



January 8, 2021

Mr. Jim Huston  
Huston General Contracting, Inc.  
112 Spaulding St., Suite A  
San Anselmo, CA 94960

RE: Assessment of Biological Resources at 1255 Apollo Way,  
Northpoint Corporate Center, Santa Rosa, CA

Dear Mr. Huston:

At your request, WRA, Inc. conducted an assessment of biological resources on an approximately 0.78 acre parcel located at 1255 Apollo Way in Santa Rosa, CA (APN: 035-490-029, Lot 7) in order to determine whether or not construction of a proposed development (known as "The Cube Building") on the parcel would potentially cause adverse effects to biological resources. In addition, if development of the parcel was determined to cause potential impacts, recommendations would be made to avoid impacts or reduce impacts to a less than significant level.

This letter report describes the results of published information review and a site visit which assessed the project site for: (1) potential to support special-status species, (2) the potential presence of sensitive biological communities such as wetlands or riparian habitats, and (3) the potential presence of other sensitive biological resources protected by local, state, and federal laws and regulations.

An assessment of biological resources provides general information on the potential presence of sensitive species and habitats. The assessment does not constitute a protocol-level survey for specific species that may be required for project approval by local, state, or federal agencies. This assessment is based on information available at the time of the study and on site conditions that were observed on the date of the site visit.

### **Project Site Description**

The project site is within the Northpoint Corporate Center development covering approximately 0.78 acres (Figure 1). Existing conditions were observed during a site visit on January 6, 2021. As part of the Northpoint Corporate Center development, site improvements were made many (20+) years ago to this parcel which included installation of a storm drain system, initial grading, and a landscape strip parallel to Apollo Way planted with lawn grass and landscape trees and maintained with irrigation and mowing. The interior portion of the site was open grassland that has been maintained annually by mowing and/or discing to reduce fire hazard.

## Methods

Assessment of biological resources involved reviewing various published information sources including the following:

- California Natural Diversity Data Base (CNDDB) records (CDFW 2020)
- US Fish and Wildlife Service (USFWS) Information for Planning and Conservation Report (IPaC; USFWS 2020)
- California Native Plant Society (CNPS) Rare and Endangered Plant Inventory (CNPS 2020b)
- Santa Rosa Plain Conservation Strategy (USFWS 2005)
- Santa Rosa Plain Programmatic Biological Opinion (USFWS 2007)
- Final Recovery Plan for the Santa Rosa Plain (USFWS 2016)

In addition, aerial photography of the site (Google Earth), site plans, and a site visit made on January 6, 2021 provided additional information about the project site.

Sensitive biological communities include habitats that fulfill special functions or have special values, such as wetlands, streams, or riparian habitat. These habitats are protected under federal regulations such as the Clean Water Act; state regulations such as the Porter-Cologne Act, the California Fish and Game Code (CFGF), and CEQA; or local ordinances or policies such as city or county tree ordinances, Special Habitat Management Areas, and General Plan Elements.

Special-status species include those plants and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the Federal Endangered Species Act (ESA) or California Endangered Species Act (CESA). These acts afford protection to both listed species and those that are formal candidates for listing. In addition, CDFW Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, CDFW California Fully Protected species, USFWS Birds of Conservation Concern, and CDFW special-status invertebrates, are all considered special-status species. Although these aforementioned species generally have no special legal status, they are given special consideration under CEQA. Bat species are also evaluated for conservation status by the Western Bat Working Group (WBWG), a non-governmental entity; bats named as a “High Priority” or “Medium Priority” species for conservation by the WBWG are typically considered special-status and are considered under CEQA. Plant species on the California Native Plant Society (CNPS) Rare and Endangered Plant Inventory (Inventory) with California Rare Plant Ranks (Rank) of 1 through 4 are also considered special-status plant species and must be considered under the CEQA. A description of the CNPS Ranks is provided in the table below. In addition to regulations for special-status species, most birds in the United States, including non-special-status native species, are protected by the Migratory Bird Treaty Act of 1918 (MBTA) and the CFGF. Under these laws, destroying active bird nests, eggs, and/or young is illegal.

### Description of CNPS Ranks and Threat Codes

California Rare Plant Ranks (formerly known as CNPS Lists)	
Rank 1A	Presumed extirpated in California and either rare or extinct elsewhere
Rank 1B	Rare, threatened, or endangered in California and elsewhere

Rank 2A	Presumed extirpated in California, but more common elsewhere
Rank 2B	Rare, threatened, or endangered in California, but more common elsewhere
Rank 3	Plants about which more information is needed - A review list
Rank 4	Plants of limited distribution - A watch list
<b>Threat Ranks</b>	
0.1	Seriously threatened in California
0.2	Moderately threatened in California
0.3	Not very threatened in California

