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May 29, 2019

Governor's Office of Planning & Research

May 31, 2019

STATE CLEARINGHOUSE

Ms. Cecily Condon, Planner III  
County of Sonoma  
Permit and Resource Management Department  
2550 Ventura Avenue  
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Subject: Airport Area Specific Plan, Notice of Preparation of a Draft Programmatic Environmental Impact Report, SCH #2019059031, Sonoma County

Dear Ms. Condon:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Programmatic Environmental Impact Report (PEIR) for the Airport Area Specific Plan (Project) located within Sonoma County. Our office received the NOP on May 13, 2019.

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife resources [Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW is also considered a Responsible Agency if the Project would require discretionary approval pursuant to the California Endangered Species Act (CESA), the Native Plant Protection Act, or Fish and Game Code section 1600 et. seq. Lake and Streambed Alteration (LSA), or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. CDFW offers the following guidance as to the scope and content of the environmental information to be included in the EIR, which may include detail about significant environmental issues, reasonable alternatives, and mitigation measures (CEQA Guidelines, §§ 15082 and 15375).

### PROJECT DESCRIPTION

The Project would guide the development of an 810-acre area including a comprehensive set of goals, objectives, policies, and implementation measures including an infrastructure funding plan. The Project is centered at approximately 38.511314 degrees latitude and -122.790217 degrees longitude and bordered by Airport Creek and the Town of Windsor to the north, Highway 101 to the east, Mark West Creek to the south, and North Laughlin Road and Sonoma County Airport to the west. The Project area includes undeveloped lands and industrial, retail, and residential uses.

The PEIR should incorporate a complete Project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's impact to biological resources (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the below Project components.

- Footprint area of permanent features and temporarily impacted areas, such as staging areas and access routes

- Plans for any proposed buildings or structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems
- Operational features, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features
- Construction schedule, activities, equipment types and crew sizes

Additionally, the PEIR should specify if CDFW is anticipated to be a Responsible Agency that is expected to use the PEIR in its decision making for the Project [CEQA Guidelines, § 15124, subd. (d)(1)(A)].

### **PROGRAM EIR AND TIERING**

CDFW recognizes that there are several advantages to a PEIR. For example, subsequent Project activities within the scope of the PEIR would not require preparation of an additional environmental document. CDFW is pleased to provide guidance to the County in support of the preparation of a PEIR that, pursuant to CEQA Guidelines section 15168, *deals with the effects of the program as specifically and comprehensively as possible.*

The PEIR should articulate the following structures to ensure that the Lead Agency, responsible agencies, and other agencies using the PEIR in their decision making are informed of the PEIR's intended uses and properly comply with CEQA.

Establishing a procedure in the PEIR for determining if each subsequent Project activity is within the scope of the PEIR, or requires an additional environmental document, will be critical to ensuring adequate analysis of impacts on biological resources. CEQA Guidelines section 15168 states: *[w]here the subsequent activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.* Each Lead Agency should use a checklist appended to the PEIR.

The checklist must be accompanied by enough relevant information and reasonable inferences based on this information to support each conclusion concerning biological resources. For subsequent Project activities that may affect sensitive biological resources, the Lead Agency will prepare a site-specific analysis, from which the supporting information would be derived (see additional guidance regarding site-specific analyses below). The checklist will cite the specific portions of the PEIR, including page and section references, containing the analysis of the subsequent Project activities' impacts and significant impacts and indicate whether it incorporates all applicable PEIR mitigation measures. Based on the scale and scope of the Project, CDFW recommends that site-specific environmental documents be prepared and tiered from the PEIR for certain subsequent Project activities (CEQA Guidelines, §§15152 and 15162).

Such a procedure and checklist, which could be used as a model, was recently developed for infill projects and can be found in CEQA Guidelines §15183.3, which includes the requirement for the Lead Agency to file a Notice of Determination for each subsequent Project activity.

## ENVIRONMENTAL SETTING

The Project is located in undeveloped grasslands, wetlands, streams (i.e., creeks), and currently developed areas including but not limited to building structures, paved parking lots, and roads. Airport Creek is located along the northern border of the Project area, Redwood Creek runs through the Project area, and Mark West Creek comprises the southern border of the Project area.

The PEIR should provide sufficient information regarding the environmental setting necessary to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 and 15360).

### *Regional Conservation Plan*

The Project is located within the Santa Rosa Plain Conservation Strategy (Conservation Strategy) plan area. The purpose of the Conservation Strategy is to create a long-term conservation program to mitigate potential adverse effects on threatened and endangered (listed) species due to future development on the Santa Rosa Plain. The Conservation Strategy is intended to contribute to the recovery of the listed Sonoma County distinct population segment of the California tiger salamander (CTS, *Ambystoma californiense*), Burke's goldfield (*Lasthenia burkei*), Sonoma sunshine (*Blennospermma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*) and the many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*), and to the conservation of their habitat. The Conservation Strategy and background information are available online at: <https://www.fws.gov/sacramento/es/Recovery-Planning/Santa-Rosa/> and <https://www.fws.gov/sacramento/es/Recovery-Planning/Santa-Rosa/santa-rosa-strategy.php>.

