4.3 BIOLOGICAL RESOURCES

This chapter describes existing biological resources in the project site and its surroundings and evaluates the potential biological resources impacts that could result from implementation of the proposed project. A summary of the relevant regulatory setting and existing conditions is followed by a discussion of the proposed and cumulative impacts.

The analysis in this chapter is based on a Biological Resource Assessment (BRA) that was prepared on May 25, 2017 by Environmental Collaborative. The BRA is included in Appendix C of this Draft EIR.

4.3.1 ENVIRONMENTAL SETTING

4.3.1.1 REGULATORY FRAMEWORK

Federal Regulations

Federal Endangered Species Act (FESA)

The United States Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) are responsible for implementation of the Federal Endangered Species Act (FESA) (16 United States Code Section 1531 et seq.). The act protects fish and wildlife species that are listed as threatened or endangered, and their habitats. “Endangered” species, subspecies, or distinct population segments are those that are in danger of extinction through all or a significant portion of their range, and “threatened” species, subspecies, or distinct population segments are likely to become endangered in the near future.

Section 9 of the FESA prohibits the “take” of any fish or wildlife species listed as endangered, including the destruction of habitat that prevents the species’ recovery. “Take” is defined as an action or attempt to hunt, harm, harass, pursue, shoot, wound, capture, kill, trap, or collect a species. Section 9 prohibitions also apply to threatened species unless a special rule has been defined with regard to take at the time of listing.

Under Section 9 of the FESA, the take prohibition applies only to wildlife and fish species. However, Section 9 does prohibit the unlawful removal and reduction to possession, or malicious damage or destruction, of any endangered plant from federal land. Section 9 prohibits acts to remove, cut, dig up, damage, or destroy an endangered plant species in nonfederal areas in knowing violation of any State law or in the course of criminal trespass. Candidate species and species that are proposed or under petition for listing receive no protection under FESA Section 9.

Migratory Bird Treaty Act

The USFWS is also responsible for implementing the Migratory Bird Treaty Act (MBTA). The MBTA implements a series of treaties between the United States, Mexico, and Canada that provide for the international protection of migratory birds. Wording in the MBTA makes it clear that most actions that result in taking or possession (permanent or temporary) of a protected species can be a violation of the Act. The word “take” is defined as meaning “pursue, hunt, shoot, wound, kill, trap, capture, or collect, or
attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.” The provisions of the MBTA are nearly absolute; “except as permitted by regulations” is the only exception. Examples of permitted actions that do not violate the law are the possession of a hunting license to pursue specific game birds, legitimate research activities, display in zoological gardens, bird-banding, and similar activities.

Clean Water Act

The federal Clean Water Act (CWA) is the primary federal law regulating water quality. Implementing the CWA is the responsibility of the United States Environmental Protection Agency (USEPA). The USEPA depends on other agencies, such as individual state government and the United States Army Corps of Engineers (USACE), to assist in implementing the CWA. The objective of the CWA is to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Sections 401 and 404 apply to activities that would impact waters in the United States (such as creeks, ponds, wetlands, etc.).

Section 404

The USACE, the federal agency charged with investigating, developing, and maintaining the country’s water and related resources, is responsible under Section 404 of the CWA for regulating the discharge of fill material into waters of United States and their lateral limits are defined in Part 328.3(a) of Title 33 of the Code of Federal Regulations (CFR) and include streams that are tributaries to navigable waters and adjacent wetlands. The lateral limits of jurisdiction for a non-tidal stream are measured at the line of the Ordinary High Water Mark or the limit of adjacent wetlands. Any permanent extension of the limits of an existing water of the United States, whether natural or human-made, results in a similar extension of USACE jurisdiction.¹

In general, a USACE permit must be obtained before an individual project can place fill or grade in wetlands or other waters in the United States and mitigation for such actions will be required based on the conditions of the USACE permit. The USACE is required to consult with the USFWS and/or the NMFS under Section 7 of the FESA if the action being permitted under the CWA could affect federally listed species.

Section 401

Pursuant to Section 401 of the CWA, projects that require a USACE permit for discharge of dredge or fill material must obtain a water quality certification or waiver that confirms the project complies with State water quality standards, or a no-action determination, before the USACE permit is valid. State water quality is regulated and administered by the State Water Resources Control Board (SWCB). The Plan Area is within jurisdiction of the North Coast Regional Water Quality Control Board (RWQCB). In order for the applicable RWQCB to issue a 401 certification, a project must demonstrate compliance with the California Environmental Quality Act (CEQA).

