

**BIOLOGICAL RESOURCE ANALYSIS
BAGGETT COTTAGES
1084 DUTTON AVENUE - APN: 125-281-045 (0.89 Acre)
CITY OF SANTA ROSA, CALIFORNIA**

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Prepared for

Baggett Building Enterprises
PO Box 9338
Santa Rosa, California 94505
Attention: Mr. Rod Baggett

Prepared by

Monk & Associates, Inc.
1136 Saranap Avenue, Suite Q
Walnut Creek, CA 94595
Contact: Mr. Geoff Monk

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Santa Rosa, California

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1. INTRODUCTION

Monk & Associates, Inc. (M&A) has prepared this biological resource analysis for the proposed Baggett Cottages Project located at 1084 Dutton Avenue in Santa Rosa, California (herein referred to as the project site). The 1.06-acre project site is surrounded on all sides by high density urban development (Figures 1 and 2). By all definitions the proposed project is an “urban infill project.” The project site currently supports two homes, a detached garage, a large storage building, and small shed.

Biological resources reported herein 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 (CNPS 2001). 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 report includes prescribed mitigation measures that would reduce impacts to levels considered 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 inclusion in any review that may be conducted by the City of Santa Rosa for the proposed project pursuant to the CEQA.

2. PROPERTY LOCATION AND SETTING

The approximately 1.06-acre project site is located at Dutton Avenue and West Barham Avenue in central west Santa Rosa (Figures 2 and 3). The project site is bordered to the north by Roseland Creek. There is high-density residential development immediately north of this creek. The backyards of all other residences along this small creek appear to intrude into and under a high valley oak canopy that grows over this creek. Dutton Avenue, a busy thoroughfare, occurs immediately to the west with high-density residential development immediately west of this road. West Barham Avenue occurs immediately south and supports high-density residential development immediately east of the project site.

The project site was originally developed with two homes and out buildings decades ago (circa 1960s or earlier). There are manicured yards with lawns and other landscape species around each house, and there is a common driveway off of West Barham Avenue that accesses both houses and the detached garage. The driveway is a graveled, hard-pack road supporting only landscape vegetation or ruderal (weedy) plants in the margins. Figure 3 provides an aerial photograph of the project site that shows the project site features and the surrounding land use.

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3. PROPOSED PROJECT

The proposed Baggett Cottages project will optimize use of the urban infill lot. The proposed project includes subdividing the parcel into Six parcels with providing Seven finished Living Units. The two existing single-family homes will be relocated on-site. Two new Detached Garages would be constructed, one with a new Accessory Dwelling Unit over one of the Garages. Finally, four Single-Family Attached Units would be constructed. The design of the site is appropriate for its urban infill location and is consistent with other development in the surrounding area.

The site will include both on-site and off-site parking, and there is easy access to public transit that will promote pedestrian connectivity along with this smart-growth project. Decorative trees and landscape drought tolerant plantings will be installed for each parcel creating aesthetic spaces to compliment the project. The landscape and irrigation plans are in conformance with Santa Rosa's Water Efficient Landscape Ordinance.

4. ANALYSIS METHODS

4.1 Background Research

Prior to preparing this biological resource analysis report, M&A researched the most recent version of CDFW's Natural Diversity Database (CNDDDB) (RareFind 5 application). The application (CNDDDB 2019) for historic and recent records of special-status plant and animal species (that is, threatened, endangered, rare) known to occur in the region of the project site. All special-status species records were compiled into 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.

4.2 Site Investigation

M&A Principal Biologist Mr. Geoff Monk conducted a general survey of the project site on January 9, 2019 to record biological resources and to assess the likelihood of special-status species occurrence or areas of the project site that would be subject to resource agency regulation. The survey involved searching all habitats on the site and recording all plant and wildlife species observed. This also involved examining the site to determine if there are any potential regulated waters of the U.S. and/or State within the area of potential effects of the project. 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.

5. RESULTS OF RESEARCH AND PROJECT SITE ANALYSES

5.1 Topography and Hydrology

The property is relatively flat and slopes slightly to the north towards Roseland Creek. Sheet flows from the project site are conveyed southward and westward to existing roadside gutters and enter the City stormdrain system in Dutton Avenue. A highly ephemeral roadside ditch occurs on the south side of the project site and conveys water to a City stormdrain inlet near the

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intersection of Dutton Avenue and West Barham Avenue. A second drain inlet occurs on the west side of the project site alongside Dutton Avenue.

At the time of the site investigation, the site had received more than 2 inches of rain within the last week. Regardless, no potential “wetlands” or “other waters” that likely constitute waters of the U.S. occurred anywhere on the project site except along the northern property boundary in Roseland Creek. Roseland Creek would be regarded as waters of the U.S. and State subject to Clean Water Act jurisdiction and would also be a water of the State subject to California Department of Fish and Wildlife (CDFW) Fish and Game Code 1602 jurisdiction. These regulatory agencies and the extent of their regulatory authority over the project site are detailed below in this report. No water of the U.S. or State subject to regulation by the U.S. Army Corps of Engineers (Corps) or the Regional Water Quality Control Board (RWQCB) would be impacted by the proposed project. A minor impact would occur to landscape vegetation that is comingled with riparian canopy as necessary to reroute project site stormwater drainage to the existing storm drain inlet on the west side of the project site alongside Dutton Avenue.

5.2 Soils

The project site is highly disturbed and has a “backyard” soil profile that has been highly modified by landscaping for decades. The highly compacted driveway and parking areas along the eastern side of the existing residences are gravel impregnated at least 5 to 10 inches into the soil profile.

5.3 Plant Communities and Associated Wildlife Habitats

The project site is a heavily used residential parcel. Due to the history of routine and regular site disturbance, and landscaping there are two vegetation types on the project site: landscaped areas with ruderal edges along driveways and parking areas, and a riparian corridor along Roseland Creek.

Roseland Creek supports a mature canopy of valley oaks; however, this creek and its associated valley oaks would not be impacted by the proposed project. All proposed development remains outside the driplines of valley oaks associated with Roseland Creek. Understory vegetation along Roseland Creek that occurs under high valley oak drip lines includes a sporadically distributed shrub layer comprised of landscape species such as privet (*Ligustrum* sp), California fan palm (*Washingtonia filifera*), prickly-pear (*Opuntia x occidentalis*), Iris sp., rose (*Rosa* sp.), citrus trees (lemons and oranges), Algerian ivy (*Hedera canariensis*), Himalayan blackberry (*Rubus armeniacus*), Lilly-of-the-Nile (*Agapanthus orientalis*), mimosa (*Albizia julibrissin*), Bottle Brush tree (*Callistemon* sp.), and Santa Barbara sedge (*Carex barbarae*).

The creek channel was about 5-10 inches deep and 20 feet wide. Water was clear with very little vegetation, likely owing to the solid oak canopy and absence of sunlight over the channel. The only emergent vegetation visible was umbrella palm (*Cyperus esculentus*).

A complete list of plant species observed on the project site is presented in Table 1. Nomenclature used for plant names follows *The Jepson Manual* Second Edition (Baldwin 2012)

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and changes made to this manual as published on the Jepson Interchange Project website (<http://ucjeps.berkeley.edu/interchange/index.html>). Table 2 is a list of wildlife species observed on the project site. Nomenclature for wildlife follows CDFW's *Complete list of amphibian, reptile, bird, and mammal species in California* (2016) and any changes made to species nomenclature as published in scientific journals since the publication of CDFW's list.