The project site is located within the Santa Rosa Plain, an ecoregion which supports habitat for many vernal pool-associated special-status species. The USFWS developed the Santa Rosa Plain Conservation Strategy (Conservation Strategy; USFWS et al. 2005) as a conservation plan for these species. The Santa Rosa Plain Conservation Strategy Area is an area established by the USFWS for the protection and continued existence of California tiger salamander (CTS, *Ambystoma californiense*) and three endangered plant species: Burke's goldfields (*Lasthenia burkei*), Sonoma sunshine (*Blennosperma bakeri*), and Sebastopol meadowfoam (*Limnanthes vinculans*). The Conservation Strategy (USFWS 2005) outlines the specific species of concern for this area along with guidance for specific conservation measures. In 2007 the Corps consulted with the USFWS on Section 404 permitting within the Conservation Strategy area which resulted in a Programmatic Biological Opinion (PBO). This 2007 PBO outlined the mitigation requirements resulting from impacts to wetlands and associated impacts to CTS and the three listed plants, and could be appended to permits authorized by the Corps. The 2007 PBO dictated the mitigation requirements for CTS and the three listed plant species. In 2017 the Corps of Engineers reinitiated consultation under Section 7 Endangered Species Act (ESA) to analyze the effects of the designation of critical habitat for CTS and listed plants in 2011 (i.e., critical habitat was designated after the 2007 PBO) and a new programmatic biological opinion was issued on June 11, 2020 (2020 PBO) that replaced the 2007 PBO.

As indicated, the project site is within designated critical habitat for CTS. Critical habitat is a term defined in the ESA as a specific geographic area that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection. The ESA requires federal agencies to consult with the USFWS to conserve listed species on their lands and to ensure that any activities or projects they fund, authorize, or carry out will not jeopardize the survival of a threatened or endangered species. In consultation for those species with critical habitat, federal agencies must also ensure that their activities or projects do not adversely modify critical habitat to the point that it will no longer aid in the species' recovery. In many cases, this level of protection is similar to that already provided to species by the ESA jeopardy standard. However, areas that are currently unoccupied by the species but which are needed for the species' recovery are protected by the prohibition against adverse modification of critical habitat. In cases where areas within critical habitat are determined not to meet the habitat needs of the designated species, those areas are exempted from critical habitat protection requirements.

A site visit was made to the Project Area to search for suitable habitat for special-status species. Habitat conditions observed at the Project Site were used to evaluate the potential for presence of special-status species based on these searches and the professional expertise of the investigating biologists. The potential for each special-status species to occur in the Project Area was then evaluated according to the following criteria:

- **No Potential:** Habitat on and adjacent to the site is clearly unsuitable for the species requirements (foraging, breeding, cover, substrate, elevation, hydrology, plant community, site history, disturbance regime).
- **Unlikely:** Few of the habitat components meeting the species requirements are present, and/or the majority of habitat on and adjacent to the site is unsuitable or of very poor quality. The species is not likely to be found on the site.
- **Moderate Potential:** Some of the habitat components meeting the species requirements are present, and/or only some of the habitat on or adjacent to the site is unsuitable. The species has a moderate probability of being found on the site.
- **High Potential:** All of the habitat components meeting the species requirements are present and/or most of the habitat on or adjacent to the site is highly suitable. The species has a high probability of being found on the site.
- **Present:** Species is observed on the site or has been recorded (i.e., CNDDDB, other reports) on the site recently.

A site assessment is intended to identify the presence or absence of suitable habitat for each special-status species known to occur in the vicinity in order to determine its potential to occur in the project site. The site visit does not constitute a protocol-level survey and is not intended to determine the actual presence or absence of special-status species; however, if a special-status species is observed during the site visit, its presence is recorded for discussion.

## Results

Observations of existing conditions made during the site visit on January 6, 2021 indicated that the site was subjected to past development and that annual maintenance has been continuing. The installed storm drain system on portions of the property was present and evidence of discing or plowing from last season was confirmed by observance of relatively loose soil and occasional furrows across the site. No burrows or crevices were observed.

The site was observed to support non-native annual grassland. Dominant plant species present included fragments of grasses and forbs, including wild oat (*Avena barbata*), common vetch (*Vicia sativa*), ripgut brome (*Bromus diandrus*), Italian ryegrass (*Festuca perennis*), wild radish (*Raphanus sativus*), and mustard (*Brassica nigra*). The ground was moist from recent rainfall in the days prior to the site visit, however, no areas were ponded or saturated to the extent to be considered wetlands. Therefore, no sensitive communities or habitats were found within the project site.

Based upon a review of the resources and database for the Santa Rosa, Healdsburg, Sebastopol, Two Rock, Cotati, Glen Ellen, Kenwood, Calistoga, and Mark West Springs 7.5-minute USGS quadrangles, approximately 89 special-status plant species have been documented from the vicinity of the project site; special-status plant species with documented occurrences from within approximately three miles of the site are shown on Figure 3. Of the special-status species known from the region, none were determined to have a moderate or high probability to occur within the project site due to one or more of the following factors:

- The species has a very limited range of endemism and has never been observed in the vicinity of the project site;
- Vegetation communities commonly associated with the special-status species (e.g., vernal pools, chaparral, marshes and swamps) are absent;

- Specific edaphic characteristics, such as soil derived from serpentine or volcanic, are absent;
- Specific hydrologic characteristics, such as perennial saline, are absent;
- Very unique pH characteristics, such as alkali scalds or acidic bogs and fens, are absent;
- The disturbance regime (i.e., previous and continued mowing or plowing) precludes the species from becoming established or persisting in the project site.