¹ Section 33 Code of Federal Regulation Part 328.5.
State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA) (California Fish and Game Code Section 2050 et seq.) establishes State policy to conserve, protect, restore, and enhance threatened or endangered species and their habitats. The CESA mandates that State agencies should not approve projects that jeopardize the continued existence of threatened or endangered species if reasonable and prudent alternatives are available that would avoid jeopardy. For projects that would affect a species that is on the federal and State lists, compliance with the FESA satisfies the CESA if the California Department of Fish and Wildlife (CDFW) determines that the federal incidental take authorization is consistent with the CESA under California Fish and Game Code Section 2080.1. For projects that would result in take of a species that is only State listed, the project proponent must apply for a take permit under Section 2081(b).

California Environmental Quality Act

The California Environmental Quality Act (CEQA) applies to “projects” proposed to be undertaken or requiring approval by State and local government agencies. Projects are defined as having the potential to have physical impact on the environment. Under Section 15380 of CEQA, a species not included on any formal list “shall nevertheless be considered rare or endangered if the species can be shown by a local agency to meet the criteria” for listing. With sufficient documentation, a species could be shown to meet the definition of rare or endangered under CEQA and be considered a “de facto” rare or endangered species.

California Fish and Game Code

Under the California Fish and Game Code, the CDFW provides protection from “take” for a variety of species. The CDFW also protects streams, water bodies, and riparian corridors through the Streambed Alteration Agreement process under Section 1601 to 1606 of the California Fish and Game Code. The California Fish and Game Code stipulates that it is “unlawful to substantially divert or obstruct the natural flow or substantially change the bed, channel or bank of any river, stream or lake” without notifying the Department, incorporating necessary mitigation, and obtaining a Streambed Alteration Agreement. CDFW’s jurisdiction extends to the top of banks and often includes the outer edge of riparian vegetation canopy cover.

California Fish and Game Code Section 3503.5 prohibits “take,” possession, or destruction of any raptor (e.g., bird of prey species in the orders Falconiformes and Strigiformes), including their nests or eggs. Violations of this law include destruction of active raptor nests as a result of tree removal and disturbance to nesting pairs by nearby human activity that causes nest abandonment and reproductive failure.

California Native Plant Protection Act

The California Native Plant Protection Act of 1977 prohibits importation of rare and endangered plants into California, “take” of rare and endangered plants, and sale of rare and endangered plants. The CESA defers to the California Native Plant Protection Act, which ensures that State-listed plant species are protected when State agencies are involved in projects subject to CEQA. In this case, plants listed as rare under the California Native Plant Protection Act are not protected under the CESA but rather under CEQA.
California Native Plant Society (CNPS) is a non-governmental conservation organization that has developed a list of plants of special concern in California. The following explains the designations for each plant species:

- **Rank 1A** – Plants Presumed Extirpated in California and Either Rare or Extinct Elsewhere
- **Rank 1B** – Plants Rare, Threatened, or Endangered in California and Elsewhere
- **Rank 2A** – Plants Presumed Extirpated in California, But Common Elsewhere
- **Rank 2B** – Plants 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

Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants with a Ranking of 1A through 2B may be considered to meet the definition of endangered, rare, or threatened species under Section 15380(d) of CEQA (see above), and impacts to these species may be considered “significant.”

In addition, the CDFW recommends, and local governments may require, protection of species which are regionally significant, such as locally rare species, disjunct populations, essential nesting and roosting habitat for more common wildlife species, or plants with a CNPS Ranking of 3 and 4.

**California Natural Communities**

Sensitive natural communities are natural community types considered to be rare or of a “high inventory priority” by the CDFW. Although sensitive natural communities have no legal protective status under the federal ESA or CESA, they are provided some level of consideration under CEQA. Appendix G of the CEQA Guidelines identifies potential impacts on a sensitive natural community as one of six criteria to consider in determining the significance of a proposed project. While no thresholds are established as part of this criterion, it serves as an acknowledgement that sensitive natural communities are an important resource and, depending on their rarity, should be recognized as part of the environmental review process. The level of significance of a project’s impact on any particular sensitive natural community will depend on that natural community’s relative abundance and rarity.