The PEIR should outline Project consistency with the Conservation Strategy and may utilize it to facilitate identification of Project impacts and mitigation for listed species. Please be advised that CDFW requirements under CESA may differ because: 1) CDFW is required to ensure that impacts on listed species are "fully mitigated", and 2) the Conservation Strategy was prepared before CTS was state listed and therefore all related considerations were not addressed.

### *Special-Status Species*

CDFW recommends that the PEIR provide baseline habitat assessments for special-status fish, wildlife, and plant species potentially affected by the Project including but not limited to species with the below designations.

- Threatened, endangered, rare, candidate, or fully protected under state law
- Threatened or endangered under federal law
- California Rare Plant Rank (CRPR) 1 through 4 (<http://www.cnps.org/cnps/rareplants/ranking.php>)
- California Species of Special Concern (<https://www.wildlife.ca.gov/Conservation/SSC/>)
- Local or regional rare plants or animals identified in a local or regional plan or policy
- Rare, threatened, or endangered pursuant to CEQA Guidelines section 15380

Special-status species documented to occur, or with the potential to occur, on or near the Project area include, *but are not limited to*, those listed in the table below.

Species	California Endangered Species Act	Federal Endangered Species Act	Other Special-Status
<b>Wildlife</b>			
Steelhead <i>Oncorhynchus mykiss irideus</i>		Threatened	
Coho salmon <i>Oncorhynchus kisutch</i>	Endangered		
Western pond turtle <i>Emys marmorata</i>			SSC <sup>1</sup>
California tiger salamander <i>Ambystoma californiense</i>	Threatened	Endangered (Sonoma County DPS <sup>2</sup> )	
Foothill yellow-legged frog <i>Rana boylei</i>	Candidate		
Red-bellied newt <i>Taricha rivularis</i>			SSC
Burrowing owl <i>Athene cunicularia</i>			SSC
Pallid bat <i>Antrozous pallidus</i>			SSC
<b>Plants</b>			
Burke's goldfields <i>Lasthenia burkei</i>	Endangered	Endangered	
Sebastopol meadowfoam <i>Limnanthes vinculans</i>	Endangered	Endangered	
Sonoma sunshine <i>Blennospermma bakeri</i>	Endangered	Endangered	
Many-flowered navarretia ( <i>Navarretia leucocephala</i> ssp. <i>plieantha</i> )	Endangered	Endangered	
Baker's navarretia <i>Navarretia leucocephala</i> ssp. <i>bakeri</i>			CRPR 1B.1 <sup>3</sup>
Congested-headed hayfield tarplant <i>Hemizonia congesta</i> ssp. <i>congesta</i>			CRPR 1B.2
Narrow-anthered brodiaea <i>Brodiaea leptandra</i>			CRPR 1B.2
Dwarf downingia <i>Downingia pusilla</i>			CRPR 2B.2

<sup>1</sup> SSC: California Species of Special Concern

<sup>2</sup> DPS: Distinct Population Segment

<sup>3</sup> CRPR: California Rare Plant Rank:

- 1B.1: rare, threatened, or endangered in California, seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 1B.2: rare, threatened, or endangered in California, moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 2B.2: rare, threatened, or endangered in California, but more common elsewhere, moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)

After identifying the species that may be impacted, the PEIR should outline survey methodology for each species. Surveys should be conducted for special-status species with the potential to be affected by the Project following recommended survey protocols, if available. Survey and monitoring protocols and guidelines are available at:

<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>. Botanical surveys for special-status plant species must be conducted during the appropriate blooming period, may be necessary for more than one year depending on conditions, and require the identification of reference populations, among other requirements. Please be advised that the Conservation Strategy Appendix D Plant Survey Protocol requires a minimum of two years of surveys during appropriate conditions to document absence.

Habitat assessments and species baseline information should include information from multiple sources; for example, recent and historical aerial imagery and survey data, field reconnaissance surveys, scientific literature and reports, and findings from databases such as California Natural Diversity Database (CNDDDB). The CNDDDB is a "positive occurrence" database containing records of species and natural communities that have been observed and documented. Absence of data in such sources does not indicate that the species is absent from the Project area or vicinity. Based on the data and information from the habitat assessment and surveys, the PEIR can adequately assess which special-status species are likely to occur in the Project area or vicinity.

#### *Aquatic Resources*

Aquatic resources, including Airport, Redwood, and Mark West creeks, and any tributaries (including roadside, agricultural, or other ditches) and associated riparian habitat, should be described (e.g., hydrologic functions, morphological characteristics, vegetation composition, canopy cover, substrate, flow patterns).

Based on recent aerial imagery, it appears that wetlands may occur in or near the Project area. Where wetlands conditions may exist, wetland delineations should be conducted to determine wetlands boundaries. CDFW considers areas meeting *one* of the three wetland indicators (wetland hydrology, hydric soils, hydrophytic vegetation) to be wetlands. Fill of streams and wetlands would conflict with Fish and Game Commission Policy regarding wetland resources (including streams and other water bodies), which "strongly discourages development in or conversion of wetlands" and indicates that any net-loss of wetlands is considered "damaging to fish and wildlife resources."<sup>1</sup> The loss of riparian and stream habitat would also conflict with the California Wetlands Policy,<sup>2</sup> which established a specific goal of "no net-loss of wetlands." Therefore, the loss of wetlands, streams and riparian habitat should be considered significant with implementation of the proposed project.

#### *Sensitive Natural Communities*

Based on Sonoma County Vegetation Mapping and recent aerial imagery, the natural communities listed below occur in the Project area:

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<sup>1</sup> "Wetland Resources" Policy, as amended August 18, 2005. Fish and Game Code, 2012.

<sup>2</sup> Issued by Governor Pete Wilson on August 23, 1993.

- Western North American Freshwater Marsh
- Southwestern North American Riparian/Wash Scrub
- Southwestern North American Riparian Evergreen and Deciduous Woodland
- Vancouverian Riparian Deciduous Forest
- Valley oak (*Quercus lobata*)

The above natural communities may include sensitive natural communities, which are listed on CDFW's *Natural Communities List Arranged Alphabetically by Life Form, Sept. 2010*, available online at <https://www.wildlife.ca.gov/Data/VegCAMP/Natural-Communities/List>. Any such communities occurring on or near the Project site should be identified, potential impacts discussed, and mitigation proposed.

### **IMPACT ANALYSIS AND MITIGATION MEASURES**

The CEQA Guidelines section 15126.2 requires that the PEIR discuss all direct and indirect impacts that may occur with Project implementation. CDFW considers temporary impacts to be less than one year in duration with the site restored by October 15. This includes evaluating and describing potential impacts such as those listed below.

- "Take" of, and other impacts to, special-status species. For example:
  - Injury or mortality to individuals, or loss or modification of breeding, sheltering, dispersal, and foraging habitat including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g. burrows, snags, roosts, overhanging banks)
  - Permanent and temporary direct habitat impacts from ground disturbance (quantified), and indirect habitat impacts from noise, lighting, reflection, alteration of hydrology, isolating habitat and edge effects, air pollution, and traffic or human presence
- Physical barrier impacts to species movement
- Degradation or loss of sensitive natural communities and aquatic resources

#### *Thresholds of Significance*

CEQA applies to potentially significant project-related environmental impacts, including cumulative impacts. Therefore, a clearly defined threshold by which the significance of impacts is measured is necessary. Appendix G of the CEQA Guidelines identifies significance thresholds for biological resources impacts, including Mandatory Findings of Significance if the Project has the potential to substantially reduce the population or restrict the range of rare, threatened, or endangered species, among other impacts (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). CDFW considers these thresholds to be generally sufficiently comprehensive for biological resources.

#### *Cumulative Impacts*

The PEIR also should identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant

cumulative impact, for example a reduction of available habitat for a special-status species, should be considered cumulatively considerable.

#### *Mitigation Measures*

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines sections 15021, 15063, 15071, 15126.2, 15126.4, and 15370 direct the Lead Agency to consider and describe all feasible mitigation measures to avoid potentially significant impacts identified in the PEIR. The PEIR should discuss take and impact avoidance and minimization measures for special-status species. CDFW, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service may provide technical assistance on mitigation measure development, as resources are available. Mitigation measures must be incorporated as enforceable project conditions to reduce potential impacts to biological resources to less-than-significant levels or minimize significant impacts as feasible.

Potentially significant impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes findings and supports a Statement of Overriding Consideration (SOC). The Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with CESA or other provisions of the Fish and Game Code.

#### **CDFW JURISDICTION**

##### *California Endangered Species Act and Native Plant Protection Act*

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project would result in "take" of wildlife or plants listed under CESA or the Native Plant Protection Act, including candidate species, either during construction or over the life of the Project. Issuance of an ITP is subject to CEQA review and documentation. The CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project may impact CESA listed species, early consultation is encouraged, because significant modification to the Project and mitigation measures may be required for an ITP.

##### *Lake and Streambed Alteration*

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

#### **FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). 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.

Cecily Condon, Planner III  
May 29, 2019  
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If you have any questions, please contact Ms. Melanie Day, Senior Environmental Scientist (Specialist), at (707) 428-2092 or [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov); or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at [Karen.Weiss@wildlife.ca.gov](mailto:Karen.Weiss@wildlife.ca.gov).

Sincerely,



Gregg Erickson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse # 2019059031

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