All listed plant species included in the Santa Rosa Plain Conservation strategy (Burke's goldfields, Sonoma sunshine, and Sebastopol meadowfoam) have no potential to occur within the project site due to a lack of vernal pool habitat, lack of suitable hydrology (i.e., extended ponding), and prior disturbance (i.e., mowing and plowing). Moreover, the Project Area is located in area assessed by the Santa Rosa Plain Programmatic Biological Opinion (USFWS 2007) and reconfirmed in the 2020 PBO as being already developed and development would have no effect on listed plants. Several other special-status plant species known to occur within three miles of the project (Figure 2) site are discussed below:

Bent-flowered fiddleneck (*Amsinckia lunaris*). Rank 1B. Blooms March through June and often found on serpentine substrate in cismontane woodland, coastal bluff, scrub, and valley and foothill grassland. This plant was determined to have no potential for presence because of its close association with scrub and woodland habitats on serpentine soils which are not present.

White sedge (*Carex albida*). Federal endangered, State endangered, Rank 1B. Blooms May through July, however a wetland obligate plant that grows only in freshwater marshes, bogs, and fens. No wetland habitat being present precludes this plant from being present.

Fragrant fritillary (*Fritillaria liliacea*). Rank 1B. Blooms from February through April and is found in cismontane woodland, coastal prairie, coastal scrub, and valley and foothill grassland habitats in soil often derived from serpentine or basalt, neither of which are part of the soils on site. Additionally, this plant does not tolerate disturbance from mowing and plowing which further precludes its possibility for presence.

Hayfield tarplant (*Hemizonia congesta* ssp. *congesta*). Rank 1B. Blooms from April to October and is found in coastal scrub, and valley and foothill grasslands. This plant is sometimes found in fallow fields which would make it a candidate for potential presence in the project site. This plant often persists and continues to grow after fire control mowing or disking occurs. Because no such presence of this plant was observed during the survey it is not considered to be present.

Jepson's leptosiphon (*Leptosiphon jepsonii*). Rank 1B. Blooms in April and May and grows in chaparral, cismontane woodland, and grassy slopes often on the periphery of volcanic or serpentine substrate. Because these habitat types and soils are not present, this plant is likely precluded from presence.

Pitkin marsh lily (*Lilium pardalinum* ssp. *pitkinense*). Federal endangered, State endangered, Rank 1B. Blooms in June and July and usually associated with wetland seeps, marshes, and swamps in mesic/saturated sandy soils. Therefore, this plant has no potential for presence.

Marsh microseris (*Microseris paludosa*). Rank 1B. Blooms from April to June and grows in closed-cone coniferous forest, cismontane woodland, coastal scrub, and valley and foothill grassland. This plant has a potential for being present because of the grassland habitat in the project site. However, there are no reported occurrences of this plant within four miles of the site and it is not likely to be present.

Showy Indian clover (*Trifolium amoenum*). Federal endangered and Rank 1B. Blooms April to June in valley and foothill grassland, coastal bluff scrub, and is usually associated with wetlands and often on serpentine substrates. This plant is generally regarded as occurring only in Marin County at present. Therefore, this plant has no potential for presence.

Saline clover (*Trifolium hydrophilum*). Rank 1B. Blooms from April to June and grows in marshes, swamps, and vernal pools of valley and foothill grasslands. With no wetlands present, this plant has no potential for presence.

Four special-status wildlife species in the area include vertebrates and invertebrates associated with wetlands and streams, none of which are present in the project site. Therefore, the four species, listed below, would not be expected to be present.

Pacific pond turtle (*Emys marmorata*). State species of special concern. This reptile requires perennial ponds, lakes, rivers, and streams for its habitat. Because there is no aquatic habitat on or near the project site, this turtle is considered not present.

California tiger salamander (*Ambystoma californiense*). Federal endangered, State endangered, State species of special concern. California tiger salamander (CTS) is closely associated with areas that pond water long enough during the winter and spring in which it breeds. Young and adults leave the breeding ponds as they become dry and move into adjacent upland areas and find premade burrows or crevices deep and moist enough to estivate during dry summer months. Once winter rains return, CTS emerge from beneath ground and migrate back to breeding ponds. While CTS was historically present in portions of the Northpoint Corporate Center, this amphibian is no longer considered present due to several factors including:

- Past disturbance resulting from development of the area, including parcels that have not yet had building constructed on them;
- Existing developed parcels surrounding the project site that block any CTS from migrating to or from the site;
- No breeding ponds that would allow sustaining a population of CTS
- Continuing maintenance of the project site by mowing and discing;
- No burrows or crevices observed for estivation

Historically, CTS breeding ponds were present in the area, and aerial photography shows that breeding ponds still exist to the north, west, and south of the project site (Figure 3). However, existing development surrounding the project site acts as a barrier to migration such that CTS cannot migrate to the project site. Aerial photography also shows that surrounding development has been present for at least 13 years and if any CTS were present in the project site they would not be able to migrate to breeding ponds and, therefore, individuals or a population of CTS could not be sustained. Therefore, it is concluded that no CTS are present.