As an example, a discretionary project that has a substantial adverse effect on any riparian habitat, native grassland, valley oak woodland, and/or other sensitive natural community would normally be considered to have a significant effect on the environment. Further loss of a sensitive natural community could be interpreted as substantially diminishing habitat, depending on its relative abundance, quality and degree of past disturbance, and the anticipated impacts to the specific community type.

**Porter-Cologne Water Quality Control Act**

This act authorizes the RWQCB to regulate the discharge of waste that could affect the quality of the State’s waters. Projects that do not require a federal permit may still require review and approval by the RWQCB. The RWQCB focuses on ensuring that projects do not adversely affect the “beneficial uses” associated with waters of the State. In most cases, the RWQCB requires the integration of water quality
control measures into projects that will require discharge into waters of the State. For most construction projects, the RWQCB requires the use of construction and post-construction best management practices.

Other Statues, Codes, and Policies Affording Species Protection

The CDFW maintains an administrative list of Species of Special Concern (SSC), defined as a “species, subspecies, or distinct population of an animal native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria:

- Is extirpated from the State, or, in the case of birds, in its primary seasonal or breeding role;
- Is listed as federally, but not State-, threatened or endangered;
- Meets the State definition of threatened or endangered but has not formally been listed;
- Is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for State threatened or endangered status;
- Has naturally small populations exhibiting high susceptibility to risk from any factor(s) that, if realized, could lead to declines that would qualify it for State threatened or endangered status.

The CDFW’s Nongame Wildlife Program is responsible for producing and updating SSC publications for mammals, birds, and reptiles and amphibians. The Fisheries Branch is responsible for updates to the Fish SSC document and list. Section 15380 of the CEQA Guidelines clearly indicates that SSC should be included in an analysis of project impacts if they can be shown to meet the criteria of sensitivity outline therein. In contrast to species listed under the federal ESA or CESA, however, SSC have no formal legal status.

Local Regulations

General Plan 2035

The Open Space and Conservation (OSC) element of the General Plan 2035 includes the following goals and policies specific to biological resources and applicable to the proposed project:

- **Goal OSC-D**: Conserve wetlands, vernal pools, wildlife ecosystems, rare plant habitats, and waterways.
  - **Policy OSC-D-1**: Utilize existing regulations and procedures, including Subdivision Guidelines, Zoning, Design Review, and environmental law, to conserve wetlands and rare plants. Comply with the federal policy of no net loss of wetlands using mitigation measures such as:
    - Avoidance of sensitive habitat;
    - Clustered development;
    - Transfer of development rights; and/or
    - Compensatory mitigation, such as restoration or creation.
  - **Policy OSC-D-2**: Protect high quality wetlands and vernal pools from development or other activities as determined by the Vernal Pool Ecosystem Preservation Plan.
  - **Policy OSC-D-3**: Preserve and restore the elements of wildlife habitats and corridors throughout the Planning Area.
  - **Policy OSC-D-8**: Restore channelized waterways to a more natural condition which allows for more natural hydraulic functioning, including development of meanders, pools, riffles, and other stream features. Restoration should also allow for growth of riparian vegetation which effectively
stabilizes banks, screens pollutants from runoff entering the channel, enhances fisheries, and provides other opportunities for natural habitat restoration.

- **Policy OSC-D-9**: Ensure that construction adjacent to creek channels is sensitive to the natural environment. Ensure that natural topography and vegetation is preserved along the creek, and that construction activities do not disrupt or pollute the waterway.

- **Policy OSC-D-10**: Orient development and buildings toward creeks, while providing privacy, security, and an open transition between public and private open spaces.

- **Policy OSC-D-11**: New development along channelized waterways should allow for an ecological buffer zone between the waterway and development. This buffer zone should also provide opportunities for multi-use trails and recreation.

- **Goal OSC-E**: Ensure local creeks and riparian corridors are preserved, enhanced, and restored as habitat for fish, birds, mammals and other wildlife.

- **Policy OSC-E-1**: Maintain creek areas using practices that protect and support fish and wildlife as well as help retain hydraulic capacity.

- **Goal OSC-H**: Conserve significant vegetation and trees and plant new trees.

- **Policy OSC-H-1**: Preserve trees and other vegetation, including wildflowers, both as individual specimens and as parts of larger plant communities.

- **Policy OSC-H-2**: Preserve and regenerate native oak trees.

- **Policy OSC-H-4**: Require incorporation of native plants into landscape plans for new development, where appropriate and feasible, especially in areas adjacent to open space areas or along waterways.

