quality Control Act, the RWQCB regulates impacts to waters of the state. Thus, substantial impacts to RWQCB regulated areas on a project site would also be considered a significant adverse impact.

#### 13.1.1.3 Stream Channels

Pursuant to Section 1602 of the California Fish and Game Code, CDFW regulates activities that divert, obstruct, or alter stream flow, or substantially modify the bed, channel, or bank of a stream which CDFW typically considers to include riparian vegetation. Any proposed activity that would result in substantial modifications to a natural stream channel would be considered a significant adverse impact.

### 14. IMPACT ASSESSMENT AND PROPOSED MITIGATION

In this section we discuss potentially significant impacts that could occur to sensitive biological resources including special-status plant and wildlife species, and waters of the U.S. and State. We follow each impact with a mitigation prescription that when implemented would reduce impacts to a level regarded as less than significant pursuant to CEQA. This impact analysis is based on the Verizon Roseland plans prepared by MST Architects (dated 8/31/16)(Attachment A).

#### 14.1 **Impact BIO-1. The Project Would Have a Less than Significant Impact on Nesting Birds with Incorporation of Mitigation Measures.**

Nesting raptors (birds of prey) and passerine (perching) birds are protected pursuant to California Fish and Game Code (Sections 3503, 3503.5, 3513), and the Federal Migratory Bird Treaty Act. The valley oak and landscaping trees present on the project site provide suitable nesting habitat for raptors and passerines. In addition, birds could nest on the abandoned buildings on the project site. Since typically most birds can fly out of harm's way, the proposed project would not be expected to harm adult birds. However, nesting birds are susceptible to take through disturbance that harms eggs or young. The project proponent can avoid impacts to nesting birds by conducting preconstruction nesting surveys and implementing avoidance measures. *As such, pursuant to the CEQA, impacts to nesting birds would be less than significant with incorporation of mitigation measures.*



#### **14.2 Mitigation Measure BIO-1. Nesting Birds**

In order to avoid impacts to nesting raptors and passerines, a nesting survey shall be conducted 15 days prior to commencing with construction work if this work would begin between February 1st and August 31st. The nesting survey shall be conducted on the project site and within a zone of influence around the Verizon Wireless lease area. The zone of influence includes those areas in the vicinity of the project site where raptors could be disturbed by earth-moving vibrations or construction noise. A nest survey report shall be prepared upon completion of the survey and provided to the City of Santa Rosa with any recommendations required for establishment of protective buffers as necessary to protect nesting birds.

If birds are identified nesting on or within the zone of influence of the construction project, a qualified biologist shall establish a temporary protective buffer around the nest(s). The buffer must be of sufficient size to protect the nesting site from construction-related disturbance and shall be established by a qualified ornithologist or biologist with extensive experience working with nesting birds near and on construction sites. Typically, adequate nesting buffers are 75 feet from the nest site or nest tree dripline for small birds and up to 300 feet for sensitive nesting birds that include several raptor species known from the region of the project site. The nest buffer should be staked with orange construction fencing or orange lath staking.

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

*When implemented, these measures would reduce project impacts to nesting raptors and passerine birds to a level considered less than significant pursuant to CEQA.*

#### **14.3 Impact BIO-2. The Project Will Avoid Impacts to Waters of the United States and/or State with Incorporation of Mitigation Measures.**

There are no likely waters of the U.S. or State on the project site that would be directly affected by implementation of the project. However, there is topography low area that could support saturated low grade wetlands alongside the railroad tracks immediately east of the project site. Therefore, care will be required when constructing the proposed project to be sure that there are no sedimentation or siltation impacts to this topographic low area. To avoid impacts to this feature, the project will implement the mitigation measure below.

#### **14.4 Mitigation Measure BIO-2. Waters of the United States and/or State**

Impacts to possible waters of the United States and/or State shall be avoided by installing silt fencing along the existing chain link fence on the eastern project site boundary to prevent any silt or indirect impacts to the topographic low feature immediately east of the project site along the

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railroad tracks. The silt fence will be maintained for the duration of project construction and until all disturbed areas on the project site become re-vegetated. To facilitate revegetation, all disturbed areas, including the utility easement, will be seeded with an upland erosion control seed mix.

*When implemented, these measures would prevent any project impacts to possible waters of the U.S./State. Thus, when implemented these mitigation measures would reduce potential impacts to waters of the U.S. and State to a level regarded as less than significant pursuant to the CEQA.*

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