The fact that CTS are not present in the project site was determined by the USFWS and California Department of Fish and Wildlife (CDFW) when developing the Santa Rosa Plain Conservation Strategy, the Santa Rosa Plain 2007 Programmatic Biological Opinion, and reconfirmed in the 2020 PBO. Maps prepared indicated that the project site and area surrounding it was already developed and that any development would have no effect to CTS (or listed plants). Enclosure 1 Map (Figure 4) from 2007 PBO shows the project site lies within and is surrounded by the area (shown in gray color) designated as "No effect" for CTS. Figure 3 Map (Figure 5) shows the project site is within and surrounded by the area (shown in gray color) designated as "Already developed (no potential for impact)" for CTS (or listed plants). Figure 1 of the recent 2020 PBO continues to show the developed condition of the project site and surrounding corporate business park. Therefore, it is clear that the agencies responsible for oversight protection of CTS (and listed plants) on the Santa Rosa Plain have determined

that development of the project lies within an area that will not affect CTS (or listed plants) and will require no permits or mitigation for impacts caused by development.

Vernal pool andrenid bee (*Andrena blennospermatis*). This bee is ground nesting and requires vernal pools with the host plant *Blennosperma*. Because there are no vernal pools in the project site or adjacent areas and no *Blennosperma* species, there is no possibility for this bee to be present.

California fairy shrimp (*Lindieriella occidentalis*). This fairy shrimp requires aquatic habitat, such as vernal pools. Because there is no suitable habitat for this species, there is no possibility for it to be present.

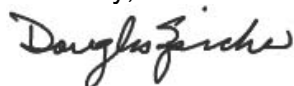
Many common bird species are protected by the Migratory Bird Treaty Act. This act protects the birds themselves and also their active nests. Therefore, prior to breaking ground to construct the project between the months of February and August, which is the bird breeding season, it is recommended that a biologist conduct a survey of the site no sooner than 14 days of any construction activity, including vegetation removal and ground clearing, to determine if active nests that would be adversely affected are present. If no active nests are found the construction may begin and continue. If there is a lag in construction activity for more than two weeks during the breeding bird season, the survey should be conducted again in case any birds formed active nests in the interim. If an active nest is found, the biologist should determine an appropriate buffer distance around the nest within which no construction activity may occur. Once the young have fledged the nest or the nest otherwise becomes inactive (e.g., due to predation), work may continue within the buffer area. If vegetation clearing and/or construction activities begin in the period September through January, no surveys for nesting birds will be needed since this time period is not within the breeding season.

In summary,

- there are no sensitive habitat areas within the project site that will be adversely affected by development
- no special-status plant species have a moderate or high potential for presence and no further action is necessary
- no special-status wildlife species are expected to be adversely affected by development of the project site
- if construction or ground disturbance activities begin in the period between February and August (breeding bird season) of any year, a survey should be conducted by a biologist to determine if active nests are present and implement measures to protect nests, however, if such activities begin in the period between September and January no survey is needed

This concludes the assessment of biological resources on the project site for The Cube Building at 1255 Apollo Way, Santa Rosa, CA. If you have questions or if additional information is needed, please contact Douglas Spicher at 415-238-5673 or [spicher@wra-ca.com](mailto:spicher@wra-ca.com).

Sincerely,



Douglas Spicher, Principal



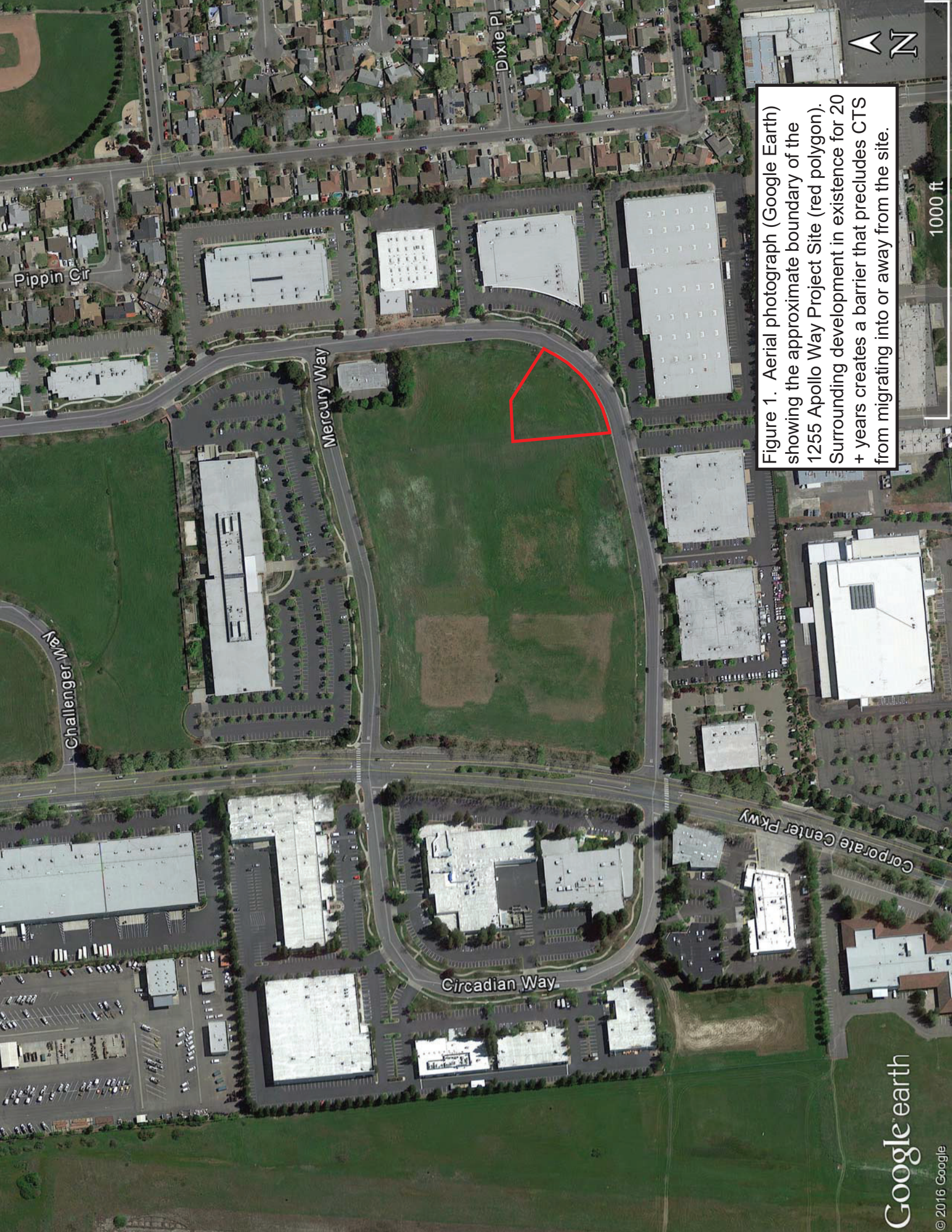