### Santa Rosa City Code

#### Chapter 17.24, Trees

Santa Rosa City Code’s (SRCC) Chapter 17.24, Trees, regulates the treatment of trees that qualify as a “heritage tree”, “protected”, or “street tree” as defined under the ordinance. A heritage tree includes a tree or grove of trees designated by the Planning Commission, or a native species with minimum trunk diameters that range from six inches for a valley oak or blue oak, or California buckeye, to 24 inches for a redwood, California bay, or Douglas fir, or big leaf maple. Other native trees species regulated under the ordinance include: live oak, black oak, Garry oak, canyon oak, interior live oak, madrone, red alder, and white alder. A street tree is defined as any tree having a single trunk circumference greater than six and one-quarter inches or a diameter greater than two inches, a height of more than six feet, and one half or more of its trunk is within a public right-of-way or within five feet of a paved portion of a City street or a public sidewalk. A permit is typically required for removal of any regulated heritage or street tree.

#### Section 7-12.110, Leash Required in Public Park, Playground

SRCC Section 7-12.110, Leash Required in Public Park, Playground, includes provisions that require dogs to be restrained by leash or chain, not exceeding six feet in length, when on the premises of a public park or playground.
4.3.1.2 EXISTING CONDITIONS

Methodology

Literature Review

Biological resources associated with the project site were identified through a review of available background information and field reconnaissance surveys. A Biological Resource Assessment (BRA) for the project site was prepared in 2017, and contains a detailed description of existing conditions and planning considerations. The BRA is included in Appendix C of this Draft EIR, and its contents are incorporated into this chapter by reference. The BRA was prepared based on a review of available background information and field reconnaissance surveys. Available literature and mapping of biological and wetland resources was reviewed, including: records maintained by the California Natural Diversity Data Base (CNDDB) of the CDFW to determine known occurrences of special-status species and sensitive natural communities in the site vicinity; mapping prepared by the United States Fish and Wildlife Service (USFWS) as part of the National Wetland Inventory and designated critical habitat for federally-listed species; and memos prepared by the City describing existing conditions associated with the project site and the potential for any environmentally sensitive areas, which included maps of known or suspected jurisdictional wetlands and waters.

On-Site Field Survey

A field reconnaissance survey of the site was initially conducted on September 27, 2016 to determine vegetation and wildlife habitats, conduct a preliminary wetland assessment, and evaluate the potential for occurrence of special-status species. A follow-up survey was completed on November 21, 2016 to inspect field conditions associated with several of the potential seasonal wetlands observed on the site. No protocol surveys for special-status species were performed as part of the BRA, although additional detailed investigation is recommended as part of future project-specific review and permitting.

Vegetation and Wildlife Habitat

The project site remains largely undeveloped and supports a cover dominated by non-native grasslands, scattered native trees and areas of fallow walnut orchards. Matanzas Creek, Sierra Park Creek, and Spring Creek bisect the project site, together with smaller drainage swales and man-made ditches, and areas of potential seasonal wetlands. The three creeks support riparian woodland and scrub, with the Matanzas Creek corridor supporting the highest quality in terms of native species’ density and diversity. As shown on Figures 4.3-1 through 4.3-4, the existing cover across the project site, and locations of creeks, drainages, and potential seasonal wetlands. Although most of the project site is bordered by residential and other urban uses, the large area of grassland cover, scattered trees, and dense riparian vegetation along creek corridors continue to provide important habitat for wildlife. The BRA provides a detailed description of each of these habitat types and their associated wildlife habitat values.

Special-Status Species

Special-status species are plants and animals that are legally protected under the State and/or federal ESAs or other regulations, as well as other species that are considered rare enough by the scientific
community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts and other essential habitat. Special-status species receive varying degrees of legal protection under both the State and/or federal ESAs, and the CEQA. The USFWS, National Marine Fisheries Service (NOAA Fisheries), and CDFW share responsibility for protection and management of natural resources. Species with legal protection under the ESAs often represent major constraints to development, particularly when they are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a "take" of these species. If a listed species may be affected by proposed development, the lead agency must initiate a consultation with the USFWS, NOAA Fisheries, and/or CDFW, as required by State or federal law.

A record search conducted by the CNDDB, together with the review of lists from the USFWS and CNPS, indicates that occurrences of numerous plant and animal species with special-status have been recorded from or are suspected to occur in the surrounding area of Sonoma County. Figure 4.3-5, shows the distribution of known occurrences of special-status plant and animal species in the surrounding area, respectively. As indicated in Figure 4.3-5, only general occurrence of narrow-anthered brodea (Brodiaea leptandra) and saline clover (Trifolium hydrophilum) have actually been reported from the southeast Santa Rosa vicinities encompassing portions of the project site. However, these two occurrences are based on historic records that encompass broad areas, rather than a specific occurrence within the project site with an intact population. Below is a summary of the special-status plant and animal species known from the surrounding area of Sonoma County and the Santa Rosa vicinity, and conclusions regarding possible presence or absence on the project site.

**Special-Status Plant Species**

A number of plant species with special status have been reported from the Santa Rosa vicinity, and based on recorded geographic range and preferred habitat, numerous other species may potentially occur in the central Sonoma County vicinity. Figure 4.3-5, shows occurrences of 30 special-status plant species within an approximately five-mile radius of the project site. Additional information is provided in Table 1 of the BRA in Appendix C of this Draft EIR, which provides information on 71 special-status plant species that have varying potential for occurrence in the central Sonoma County vicinity. These have varied status, and many are considered rare (rarity ranking of 1B) by the California Native Plant Society (CNPS) and would be considered of special-status under CEQA regulations (see Section 4.3.1.1, Regulatory Framework, above).

Based on habitat conditions observed during the field reconnaissance surveys, routine disking over much of the project site generally precludes the potential for occurrence of special-status plant species. Similarly, the intensive grazing over portion of the eastern portion of the project site closest to Spring Lake Regional Park also limits the likelihood for occurrences of special-status plant species in these areas. However, some locations continue to provide relatively intact natural habitat, and there remains varying potential for occurrence by a number of special-status plant species (see Table 1 in the BRA in Appendix C of this Draft EIR). These include those associated with grasslands, riparian woodlands, seasonal wetlands and drainages, and oak woodland habitats.
Figure 4.3-1

Existing Cover & Potential Jurisdictional Waters (Farmers Lane to Hoen Avenue)

Source: City of Santa Rosa (2014 & 2015); Environmental Collaborative (2017).

City's Assessment, 2014 & 2015
- Purple: Potential Seasonal Wetland
- Blue: Drainage
- Green: Riparian Shrub/Woodland

Biological Resources Study, 2017
- Black: Southeast Greenway Boundary
- Magenta: Storm Drain
- Blue: Creek
- Orange: Additional Potential Seasonal Wetland Area
Figure 4.3-2

Existing Cover & Potential Jurisdictional Waters (Hoen Avenue to Yulupa Avenue)

Source: City of Santa Rosa (2014 & 2015); Environmental Collaborative (2017).
Figure 4.3-3
Existing Cover & Potential Jurisdictional Waters (Yulupa Avenue to Summerfield Road)

Source: City of Santa Rosa (2014 & 2015); Environmental Collaborative (2017).

City’s Assessment, 2014 & 2015
- Potential Seasonal Wetland
- Drainage
- Riparian Shrub/Woodland

Biological Resources Study, 2017
- Southeast Greenway Boundary
- Storm Drain
- Creek
- Additional Potential Seasonal Wetland Area

Scale (Feet)
BIOLOGICAL RESOURCES

Figure 4.3-4
Existing Cover & Potential Jurisdictional Waters (Summerfield Road to Spring Lake Park)

Source: City of Santa Rosa (2014 & 2015); Environmental Collaborative (2017).

City’s Assessment, 2014 & 2015
- Potential Seasonal Wetland
- Drainage
- Riparian Shrub/Woodland

Biological Resources Study, 2017
- Southeast Greenway Boundary
- Storm Drain
- Creek
- Additional Potential Seasonal Wetland Area
Occurrences of Special-Status Species and Designated Critical Habitat

Source: CNDDB, 2016; USFWS, 2016; ESRI, 2016; PlaceWorks, 2016.
Systematic surveys are typically necessary to conclusively determine the presence or absence of special-status plant species from a particular location if natural habitat remains. As summarized in the *Southeast Greenway Existing Conditions, Opportunities, and Constraints* document, which is included as Appendix I, Existing Conditions, of this Draft EIR, a limited survey effort was performed in the portion of the project site east of Summerfield Road, but the field effort did not extend through the spring and summer flowering period necessary to allow for confirmation on presence or absence. No special-status plant species were detected during the survey effort, but additional field surveys would be necessary to confirm presence or absence prior to any potential future development. Those of greatest concern and highest likelihood for occurrence include special-status plant species known or suspected to occur in the remaining grasslands and vernal pools in the Santa Rosa area.

**Special-Status Animal Species**

A number of bird, mammal, reptile, fish, and invertebrate species with special-status are known or suspected to possibly occur in the Santa Rosa area of Sonoma County. Figure 4.3-5, shows the distribution of known occurrences of 17 special-status animal species reported by the CNDDB within about a 5-mile radius of the project site. Table 4.3-1 includes the name, status, and preferred habitat for the 21 special-status animal species considered to have the highest potential for occurrence in the surrounding area of Santa Rosa, and indication of the likelihood of occurrence within the project site; these are described below.

**Table 4.3-1 Special Status Species with the Potential to Occur in the Project Site Vicinity**

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Status (federal/State)</th>
<th>Habitat Characteristics (Occurrence within the Project Site Vicinity)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Fish/Amphibians/Reptiles</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California tiger salamander</td>
<td>FT/ST, SSC</td>
<td>Grassland and open woodlands with temporary or permanent (unlikely)</td>
</tr>
<tr>
<td>Western pond turtle</td>
<td>-/SSC</td>
<td>Ponds, marshes, rivers and streams (possible)</td>
</tr>
<tr>
<td>California red-legged frog</td>
<td>FT/SSC</td>
<td>Permanent ponds, pools, and streams (unlikely)</td>
</tr>
<tr>
<td>Foothill yellow-legged frog</td>
<td>-/SSC</td>
<td>Perennial streams (unlikely)</td>
</tr>
<tr>
<td>Steelhead Trout</td>
<td>FT/</td>
<td>Perennial and intermittent streams (known)</td>
</tr>
<tr>
<td><strong>Birds</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golden eagle</td>
<td>-/SSC, CP</td>
<td>Open mountains, foothills, and canyons (unlikely)</td>
</tr>
<tr>
<td>Burrowing owl</td>
<td>-/SSC</td>
<td>Open grassland and fields, farms, and ruderal areas (unlikely)</td>
</tr>
<tr>
<td>Cooper’s hawk</td>
<td>-/-</td>
<td>Riparian and woodland habitat (possible)</td>
</tr>
<tr>
<td>Sharp-shinned hawk</td>
<td>-/-</td>
<td>Riparian and woodland habitat (possible)</td>
</tr>
<tr>
<td>Northern harrier</td>
<td>-/SSC</td>
<td>Marshes, fields, and grassland (possible)</td>
</tr>
<tr>
<td>White-tailed kite</td>
<td>-/CP</td>
<td>Open foothills, marshes, and grassland (possible)</td>
</tr>
<tr>
<td>California horned lark</td>
<td>-/-</td>
<td>Open habitat with sparse cover (foraging possible)</td>
</tr>
<tr>
<td>Prairie falcon</td>
<td>-/-</td>
<td>Canyons, mountains, open grassland (foraging possible)</td>
</tr>
<tr>
<td>Peregrine falcon</td>
<td>Delisted/ Delisted, CP</td>
<td>Canyons, mountains, open grassland (foraging possible)</td>
</tr>
<tr>
<td>Loggerhead strike</td>
<td>-/SSC</td>
<td>Open habitat with scattered trees, shrubs, and other perches (possible)</td>
</tr>
<tr>
<td><strong>Mammals</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>American badger</td>
<td>-/SSC</td>
<td>Open grassland, scrub and savanna (unlikely)</td>
</tr>
</tbody>
</table>
## Table 4.3-1  Special Status Species with the Potential to Occur in the Project Site Vicinity

<table>
<thead>
<tr>
<th>Species Name</th>
<th>Status (federal/State)</th>
<th>Habitat Characteristics (Occurrence within the Project Site Vicinity)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pallid bat</td>
<td>-/SSC</td>
<td>Roosts in tree hollows, crevices, unused structures (foraging possible)</td>
</tr>
<tr>
<td>Townsend western big-eared bat</td>
<td>-/C, SSC</td>
<td>Roosts in caves, mines, and unused buildings (foraging possible)</td>
</tr>
<tr>
<td>Western red bat</td>
<td>-/SSC</td>
<td>Roosts in trees (foraging possible)</td>
</tr>
<tr>
<td>Western yellow bat</td>
<td>-/SSC</td>
<td>Roosts in trees (foraging possible)</td>
</tr>
<tr>
<td>Little brown bat</td>
<td>-/-</td>
<td>Roosts in caves and buildings (foraging possible)</td>
</tr>
<tr>
<td>Yuma bat</td>
<td>-/-</td>
<td>Roosts in caves, mines and buildings (foraging possible)</td>
</tr>
</tbody>
</table>

### Notes:

- **a:** Status Designations:
  - **Federal:**
    - **FE:** Listed as Endangered under federal Endangered Species Act
    - **FT:** Listed as Threatened under federal Endangered Species Act
    - **PE:** Proposed for federal listing as “endangered”
    - **PT:** Proposed for federal listing as “threatened”
  - **State:**
    - **SE:** Listed as Endangered under the California Endangered Species Act
    - **ST:** Listed as Threatened under the California Endangered Species Act
    - **C:** Candidate species under review for listing, includes taxa for which the CDFW has sufficient biological information to support a proposal to list as endangered or threatened
    - **CP:** California fully protected species; individuals may not be possessed or taken at any time

### Birds

Most of the special-status animal species known or suspected to occur in the site vicinity are bird species which may forage and possibly nest where suitable nesting substrate is present. These include: northern harrier (*Circus cyaneus*), Cooper’s hawk (*Accipiter cooperi*), sharp-shinned hawk (*Accipiter striatus*), golden eagle (*Aquila chrysaetos*), white-tailed kite (*Elanus caeruleus*), prairie falcon (*Falco mexicanus*), loggerhead shrike (*Lanius ludovicianus*), California horned lark (*Eremophila alpestris actia*), and yellow warbler (*Dendroica petechia*). Suitable nesting habitat is generally absent for golden eagle, prairie falcon, and California horned lark in the project site, due to the intensity of human activity, disturbance to grassland cover, or absence of suitable nesting substrate. Potentially suitable habitat for the remaining species, and other more common bird species is present in the areas of dense riparian woodland vegetation along Matanzas and Spring Creeks, scattered trees, and dense brush. More common raptors such as the great horned owl (*Bubo virginianus*), red-tailed hawk (*Buteo jamaicensis*), and American kestrel (*Falco sparverius*) may nest in mature trees in the site vicinity with other more common bird species.

Nests of most bird species are protected under the MBTA when in active use, and nests of raptors (birds-of-prey) are also protected under State Fish and Game Code when in active use. No nesting locations have been identified by the CNDDB for special-status bird species in the site vicinity or were observed during the field reconnaissance surveys. But new nests could be established in the future, and preconstruction surveys are typically preformed to avoid disturbance or inadvertent abandonment of nests in active use when vegetation removal or construction is to be initiated during the nesting season (typically from February 1 through August 31).

### Amphibians and Reptiles

Suitable habitat for special-status amphibians and reptiles is relatively limited in the site vicinity, due to the extent of urbanization. No occurrences of California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana aurora draytonii*), foothill yellow-legged frog (*Rana boylii*), or northwestern pond turtle (*Clemmys marmorata marmorata*) have been reported on the project site by
the CNDDB. As indicated in Figure 4.3-5, the project site is outside the mapped critical habitat for California tiger salamander or California red-legged frog.

California red-legged frog (CRLF) is listed by the USFWS as threatened and is recognized as a SSC by the CDFW. It inhabits ponds, marshes, and streams that typically support riparian vegetation, but can also be found in man-made stock ponds, near seeps, and in ephemeral streams with pools. This subspecies requires still or slow-moving water during the breeding season, where it deposits large egg masses, usually attached to submerged or emergent vegetation. Adult CRLF are capable of dispersing long distances from aquatic habitat, and may utilize ephemeral water sources during the wet season. Individuals are known to disperse during the rainy season, presumably in search of new breeding locations. They may take refuge in small mammal burrows, beneath leaf litter, or in other moist areas during periods of inactivity or whenever it is necessary to avoid desiccation.

California tiger salamander (CTS) is listed by the USFWS and CDFW as threatened. It occurs in grassland and savanna habitat, breeding in vernal pools and swales, seasonal drainages and man-made ponds, and spending most of the year in subterranean refugia such as rodent burrows, cracks, and under rocks and logs. Adults migrate to suitable breeding locations with the onset of sustained rainfall, and have been reported to move considerable distances. Most of the occurrences of CTS in Sonoma County are from the complex of vernal pools and drainages of the Santa Rosa Plain along the Laguna de Santa Rosa watershed, generally between Sebastopol, Santa Rosa, and Cotati. Extensive habitat conversion and fragmentation of breeding habitat has eliminated this species from much of its former range, and habitat conversion and fragmentation is considered a serious threat to the Sonoma County population.

Foothill yellow-legged frog (Rana boylii) is restricted to perennial aquatic habitat, typically found in streams with a cobble bed and shallow riffles. The segment of the Matanzas Creek that bisects the project site provides only marginal habitat for foothill yellow-legged frog, given the dense overstory and disturbed channel bed conditions. However, there remains a potential for individuals to be washed down or occasionally disperse along the creek corridor through the project site. But predation by raccoons and other predators limits the potential for permanent occupation in the site vicinity.

No occurrences of western pond turtle (Actinemys marmorata) have been reported on the project site by the CNDDB, with the closest occurrences reported from Lake Ralphine and Spring Lake to the north and east, respectively. Western pond turtle is an aquatic species, occurring in ponds, lakes, and perennial slow-moving streams where deep pools are present that allow for retreat from predators. The Matanzas Creek and Spring Creek corridors which bisect the project site could provide dispersal habitat for this species, but deep pools and secure haul-out areas for sunning are absent, precluding permanent occupation. It is possible that western pond turtle may occasionally disperse along these creek corridors in search of suitable pond and pool habitat.

**Mammals**

Suitable habitat for special-status mammals is also absent from most of the project site, or is limited by the extent of adjacent development. Intensive grazing in the eastern portion of the project site limits the cover necessary to support prey populations large enough to attract American badger (Taxidea taxus), and no excavated burrows large enough to support this species or diggings indicating foraging were observed during the field reconnaissance surveys. Several species of special-status bat species, including pallid bat
(Antrozous pallidus), Townsend’s western big-eared bat (Corynorhinus townsendii), western red bat (Lasiurus blossevillii), western yellow bat (Lasiurus xanthinus), little brown bat (Myotis lucifugus), and Yuma bat (Myotis yumanensis), may occasionally forage through the project site, but vacant and abandoned structures or other suitable roosting habitat is generally absent in the project site. Mountain lion (Felis concolor) is known to forage and disperse through the parklands and watershed lands to the east, and may occasionally pass through the eastern portion of the project site, but denning habitat is absent.

**Fish**

The federally-threatened steelhead (Oncorhynchus mykiss) are known from Matanzas Creek and most likely were once known from the other creeks in the project site, although drainage modifications for flood control and other purposes most likely precludes their continued presence. As indicated in Figure 4.3-5, none of the streams in the project site have been mapped as critical habitat for steelhead.

**Invertebrates**

Suitable habitat for the invertebrate species reported by the CNDDB from the Santa Rosa vicinity is generally absent from the project site. Western bumblebee (Bombus occidentalis), which has been reported from the Santa Rosa vicinity and is found in a variety of habitats, technically does not have any legal protective status under the federal or State Endangered Species Acts, but records on their distribution in the western United States are now being more closely monitored by the CNDDB and other data bases because of a dramatic decline in numbers and distribution over the past two decades. Their presence on the project site, either foraging or nesting, would not be considered a significant constraint.

**Sensitive Natural Communities**

In addition to species-oriented management, protecting habitat on an ecosystem-level is increasingly recognized as vital to the protection of natural diversity in the State. The CNDDB also monitors the locations of natural communities that are considered rare or threatened, known as sensitive natural communities. Although these natural communities have no legal protective status under the State or federal Endangered Species Acts, they are provided some level of protection under the CEQA Guidelines. A project would normally be considered to have a significant effect on the environment if it would substantially affect a sensitive natural community such as a riparian woodland, native grassland, or coastal salt marsh. Further loss of a sensitive natural community could also be interpreted as substantially diminishing habitat, depending on the relative abundance, quality and degree of past disturbance, and the anticipated impacts.

The well-developed riparian habitat along the Matanzas and Spring Creek corridors qualify as a sensitive natural community type. Seasonal wetlands that support a cover dominated by native species would also qualify as a sensitive natural community type, including the large seasonal wetlands to the east of Summerfield Road dominated by native willow.

The scattered seasonal wetlands and smaller drainages support a cover of primarily non-native species and do not qualify as sensitive natural community types. These may be jurisdictional waters, regulated by the US Army Corps of Engineers (Corps), the RWQCB, and CDFW, as discussed below. Areas dominated by non-native grassland, fallow orchards, scattered trees and more common oak woodlands also do not
qualify as sensitive natural community types. