



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
 2825 Cordelia Road, Suite 100
 Fairfield, CA 94534
 (707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



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Governor's Office of Planning & Research

MAY 02 2019

STATE CLEARINGHOUSE

May 2, 2019

Mr. Jon-Paul Harries
 Senior Planner
 City of Cotati
 201 West Sierra Avenue
 Cotati, CA 94931

Dear Mr. Harries:

Subject: Cotati Hotel and Market Hall, Mitigated Negative Declaration, SCH #2019049028, City of Cotati, Sonoma County

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Cotati for the Cotati Hotel and Market Hall Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. [Fish and Game Code, §§ 711.7, subd. (a) and 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

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PROJECT DESCRIPTION SUMMARY

Proponent: City of Cotati

Objective: The objective of the Project is to develop a 20,050-square foot hotel building and 5,650-square foot market hall in the City of Cotati. The new development will replace the current park and ride lot, a vacant paved area where commercial structures have been removed previously, and 0.11 acres of linear seasonal wetlands. Primary Project activities include construction of the hotel building, the market hall building and the associated parking lot, requiring vegetation removal, grading and paving of the Project site. The Project also includes road improvements to Old Redwood Highway, and St. Joseph Way, such as curb, gutter, and sidewalk improvements and road restriping.

Location: The four-acre site is located within the City of Cotati, in Sonoma County at the southeastern corner of the Highway 101 and State Route 116 interchange in central Cotati, GPS coordinates: Latitude 38° 19' 49" N, Longitude 122° 42' 40" W.

Timeframe: Not indicated.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Cotati in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with the implementation of mitigation measures, including those CDFW recommends in this letter, CDFW concludes that an MND is appropriate for the Project.

Comment 1: CDFW is concerned over potential impacts to the California Tiger Salamander (*Ambystoma californiense*).

Consistent with CEQA Guidelines, Section 15380, the status of the California tiger salamander (CTS) as a threatened and endangered species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and CESA (Fish and Game Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

CTS is endemic to central California, with isolated populations in Sonoma and Santa Barbara counties (Bolster 2010, U.S. Fish and Wildlife Service (USFWS) 2014). CTS relies on seasonal wetlands or freshwater ponds for successful reproduction and adjacent or accessible terrestrial habitat for migration and aestivation, making the quality of both aquatic and terrestrial habitat essential for CTS survival (Bolster 2010). Typical upland habitats contain underground refugia, such as mammal burrows, that CTS depend upon for food, shelter, and protection (70 FR 49380; Laredo et al. 1996).

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The document states that due to the urban disturbances, the presence of California Tiger Salamander is *highly unlikely* at the project site and surrounding areas. However, in a review of the California Natural Diversity Database (CNDDDB) there are two listed occurrences within a quarter mile of the Project site, which is well within typical dispersal distances of CTS. Occurrence number 731 states that several CTS adults were found under debris and boards after fall rains in 2000.

Based on the occurrence data and the presence of seasonal wetlands on the Project site, CDFW believes that suitable habitat does exist on the Project site, and that the Project has the potential for take of the species, and loss of breeding and dispersal habitat, and that these impacts could be *potentially significant*.

Based on the occurrence data, the MND should determine and quantify what the impacts are to CTS, and then present biological measures, such as take avoidance and minimization measures, and mitigation for any impacts to potential breeding and/or upland habitat, to conclude that the impacts have been mitigated to less-than-significant levels. This should include any impacts to hydrology on-site and breeding ponds. In addition, because CTS is a federally-listed species, we recommend contacting USFWS regarding impacts to this species. If the impacted wetlands are suitable CTS breeding habitat, protocol level surveys may be needed to prove absence.

Please be advised that a CESA Permit must be obtained from CDFW if the Project cannot avoid take of species of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee

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is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City of Cotati in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Melanie Day, Senior Environmental Scientist (Specialist), at (707) 428-2092 or melanie.day@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at (707) 428-2090.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento

REFERENCES

- Bolster, B. C. 2010. A status review of the California tiger salamander (*Ambystoma californiense*). A Report to the Fish and Game Commission, Nongame Wildlife Program Report 2010-4, California Department of Fish and Game, Sacramento, CA, USA.
- Laredo, I., D. Van Vuren, and M. L. Morrison. 1996. Habitat use and migration behavior of the California tiger salamander. *Journal of Herpetology* 30:282–285.