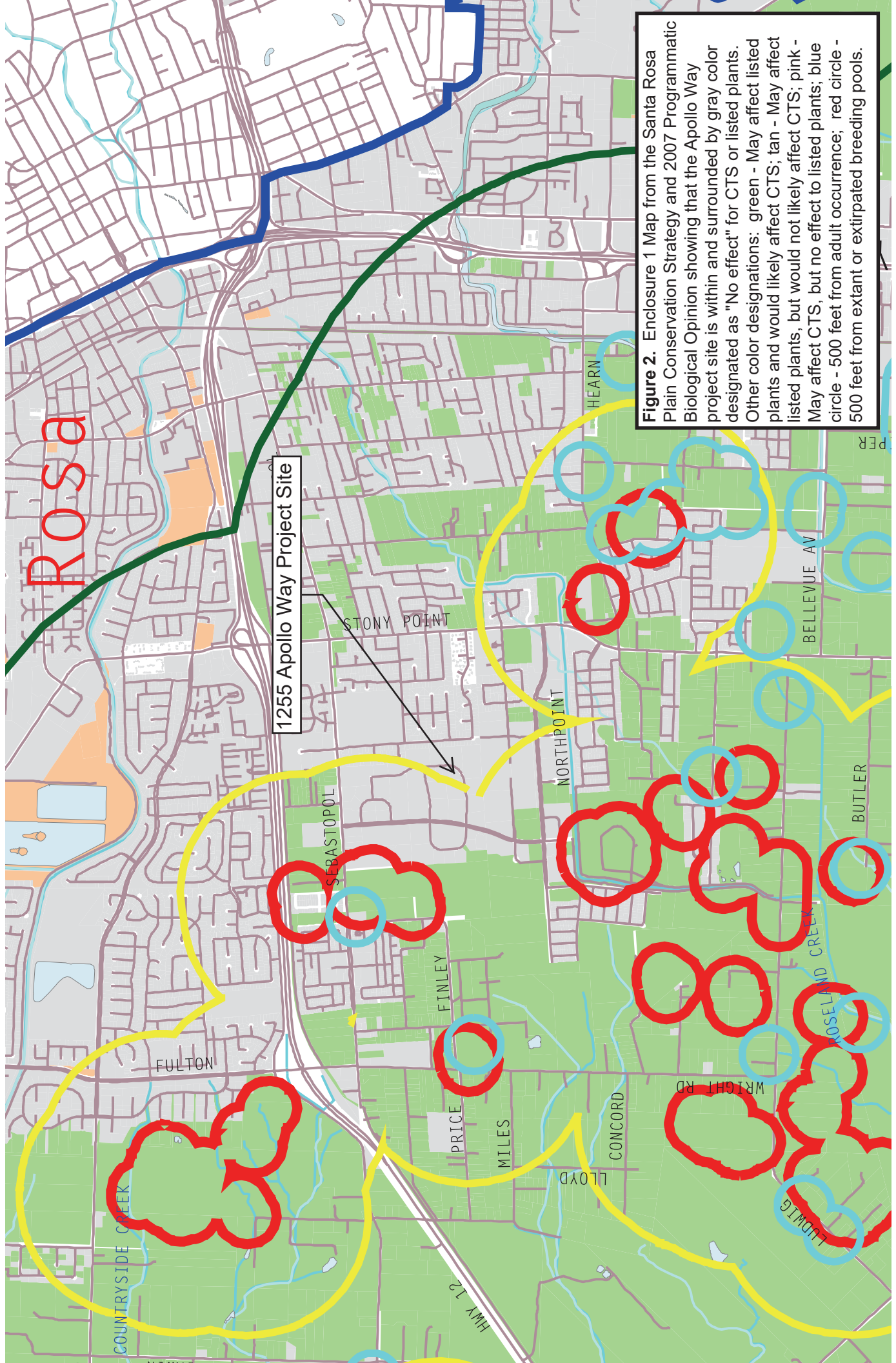
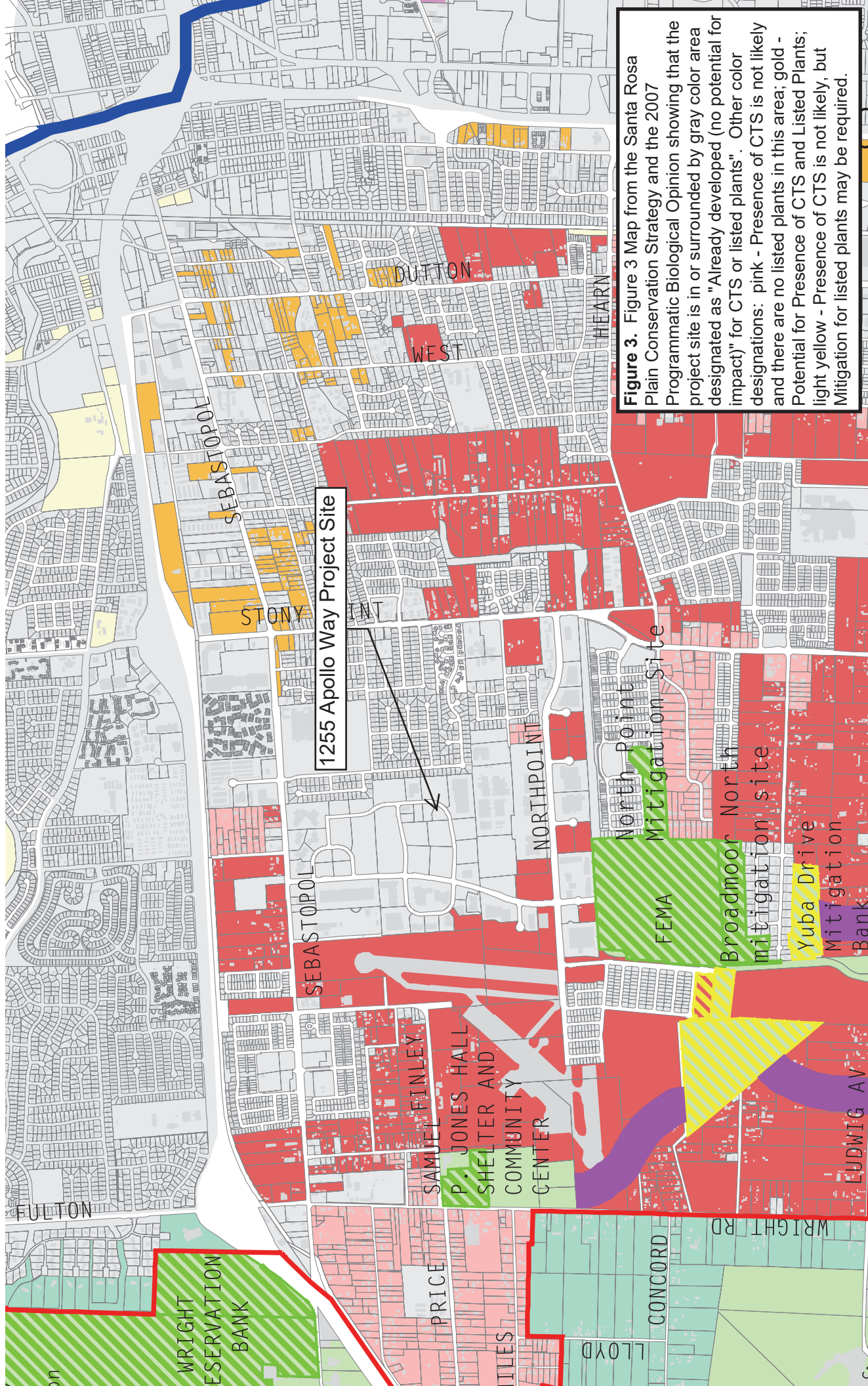


Figure 1. Aerial photograph (Google Earth) showing the approximate boundary of the 1255 Apollo Way Project Site (red polygon). Surrounding development in existence for 20 + years creates a barrier that precludes CTS from migrating into or away from the site.





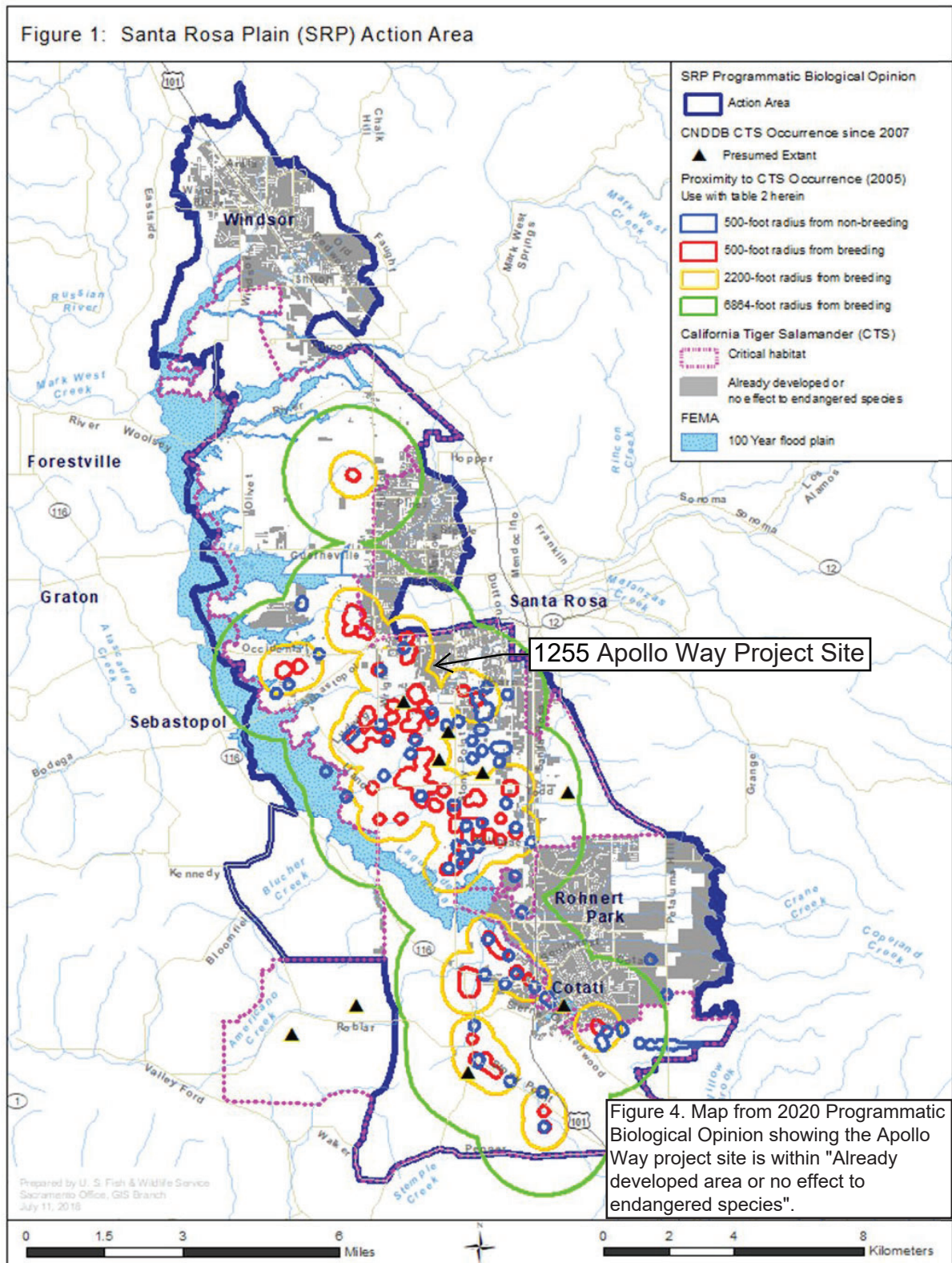
**Figure 2.** Enclosure 1 Map from the Santa Rosa Plain Conservation Strategy and 2007 Programmatic Biological Opinion showing that the Apollo Way project site is within and surrounded by gray color designated as "No effect" for CTS or listed plants. Other color designations: green - May affect listed plants and would likely affect CTS; tan - May affect listed plants, but would not likely affect CTS; pink - May affect CTS, but no effect to listed plants; blue circle - 500 feet from extant or extirpated breeding pools.



**Figure 3.** Figure 3 Map from the Santa Rosa Plain Conservation Strategy and the 2007 Programmatic Biological Opinion showing that the project site is in or surrounded by gray color area designated as "Already developed (no potential for impact)" for CTS or listed plants". Other color designations: pink - Presence of CTS is not likely and there are no listed plants in this area; gold - Potential for Presence of CTS and Listed Plants; light yellow - Presence of CTS is not likely, but Mitigation for listed plants may be required.



biological opinion, the *Action Area* includes an area of 66,899 acres on the Santa Rosa Plain as shown in Figure 1.



Wayne Bossier

From: Ivester, David M. [dmivester@stoel.com]  
Sent: Friday, August 08, 2003 2:41 PM  
To: lstromberg@sbcglobal.net; jim@ellispartners.com; Wayne Bossier  
Subject: Ellis Partners - Santa Rosa Corporate Center

Gentlemen:

This is good news. While the Service's message is inartfully drafted, it does confirm that the Service agrees with us that development of the pertinent lots ~~would not affect the California tiger salamander and thus no further action is required under the Endangered Species Act~~.

I say the message is inartful because, at one point, it says that development of the lots will not result in the "take" of listed salamanders. That conclusion, of course, is good news, but our request was that the Service confirm that such development would have "no effect" on the salamanders. The distinction is important if a Corps (or other federal agency) permit is needed, in which case the Corps must decide whether to consult with the Service; the Corps bases this decision on whether the development "may affect" the salamanders. Notwithstanding such semantic fine points, the Service's message ultimately makes plain, I think, its belief that development of the lots would have "no effect," since in response to our specific request on that point, the Service confirmed that no further action is required under the Act.

I recommend that you print a copy of the Service's message and file it where it can be retrieved as needed.

David Ivester  
Stoel Rives LLP  
111 Sutter Street, Suite 700  
San Francisco, California 94104  
415-617-8900 (Office Phone)  
415-617-8904 (Direct Dial)  
415-676-3000 (Office Fax)

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-----Original Message-----

From: lstromberg@sbcglobal.net [mailto:lstromberg@sbcglobal.net]\*  
Sent: Friday, August 08, 2003 12:56 PM  
To: Ivester, David M.; jim@ellispartners.com; wbossier@simons-brecht.com  
Subject: Fw: Santa Rosa Corporate Center

Gentlemen -- the Fish and Wildlife service has reviewed the letter for a no-effects determination and has decided that development of all but Lot 14 would have no effect on the California tiger salamander. As Jim Browning has indicated in the email message, this is it. Nothing will come by way of written correspondence.



Larry

Laurence P. Stromberg, Ph.D.  
Wetlands Consultant  
59 Jewell Street  
San Rafael, CA 94901  
415-721-0700

----- Original Message -----

From: <lstromberg@sbcglobal.net>  
To: "David Ivester" <dmivester@stoel.com>  
Sent: Friday, August 01, 2003 7:16 AM  
Subject: Fw: Santa Rosa Corporate Center

> Dave -- I just got back from LA and am going quickly through the email  
> messages I recieved while gone. I'll talk to you about this later.

>

> Larry

>

> Laurence P. Stromberg, Ph.D.

> Wetlands Consultant

> 59 Jewell Street

> San Rafael, CA 94901

> 415-721-0700

> ----- Original Message -----

> From: <James\_Browning@fws.gov>

> To: <CRegalia@ci.santa-rosa.ca.us>

> Cc: <Daniel\_Buford@fws.gov>; <LDAVIS@dfg.ca.gov>;

> <lstromberg@sbcglobal.net>

> Sent: Thursday, July 31, 2003 8:25 AM

> Subject: Santa Rosa Corporate Center

>

>

>> We received information with respect to the proposal for development on  
> the

>> properties identified as Lots 1, 3, 4, 5, 6, and 7 and Campus Sites A,  
B1,

>> and B2 of the Santa Rosa Corporate Center in Santa Rosa, Sonoma County,

>> California (Service file no. 1-1-03-TA-1961). The Service has reviewed

>> information provided in a letter from Mr. Larry Stromberg dated May 2,

>> 2003, and other information in our office files. Upon review of all

>> available information, the Service concludes that proposed development

on  
>> these properties will not result in "take" of the endangered Sonoma  
County

>> Distinct Population Segment of the California tiger salamander  
(Ambystoma

>> californiense). We base this determination on the relative isolation of

>> the properties by surrounding development and Mr. Stromberg's statements

>> that suitable breeding habitat for California tiger salamanders does not

>> exist on any of these properties. We confine this determination to these

>> properties which may not apply to other sites, including Lot 14 as

>> identified on Figure 3 in Mr. Stromberg's letter, in the area.

Therefore,

>> unless new information reveals effects of the proposed project that may

>> affect a listed species in a manner or to an extent not considered, or a

>> new species is listed or critical habitat is designated that may be

>> affected by the proposed action, no further action pursuant to the

>> Endangered Species Act of 1973, as amended, is necessary. If you have any

>> further questions, you can contact me at the number below.

>>

>> We only have time to provide a very informal response to many of the

>> requests we receive. We will not follow up this email with any formal

>> correspondence.

>>

>>

>> Jim Browning

>> U.S. Fish and Wildlife Service

>> 916 414-6649 voice

>> 916 414-6713 fax

>> 2800 Cottage Way, Suite W-2605

>> Sacramento, CA 95825, USA

>> james\_a\_browning@fws.gov

>>

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