Animals observed or expected to occur on the project site would only be those species adapted to excessive human disturbance. M&A's site visit only occurred on one day, but wildlife observed on that day is presented in Table 2. Normal "neighborhood" animals would be expected to use the project site including Virginia opossum (*Didelphis virginiana*), striped skunk (*Mephitis mephitis*), raccoon (*Procyon lotor*), and likely several common rodent species.

5.4 Wildlife Corridors

Wildlife corridors are linear and/or regional habitats that provide connectivity between or to other naturally vegetated open spaces. In the area of the project site, remaining open spaces are fractured by urbanization, an adjacent major highway, and other developments that include landscaping or that are otherwise actively used by humans. Wildlife corridors have several functions: 1) they provide avenues along which wide-ranging animals can travel, migrate, and breed, allowing genetic interchange to occur; 2) populations can move in response to environmental changes and natural disasters; and 3) individuals can recolonize habitats from which populations have been locally extirpated (Beier and Loe 1992). All three of these functions can be met if both regional and local wildlife corridors are accessible to wildlife. Regional wildlife corridors provide foraging, breeding, and retreat areas for migrating, dispersing, immigrating, and emigrating wildlife populations. Local wildlife corridors provide access routes to food, cover, and water resources typically within restricted habitats that are typically used by small numbers of resident wildlife species that have restricted home ranges. Migrant birds that usually are adapted to higher levels of disturbance may also temporarily perch or feed in these restricted habitats.

The project site, in its urban setting, lacks a regional context between other open spaces. Thus, it is very likely that only local mammals adapted to the urban setting of the urban area would use Roseland Creek on the northern border of the site as a hunting and access way between backyards. Migratory birds are also expected to rest and even nest in Roseland Creek. The use of Roseland Creek by wildlife will not change with implementation of the proposed project since the proposed project will not impact Roseland Creek or associated canopy. Migratory birds flying over the urban developed areas of the City of Santa Rosa will continue to rest, feed, and nest in Roseland Creek to the same extent that they do today. M&A concludes that there would be no significant effect on migratory birds from implementation of the proposed project.

The development of the project site will not adversely impact any significant local or regional wildlife movement corridor. Thus, pursuant to the CEQA, the proposed project would not result in significant impacts to wildlife corridor habitat.

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5.5 Potential Special-Status Plants on the Project Site

Figure 4 provides a graphical illustration of the closest known records for special-status species within 3 miles of the project site and helps readers visually understand the number of sensitive species that occur near the project site. Further, the project site falls within the geographic region called the Santa Rosa Plain by the USFWS and the Corps. The Santa Rosa Plain supports a number of state and federally listed species and there are specific agency rules/regulations that govern how projects must evaluate impacts to wetlands and listed plant species. According to the CDFW's CNDDDB, a total of 14 special-status plant species are known to occur within 3 miles of the project site (Table 3). Most of these plants occur in specialized habitats such as chaparral, vernal pools, and coastal scrub which do not occur on the project site. In fact, the project site has been developed for decades and provides no rare plant habitat. Roseland Creek is an urban drainage that has also been massively influenced by urbanization up to its top-of-banks. It also is unlikely to provide rare plant habitat. Regardless, it will not be impacted by the proposed project.

There are no anticipated impacts that would occur to rare plants including State and federally listed plants that are known to occur in vernal pools on the Santa Rosa Plain. ***The project would not directly or indirectly impact any wetland habitat during the construction of the project. The project site is surrounded by high density urban development. As such the proposed project will not impact any listed special-status seasonal wetland or vernal pool plant species.***

5.6 Potential Special-Status Animals on the Project Site

Figure 4 provides a graphical illustration of the closest known records for special-status species within 3 miles of the project site and helps readers visually understand the number of sensitive species that occur in the vicinity of the project site. A total of 5 special-status animal records occur within the three-mile search area of the project site (Table 4). No special-status animal records have ever been mapped on the project site or in the area of the project site. The proposed project is an urban infill project that is completely surrounded by high-density residential development that occurred many decades ago. Regardless, owing to the sensitivity of two special-status wildlife species we further discuss them below.

5.6.1 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. Under the Federal Endangered Species Act (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 2003b). 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, collection, and inadequate regulatory mechanisms. In addition, it was determined that this population could face extinction because 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.

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In addition, in 2011 the USFWS designated revised critical habitat for the Sonoma County DPS. 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). Designated Critical habitat is a broad-brush approach to mapping a region that has significance to the California tiger salamander on the Santa Rosa Plain. While much of the critical habitat that is mapped includes undeveloped lands, this habitat designation also includes developed lands. *The project site is within this mapped critical habitat* (Figure 5). That said the project site is designated in Figure 3 of the USFWS' Conservation Strategy (USFWS 2005b) as "Already Developed-No Potential for Impacts" to federally listed plants or the California tiger salamander.

On March 4, 2010, the California tiger salamander was also state-listed as a threatened species under the California Endangered Species Act (CESA). Proposed projects may not impact the California tiger salamander without incidental take authority from both the USFWS and the CDFW. Prior to impacting habitat that supports the California tiger salamander, the USFWS must prepare an incidental take permit pursuant to either Section 7 or Section 10 of the Federal Endangered Species Act. Similarly, projects that impact the California tiger salamander also require incidental take authority from the CDFW.

California tiger salamanders 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). M&A has extensive experience with California tiger salamanders on the Santa Rosa Plain having been conducting studies for this salamander in this geographic area since 1989 (Exhibit A).

In Sonoma County, California tiger salamanders emerge during the first heavy, warm rains of the year, typically in late November and early December. In most instances, larger movements of California tiger salamanders do not occur unless it has been raining hard and continuously for several hours. Typically, for larger movements of California tiger salamanders to occur, nighttime temperatures also must be above 48° F (G. Monk and S. Lynch pers. observations). Other factors that encourage larger movements of California tiger salamanders 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 California tiger salamander throughout this species range in California predominately use California ground squirrel (*Spermophilus beechyi*) burrows as oversummering 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 California tiger salamanders. In such locations, California tiger salamander attach

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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 $\frac{3}{4}$ the diameter of a dime to the full diameter of a dime.

In most of the range of the California tiger salamander, 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. In Sonoma County, M&A believes that pools that are 16 inches or deeper in the peak winter months will remain inundated long enough to provide good breeding conditions for California tiger salamanders. In dry years, seasonal wetlands, especially shallower pools, may dry too early to allow enough time for California tiger salamander larvae to successfully metamorphose. Under such circumstances, desiccated California tiger salamander larvae are often found in dried pools. In addition, as pools dry down to very small areas of inundation, California tiger salamander larvae become concentrated and are very susceptible to predation.

M&A's Principal Biologist, Mr. Geoff Monk, has worked extensively with California tiger salamander in the Santa Rosa Plain since 1989 and is a 10(a)1(A) and CDFW-permitted California tiger salamander biologist. All habitat affected by the proposed project is developed or heavily-used, gravel-impregnated ruderal habitat subject to daily use by the existing residents of the 1.06-acre parcel. There is no potential California tiger salamander breeding habitat on or anywhere near the project site. The project site is 100 percent surrounded by high density residential and commercial development for at least a mile in every direction. While California tiger salamanders are known to occur a mile plus to the west of the project site, there is dense commercial and residential development between these extant areas that support California tiger salamanders and the project site. The project will have no effect on the California tiger salamander. ***The proposed project will not directly or indirectly impact California tiger salamanders or suitable California tiger salamander breeding/overwintering/migration habitats. As such, pursuant to the CEQA the proposed project will not result in potentially significant or significant impacts to the California tiger salamander.***

5.6.2 CALIFORNIA RED-LEGGED FROG

The California red-legged frog was federally listed as threatened on May 23, 1996 (Federal Register 61: 25813-25833) and as such is protected pursuant to the Federal Endangered Species Act. On March 16, 2010, the USFWS issued the final designation for California red-legged frog Critical Habitat (USFWS 2010). The 2010 Critical Habitat maps (Federal Register dated March 17, 2010 (Volume 75, Number 51:12815-12864) show that the project site is 5.3 miles across densely urbanized Santa Rosa to the closest mapped Critical Habitat Unit Son-1 (Figure 5). The California red-legged frog is also a state "species of special concern."

The California red-legged frog is typically found in ponds, slow-flowing portions of perennial and intermittent streams that maintain water in the summer months. This frog is also found in hillside seeps that maintain pool environments or saturated soils throughout the summer months. Populations probably cannot be maintained if all surface water disappears (i.e., no available surface water for egg laying and larval development habitat) in the summer months. Larval California red-legged frogs require 11-20 weeks of permanent water to reach metamorphosis (i.e., to change from a tadpole into a frog), in water depths of 10 to 20 inches (USFWS 2002).

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Riparian vegetation such as willows and emergent vegetation such as cattails are preferred red-legged frog habitats, though not necessary for this species to be present. Populations of California red-legged frog will be reduced in size or eliminated from ponds supporting non-native species such as bullfrog, Centrarchid fish species (such as sunfish, bluegill, or largemouth bass), and signal and red swamp crayfish (*Pacifastacus leniusculus* and *Procambarus clarkii*, respectively), all of which are known California red-legged frog predators. However, the presence of these non-native species does not preclude the presence of the California red-legged frog.

The known populations of this frog closest to the City of Santa Rosa occur in Sonoma County east of the City in high ridgeline regional preserve locations. There are no known records for the California red-legged frog in the urbanized creeks within the City of Santa Rosa (Figure 4). Typically, owing to large numbers of predators in urban creeks this federally listed threatened frog species generally does not survive in urbanized settings. Roseland Creek on the north end of the project site is very shallow even in winter (not accounting for temporary storm surge), appearing only to be a foot or less deep on the north end of the project site. Accordingly, in the dry summer months when there would be only urban runoff contributions to this creek, water levels would be so shallow that the California red-legged frog could not escape predator such as the racoon.

Mr. Monk is a federally and State permitted California red-legged frog biologist and has been working directly with this frog for many years in many locations in northern California. Mr. Monk did not see this frog in Roseland Creek during his site visit, and further believes that this creek would be most unlikely to support this federally listed frog species. Finally, in consideration that the project site is currently fully developed and that the proposed project will only increase residential density, the existing inhospitality of the project site to the California red-legged frog will remain identical after the project is implemented. For all of the reasons Mr. Monk concludes *that the proposed project will not impact the California red-legged frog*.

6. 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 its pertinence to the proposed project.

6.1 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.

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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.

6.1.1 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.

6.1.2 APPLICABILITY TO THE PROPOSED PROJECT

The project site and Roseland Creek do not provide fisheries habitat and the proposed project will not impact wetlands or Roseland Creek. Implementation of a Stormwater Low Impact Development Plan that is reviewed and approved by the City of Santa Rosa will ensure that the project does not result in downstream deleterious impacts to receiving waters where federally-listed fish species could occur. Thus, the project would not result in impacts to federally-listed fish species. As such, consultation with the NMFS for the proposed project is not warranted.

Several federally-listed plant and wildlife species are known to occur in the region of the project site (Tables 3 and 4). *However, there is no potential rare plant habitat on the already developed project site. No wetlands occur on the project site, and there would be no impacts to Roseland Creek by the proposed project.*

The project site is within mapped critical habitat of the California tiger salamander (Figure 5) (USFWS 2011). That said the project site is designated in Figure 3 of the USFWS' Conservation Strategy (USFWS 2005b) as "Already Developed-No Potential for Impacts" to federally listed plants or the California tiger salamander. The designation of critical habitat means that any federal agency contemplating issuance of a discretionary permit within mapped critical habitat would be required to consult with the USFWS prior to authorizing the permit. As there will be no federal discretionary permit requirements for this project, consultation with the USFWS is not warranted for this project.

Regarding the project's effects on federally-listed terrestrial wildlife, M&A's Principal Biologist, Mr. Geoff Monk, has worked extensively with California tiger salamander in the Santa Rosa Plain since 1989 and is a 10(a)1(A) federally permitted biologist. Additionally, Mr. Monk was a scientific advisor to the USFWS for their preparation of their Santa Rosa Plain Recovery Plan (USFWS 2016). Mr. Monk has determined that there is no potential breeding or overwintering/migration habitat on the project site and no potential for take of the California tiger salamander. Closest known populations of this salamander are located across a mile or more on the other side of high density residential and commercial development to the west of the project site. Thus, there is no migratory pathway to or from the project site, and the project site could not support any local California tiger salamanders. ***Accordingly, the proposed project will not impact federally listed plant or animal species. Thus, consultation with the USFWS is not warranted since FESA incidental taking authority is not required for the proposed project.***

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6.2 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;
- 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.

6.2.1 APPLICABILITY TO THE PROPOSED PROJECT

All raptors (birds of prey), native song birds and wading birds are protected pursuant to the Migratory Bird Treaty Act. Common songbirds and raptors, such as white-tailed kite, that could nest in the trees, on buildings or within the ruderal vegetation of the project site or directly adjacent would be protected pursuant to the Migratory Bird Treaty Act. As long as there is no direct mortality of species protected pursuant to the Migratory Bird Treaty Act caused by development of the site, there should be no constraints to development of the site.

To comply with the Migratory Bird Treaty Act, if construction would occur in the nesting season, preconstruction surveys would have to be conducted for nesting bird species to ensure that there is no direct take of these birds including their eggs or young. Non-disturbance buffers would have to be established around any active nesting site and would have to be of sufficient size to protect the nesting birds from harm. Upon completion of nesting the buffers could be removed and the project could commence as otherwise planned. ***Please review specific requirements for avoidance of nest sites for nesting bird species in the Impacts and Mitigations section below.***

6.3 California Endangered Species Act

6.3.1 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

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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), CDFW considerations pursuant to CESA are limited to those actions that would result in the direct take of a listed species.

6.3.2 APPLICABILITY TO THE PROPOSED PROJECT

Several state-listed plant and wildlife species that are protected pursuant to the CESA are known to occur in the Santa Rosa Plain, the geographic area where the project site occurs (Tables 3 and 4). ***However, the project site will not impact suitable habitats of CESA-protected plant or animal species.*** The project site and area of proposed disturbance is already highly developed and has been for decades. Besides houses and outbuildings, the 1.06-acre project site supports a driveway that is gravel-impregnated, and that entirely is devoid of habitat that could support listed species. The project site has no supporting seasonal wetland habitat that could provide breeding opportunities for the California tiger salamander or support CESA protected vernal pool plants. M&A's Principal Biologist, Mr. Monk, has worked extensively with California tiger salamander and listed vernal pool plants in the Santa Rosa Plain since 1989 and is a 10(a)(1)(A) federally permitted biologist and a CDFW-permitted California tiger salamander biologist. Mr. Monk concludes that the project site does not provide overwintering or breeding California tiger salamander habitat. Accordingly, the proposed project will not impact the California tiger salamander or CESA protected plant species.

As there is no potential for take of the California tiger salamander or listed plants, a CESA Incidental Take Permit from the CDFW is not warranted for the proposed project. No state-listed plant or animal species would be impacted by the proposed project (Tables 3 and 4 respectively).

6.4 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.

6.4.1 APPLICABILITY TO THE PROPOSED PROJECT

Passerine (perching) birds or raptors could nest in trees associated with Roseland Creek at the north end of the project site. Nesting birds would be protected by the Fish and Game Codes that protect nesting birds, their eggs, and young from harm. As long as there is no direct mortality of birds including their eggs and young caused by development of the site, there should be no constraints to development of the site. To comply with the Fish and Game Codes that protect nesting birds, if construction of the project would be constructed between February 1 and August

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31, preconstruction nesting bird surveys should be conducted to ensure that the project does not result in harm (or take) to nesting birds including their eggs or young. If an active nest is found during surveys, non-disturbance buffers would have to be established around the active nest that is of sufficient size to protect the nesting birds from harm. Upon completion of the nesting effort, the buffers could be removed and the project could commence as otherwise planned. ***Impacts to nesting birds are not significant with implementation of mitigation measures.*** Please review specific requirements for avoidance of nest sites in the Impacts and Mitigations section below.

6.5 Santa Rosa Plain Conservation Strategy (USFWS 2005)

The Federal listing of the 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 salamanders, 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 2005).

6.5.1 APPLICABILITY TO THE PROPOSED PROJECT

The project site location is designated in Figure 3 of the USFWS' Conservation Strategy (USFWS 2005b) as "Already Developed-No Potential for Impact". Accordingly, the USFWS' Conservation Strategy indicates that the proposed project would be unlikely to impact any federally listed plant or animal species.

6.6 USFWS Recovery Plan for the Santa Rosa Plain (USFWS 2016)

In December 2016, the USFWS adopted a formal Recovery Plan for the Santa Rosa Plain (Recovery Plan) addressing recovery efforts necessary to protect and otherwise eventually recover the federally listed Sonoma County Distinct Population Segment of California tiger salamanders and three vernal pool plants: *Blennosperma bakeri* (Sonoma sunshine); *Lasthenia burkei* (Burke's goldfields); *Limnanthes vinculans* (Sebastopol meadowfoam) (USFWS 2016). 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 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." Any conditions of a Biological Opinion issued to the Corps for a pending project are to become conditions of the Corps' permit authorization.

Pursuant to the FESA Incidental take includes loss of 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 could be 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, that results in Incidental Take authority granted by the USFWS to the non-federal entity, 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.

6.6.1 APPLICABILITY TO THE PROPOSED PROJECT

The proposed project is an urban infill project in a densely urbanized area. The project will not result in any potential to impact to federally listed species. Similarly, there will be no impacts to waters of the U.S. As such, no Incidental Take permit is warranted for this project from the USFWS (or CDFW). As the project is an urban infill project, the proposed project has no opportunity to modify the development project to otherwise meet goals established for listed species recovery on the Santa Rosa Plain.

7. 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 CDFW to determine those areas within a project area that would be subject to their regulation.

7.1 U.S. Army Corps of Engineers Jurisdiction and General Permitting

7.1.1 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 U.S. Army Corps of Engineers (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.

7.1.2 APPLICABILITY TO THE PROPOSED PROJECT

M&A completed a preliminary Aquatic Resources Delineation of the project site and determined that no waters of the U.S. (or State) occur within the footprint of the proposed project. The project site is already developed. While Roseland Creek flows along the northern boundary of the project site parcel and is a water of the U.S. subject to Clean Water Act regulation by the Corps (and the RWQCB), the proposed project will not impact this creek directly or indirectly. The project is setback from the top-of-banks of this creek by a minimum of 30 feet or at the outside edge of riparian canopy, whichever distance affords the greatest protection to Roseland Creek. All stormwater will be treated prior to flowing off the project site and will be discharged into the City’s piped stormdrain system. There will be no impacts to Roseland Creek or any other Clean Water Act jurisdictional areas. ***As such no Clean Water Act Section 404 permit is required for the proposed project from the Corps.***

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7.2 California Regional Water Quality Control Board (RWQCB)

7.2.1 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 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.

7.2.2 APPLICABILITY TO THE PROPOSED PROJECT

M&A completed a preliminary Aquatic Resources Delineation of the project site and determined that no waters of the State occur within the footprint of the proposed project. The project site is already developed. While Roseland Creek flows along the northern boundary of the parcel where the project will be constructed and is a water of the State subject to Clean Water Act regulation by the RWQCB, the proposed project will not impact this creek directly or indirectly. The project is setback from the top-of-banks of this creek by a minimum of 30 feet or at the outside edge of riparian canopy, whichever distance affords the greatest protection to Roseland Creek. All stormwater will flow into the City's piped stormdrain system. As such, there will be no impacts to Roseland Creek Clean Water Act jurisdictional areas. ***No Clean Water Act Section 401 permit is required for the proposed project from the RWQCB.***

7.2.3 PORTER-COLOGNE WATER QUALITY CONTROL ACT

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 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.

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).

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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.

7.2.4 APPLICABILITY TO THE 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 adequate pre-and post-construction Best Management Practices (BMPs) are incorporated into the project implementation plans. As no permit is warranted from the RWQCB for the proposed project, the City of Santa Rosa will otherwise ensure that the project will not threaten downstream receiving waters through requirements for implementation of BMPs during the construction of the project.

7.3 California Department of Fish and Wildlife Protections

7.3.1 SECTION 1602 OF CALIFORNIA FISH AND GAME CODE

Pursuant to Section 1602 of the California Fish and Game Code: “An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake without a permit from the CDFW.

7.3.2 APPLICABILITY TO THE PROPOSED PROJECT

Roseland Creek occurs on the northern parcel boundary where the project site occurs and is a tributary that would be regulated by the CDFW pursuant to Section 1602 of the Fish and Game Code. The site development Plan (Attachment A) indicates that for all intents and purposes, the proposed project has been pulled away from Roseland Creek and its associated riparian vegetation. The project will implement a 30-foot setback from top-of-bank to meet City of Santa Rosa ordinance with the exception of a proposed reconstruction of an existing wood-wire view fence just above the top-of-bank as necessary for resident safety. In addition, with a small exception as detailed below, the project will not encroach into the driplines of riparian canopy associated with Roseland Creek.

At the northwest corner of the project site, a proposed stormdrain pipe that will connect the project site storm drainage treatment system to the City of Santa Rosa’s piped stormdrain system in Dutton Avenue will require minor impacts to existing backyard landscape species that in a very minor way merges into riparian vegetation, but otherwise no riparian vegetation would be impacted. There is a formal setback line and the drip line of associated riparian is shown on the site plan (Attachment A). Mr. Monk sent this plan to Ms. Melanie Day of the CDFW to determine if a 1602 Streambed Alteration Agreement would be required for the proposed project. Ms. Day stated that as there would be minor impacts to associated riparian vegetation, that ***a 1602 Agreement application should be submitted to the CDFW for further consideration by***

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the CDFW for this project. Please see the Impacts and Mitigations Section below for further detail.

8. STATE WATER RESOURCES CONTROL BOARD (SWRCB)/RWQCB – STORM WATER MANAGEMENT

8.1 Construction General Permit

While federal Clean Water Act NPDES regulations allow two permitting options for construction related stormwater discharges (individual permits and General Permits), the State Water Resources Control Board (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).

Coverage under the Construction General Permit is required for 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.

8.1.1 APPLICABILITY TO THE PROPOSED PROJECT

While the project site is 1.06 acre, a large swath of the project site will be avoided alongside Roseland Creek. *Thus, the footprint of proposed disturbance is smaller than one acre and as such, coverage under the SWRCB's Construction General Permit should not be required for this project. This should be confirmed by the project civil Engineer.*

9. STANDARD URBAN STORM WATER MITIGATION PLAN (SUSMP)

The project site is within the boundaries of the Standard Urban Stormwater Management Plan (SUSMP). 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.

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

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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.

9.1.1 APPLICABILITY TO THE PROPOSED PROJECT

The proposed project will not construct a stormwater outfall into Roseland Creek and the total impacted area is less than one acre. The project is therefore not subject to the SUSMP. That said the City of Santa Rosa has also published the *Storm Water Low Impact Development Technical Design Manual* (LID Manual) and through project review will ensure that the project otherwise implements BMPs that are in compliance with this manual.

10. IMPACTS ANALYSIS

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

10.1 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.

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10.1.1 THRESHOLDS OF SIGNIFICANCE

10.1.1.1 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 U.S. 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.
- 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.

10.1.1.2 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.

10.1.1.3 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

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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.

11. IMPACT ASSESSMENT AND PROPOSED MITIGATION

In this section, we discuss potential impacts to sensitive biological resources including special-status animal species and waters of the United States and/or State. This impact analysis is based on the site development plan prepared by Irvin Klein dated September 1, 2018.

11.1 Potential Impact BIO-1. Development of the proposed project would have a potentially significant impact on Nesting Raptors and Passerine Birds.

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. Two relatively small valley oaks that would be removed as part of the proposed project provide suitable nesting habitat for small passerines. Since typically most birds can fly out of harm's way, development of the project site would not be expected to harm adult birds. In addition, adjacent larger trees on nearby properties that are within a zone of influence of the construction project could, although are not likely to, support nesting raptors. 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, development of the proposed project would not result in significant impacts to nesting birds with implementation of mitigation measures that follow.*

11.2 Mitigation Measure BIO-1. Nesting Birds

To avoid impacts to nesting raptors and passerines, a preconstruction nesting survey shall be conducted within 15 days prior to commencing construction work provided 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 project site. The zone of influence includes those areas off the project site where raptors could be disturbed by earth-moving vibrations or noise. The nesting survey should include examination of all suitable nesting habitats within 300 feet of the entire project site. A preconstruction nesting survey report shall be prepared upon completion of the survey and provided to Sonoma County 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, where it intersects the project site, should be staked with orange construction fencing or orange lath staking.

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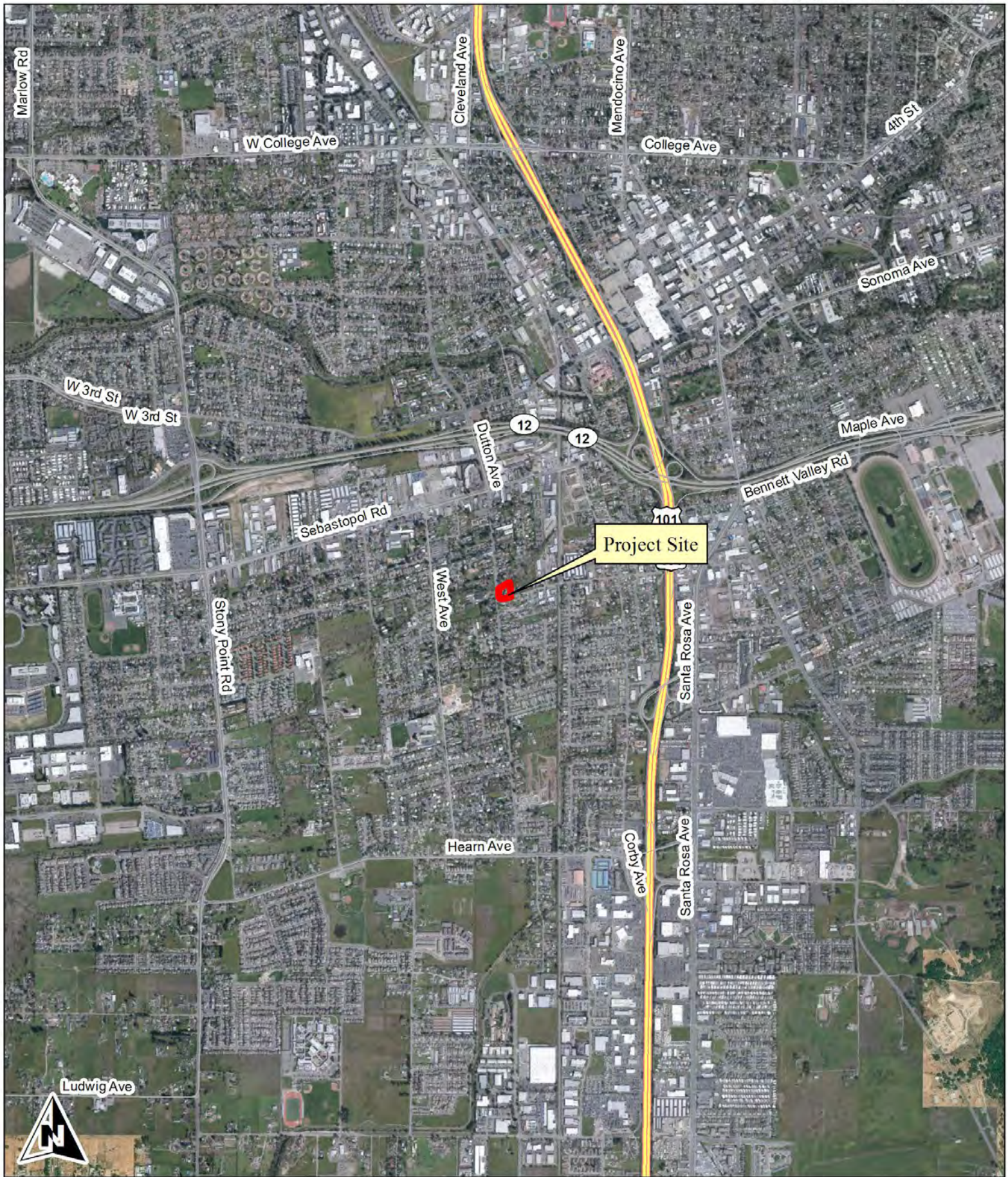
No construction or earth-moving activity shall occur within any established nest protection buffer prior to September 1 unless it is determined by a qualified ornithologist/biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction 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 mitigation measures would reduce potential project impacts to nesting raptors and passerine birds protected by Fish and Game Code and the Migratory Bird Treaty Act to a level considered less than significant pursuant to CEQA.

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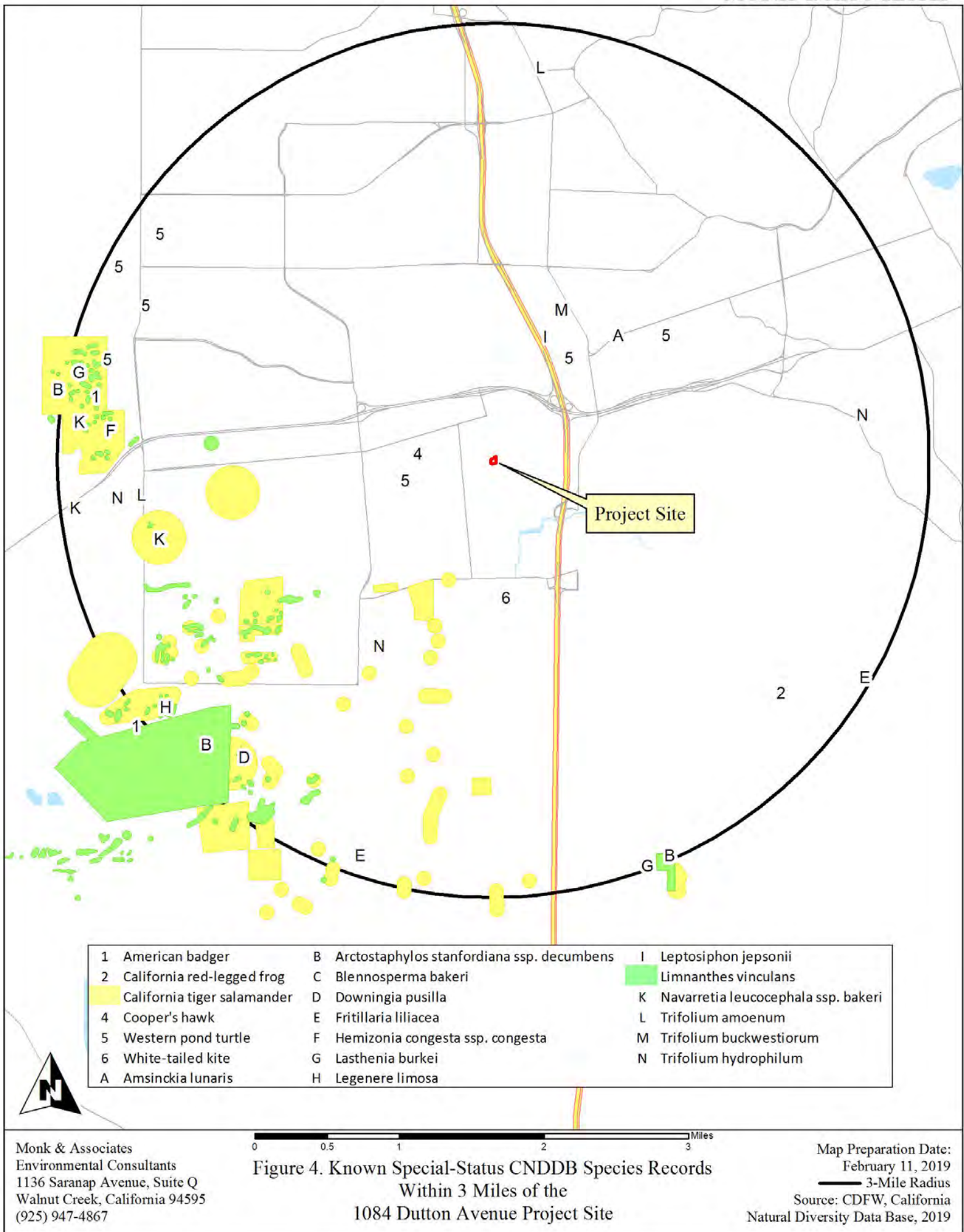
Monk & Associates
Environmental Consultants
1136 Saranap Avenue, Suite Q
Walnut Creek, California 94595
(925) 947-4867

Figure 2. 1084 Dutton Avenue Project Site
Location Map
Santa Rosa, California

38.426072 -122.724351
Land Grant
7.5-Minute Santa Rosa quadrangle
Aerial Photograph Source: ESRI
Map Preparation Date: December 12, 2018



Figure 3. Aerial Photograph of the
1084 Dutton Avenue Project Site
Santa Rosa, California



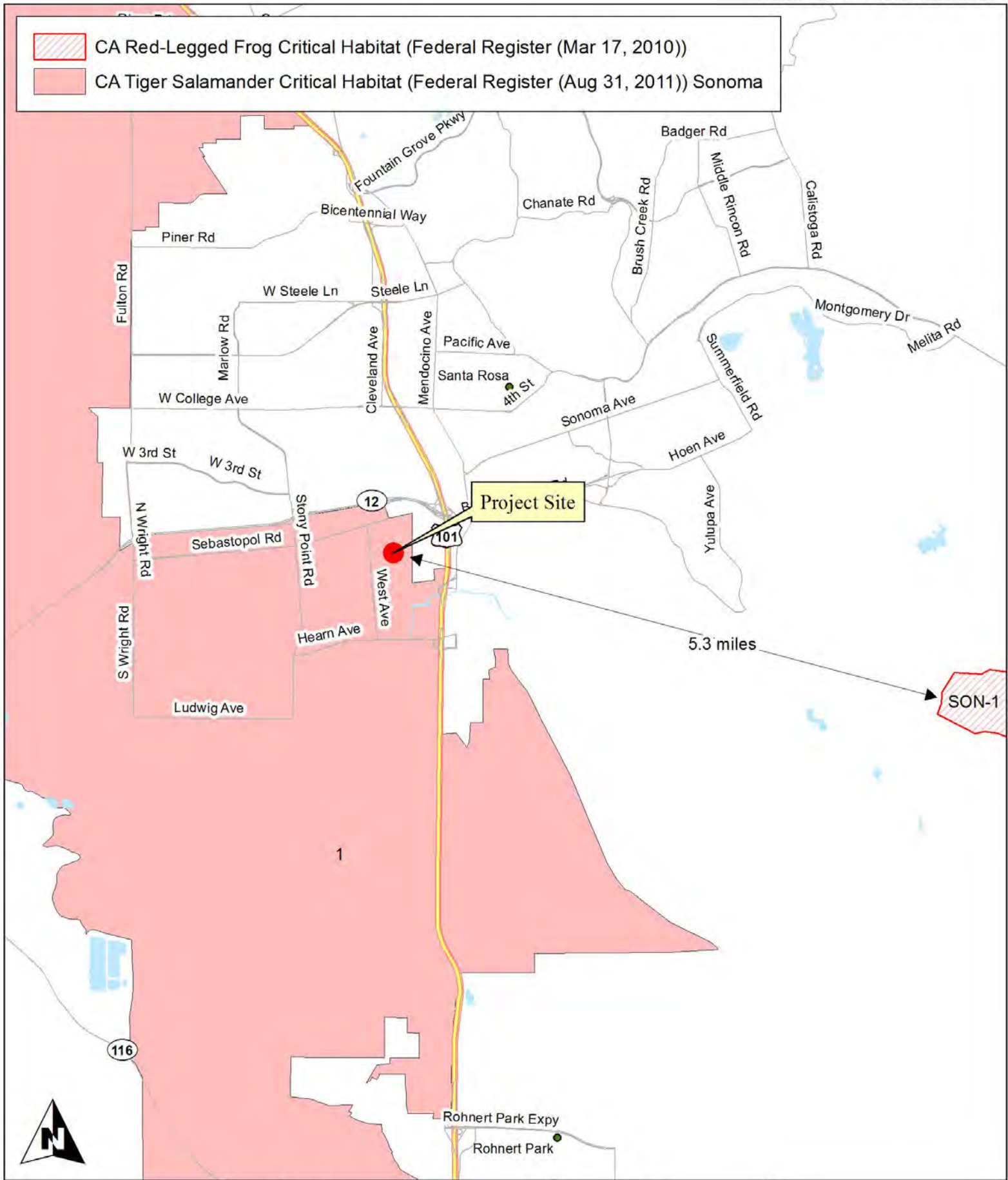


Table 1
Plant Species Observed at 1084 Dutton Avenue Project Site

Angiosperms - Dicots

Araliaceae**Hedera canariensis*

Algerian ivy

Asteraceae**Helminthotheca echioides*

Bristly ox-tongue

Cactaceae*Opuntia xoccidentalis*

Prickly-pear

Caryophyllaceae**Stellaria media*

Common chickweed

Fabaceae**Albizia julibrissin*

Silk tree

**Trifolium subterraneum*

Subterranean clover

Fagaceae*Quercus lobata*

Valley oak

Geraniaceae**Erodium moschatum*

White-stem filaree

**Geranium dissectum*

Cut-leaf geranium

Myrtaceae**Callistemon citrinus*

Crimson bottlebrush

Oleaceae**Ligustrum sp.*

Privet

Oxalidaceae*Oxalis californica*

California wood-sorrel

Plantaginaceae**Plantago lanceolata*

English plantain

Rosaceae**Rubus armeniacus*

Himalayan blackberry

Angiosperms - Monocots

Amaryllidaceae**Agapanthus orientalis*

Lilly-of-the-Nile

Areaceae*Washingtonia filifera*

California fan palm

Cyperaceae*Carex barbarae*

Whiteroot sedge

Cyperus esculentus var. heermannii

Yellow nutsedge

Iridaceae*Iris sp.*

Iris

Table 1**Plant Species Observed at 1084 Dutton Avenue Project Site****Poaceae****Cynodon dactylon*

Bermudagrass

Table 2
Wildlife Observed on the 1024 Dutton Avenue Project Site

Birds	
Red-shouldered hawk	<i>Buteo lineatus</i>
American crow	<i>Corvus brachyrhynchos</i>
Bushtit	<i>Psaltiriparus minimus</i>
American robin	<i>Turdus migratorius</i>
Northern mockingbird	<i>Mimus polyglottos</i>
European starling	<i>Sturnus vulgaris</i>
Yellow-rumped warbler	<i>Setophaga coronata</i>
California towhee	<i>Pipilo crissalis</i>
House sparrow	<i>Passer domesticus</i>

Table 3
Special-Status Plant Species Within 3 Miles of the 1084 Dutton Avenue Project Site

Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Asteraceae					
<i>Blennosperma bakeri</i> Sonoma sunshine	Fed: FE State: CE CNPS: Rank 1B.1	February-April	Valley and foothill grassland (mesic); vernal pools.	Closest occurrence record is located 2.7 miles southwest of the project site (Occurrence No. 8).	None.
<i>Hemizonia congesta congesta</i> White seaside tarplant	Fed: - State: - CNPS: Rank 1B.2	April-November	Valley and foothill grassland. 20 to 560 meters. Clay soils	Closest occurrence record is located 2.7 miles west of the project site (Occurrence No. 27).	None.
<i>Lasthenia burkei</i> Burke's goldfields	Fed: FE State: CE CNPS: Rank 1B.1	April-June	Meadows and seeps (mesic); vernal pools.	Closest occurrence record is located 2.7 miles west of the project site (Occurrence No. 28).	None.
Boraginaceae					
<i>Amsinckia lunaris</i> Bent-flowered fiddleneck	Fed: - State: - CNPS: Rank 1B.2	March-June	Cismontane woodland, valley and foothill grassland, coastal bluff scrub.	Closest occurrence record is located 1.2 miles northeast of the project site (Occurrence No. 67).	None.
Campanulaceae					
<i>Downingia pusilla</i> Dwarf downingia	Fed: - State: - CNPS: Rank 2.2	March-May	Valley and foothill grassland (mesic); vernal pools.	Closest occurrence record is located 2.6 miles southwest of the project site (Occurrence No. 86).	None.
<i>Legenere limosa</i> Legenere	Fed: - State: - CNPS: Rank 1B.1	April-June	Vernal pools.	Closest occurrence record is located 2.7 miles southwest of the project site (Occurrence No. 39).	None.

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Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Ericaceae					
<i>Arctostaphylos stanfordiana decumbens</i> Rincon manzanita	Fed: - State: - CNPS: Rank 1B.1	February-April	Chaparral (rhyolitic).	Closest occurrence record is located 3.0 miles northeast of the project site (Occurrence No. 2).	None.
Fabaceae					
<i>Trifolium amoenum</i> Showy Indian clover	Fed: FE State: - CNPS: Rank 1B.1	April-June	Valley and foothill grassland (sometimes serpentinite)	Closest occurrence record is located 2.5 miles west of the project site (Occurrence No. 20).	None.
<i>Trifolium buckwestiorum</i> Santa Cruz clover	Fed: - State: - CNPS: Rank 1B	May-July	Broadleaf upland forest; coastal prairie; [margins].	Closest occurrence record is located 0.4 mile northeast of the project site (Occurrence No. 35).	None.
<i>Trifolium hydrophilum</i> Saline clover	Fed: - State: - CNPS: Rank 1B.2	April-June	Marshes and swamps; valley and foothill grassland (mesic, alkaline); vernal pools. 0-300 m.	Closest occurrence record is located 1.5 miles southwest of the project site (Occurrence No. 14).	None.
Liliaceae					
<i>Fritillaria liliacea</i> Fragrant fritillary	Fed: - State: - CNPS: Rank 1B.2	February-April	Coastal prairie; coastal scrub; valley and foothill grassland; [often serpentinite].	Closest occurrence record is located 2.8 miles south of the project site (Occurrence No. 49).	None.

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Family Taxon Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
Limnanthaceae					
<i>Limnanthes vinculans</i> Sebastopol meadowfoam	Fed: FE State: CE CNPS: Rank 1B.1	April-May	Meadows (mesic); vernal pools.	Closest occurrence record is located 1.6 miles southwest of the project site (Occurrence No. 1).	None.
Polemoniaceae					
<i>Leptosiphon jepsonii</i> Jepson's leptosiphon	Fed: - State: - CNPS: Rank 1B.2	March-May	Chaparral; cismontane woodland (usually volcanic).	Closest occurrence record is located 0.5 mile northeast of the project site (Occurrence No. 3).	None.
<i>Navarretia leucocephala bakeri</i> Baker's navarretia	Fed: - State: - CNPS: Rank 1B.1	May-July	Cismontane woodland; lower montane coniferous forest; meadows (mesic); valley and foothill grassland; vernal pools.	Closest occurrence record is located 2.4 miles west of the project site (Occurrence No. 32).	None.

Table 3**Special-Status Plant Species Within 3 Miles of the 1084 Dutton Avenue Project Site**

Family	Taxon	Common Name	Status*	Flowering Period	Habitat	Area Locations	Probability on Project Site
*Status							
Federal:		State:		CNPS Continued:			
FE	- Federal Endangered	CE	- California Endangered	Rank 2 - Plants rare, threatened, or endangered in California, but more common elsewhere			
FT	- Federal Threatened	CT	- California Threatened	Rank 2A - Extirpated in California, common elsewhere			
FPE	- Federal Proposed Endangered	CR	- California Rare	Rank 2B.1 - Seriously endangered in California, but more common elsewhere			
FPT	- Federal Proposed Threatened	CC	- California Candidate	Rank 2B.2 - Fairly endangered in California, but more common elsewhere			
FC	- Federal Candidate	CSC	- California Species of Special Concern	Rank 2B.3 - Not very endangered in California, but more common elsewhere			
CNPS:				Rank 3 - Plants about which we need more information (Review List)			
Rank 1A	- Presumed extinct in California			Rank 3.1 - Plants about which we need more information (Review List)			
Rank 1B	- Plants rare, threatened, or endangered in California and elsewhere			Rank 3.2 - Plants about which we need more information (Review List)			
Rank 1B.1	- Seriously endangered in California (over 80% occurrences threatened/ high degree and immediacy of threat)			Rank 4 - Plants of limited distribution - a watch list			
Rank 1B.2	- Fairly endangered in California (20-80% occurrences threatened)						
Rank 1B.3	- Not very endangered in California (<20% of occurrences threatened or no current threats known)						

Table 4
Special-Status Wildlife Species Known From Within 3 Miles of the 1084 Dutton Avenue Project Site

Species	*Status	Habitat	Closest Locations	Probability on Project Site
Amphibians				
California tiger salamander <i>Ambystoma californiense</i>	Fed: FT State: CT Other:	Found in grassland habitats of the valleys and foothills. Requires burrows for aestivation and standing water until late spring (May) for larvae to metamorphose.	Closest known occurrence record is 0.99 mile south of the project site (Occurrence No. 1105).	None. No suitable over summering or breeding habitat anywhere near the project site. Extant habitat is almost one mile across densely urbanized commercial and residential development.
California red-legged frog <i>Rana draytonii</i>	Fed: FT State: CSC Other:	Occurs in lowlands and foothills in deeper pools and streams, usually with emergent wetland vegetation. Requires 11-20 weeks of permanent water for larval development.	Closest known occurrence record is 2.6 miles southeast of the project site (Occurrence No. 1464).	None. Roseland Creek is too shallow and small to support this frog species. Any frog in this creek would be easily predated by raccoons. No records for this frog in downtown Santa Rosa.
Reptiles				
Western pond turtle ** <i>Emys marmorata</i>	Fed: - State: CSC Other:	Inhabits ponds, marshes, rivers, streams, and irrigation ditches with aquatic vegetation. Needs suitable basking sites and upland habitat for egg laying. Occurs in the Central Valley and Contra Costa County.	Closest known occurrence record is 0.5 mile west of the project site (Occurrence No. 1475).	Low. Roseland Creek does not support pools where this turtle would normally be found. Roseland Creek is too shallow and lacks sunlight that this turtle highly regards for sunning.
Birds				
White-tailed kite <i>Elanus leucurus</i>	Fed: State: Other: FP	Found in lower foothills and valley margins with scattered oaks and along river bottomlands or marshes adjacent to oak woodlands. Nests in trees with dense tops.	Closest known occurrence record is 0.9 mile south of the project site (Occurrence No. 77).	Low. While Roseland Creek provides suitable nesting habitat, there is no open space anywhere near the project site where this kite could forage. Preconstruction nesting surveys will be conducted to ensure this species is protected should it be nesting.
Cooper's hawk <i>Accipiter cooperii</i>	Fed: - State: WL Other:	Nests in heavily wooded areas along streams, rivers, or near springs/seeps. Prefers to nest in tall canopies with an open understory usually near openings. Oak and riparian woodlands are preferred habitats.	Closest known occurrence record is 0.5 mile west of the project site (Occurrence No. 138).	Low. Roseland Creek provides suitable nesting habitat, Preconstruction nesting surveys will be conducted to ensure this species is protected should it be found nesting near the project site.

Table 4

Special-Status Wildlife Species Known From Within 3 Miles of the 1084 Dutton Avenue Project Site

Species	*Status	Habitat	Closest Locations	Probability on Project Site
Mammals				
American badger <i>Taxidea taxus</i>	Fed: - State: CSC Other:	Most abundant in drier open stages of most shrub, forest, and herbaceous habitats, with friable soils. Need sufficient food, friable soils & open, uncultivated ground. Prey on burrowing rodents. Dig burrows.	Closest known occurrence record is 2.8 miles west of the project site (Occurrence No. 28).	None. No open space for denning or hunting anywhere near this urban infill project site.

***Status**

Federal:	State:
FE - Federal Endangered	CE - California Endangered
FT - Federal Threatened	CT - California Threatened
FPE - Federal Proposed Endangered	CR - California Rare
FPT - Federal Proposed Threatened	CC - California Candidate
FC - Federal Candidate	CSC - California Species of Special Concern
FPD - Federally Proposed for delisting	FP - Fully Protected
	WL - Watch List. Not protected pursuant to CEQA

**The USFWS hopes to finish a 12-month finding for western pond turtle in 2021 but until formally listed, it is not afforded the protections of FESA.

	<u>EXISTING</u>	<u>NEW</u>
STREET LIGHT		
SANITARY SEWER		
SANITARY SEWER LAT.		
WATER MAIN & SERVICES		
STORM DRAIN SYSTEM		
CURB, GUTTER & SW		
BIO-RETENTION BED		
TREE	<div style="display: flex; align-items: center;"> <div style="text-align: center;"> <p>(TO BE SAVED)</p> </div> <div style="text-align: center;"> <p>(TO BE REMOVED)</p> </div> </div>	
UTILITY BOXES		
FENCE		
CONTOURS (1' INTERVALS)		
PROPERTY LINE		
RIGHT OF WAY		
CENTER LINE		
ROSELAND CREEK RIPARIAN ZONE		
100 YEAR FEMA FLOOD LINE		
TOP OF BANK		
CREEK SET BACK		
EASEMENT		
BUILDING PAD		

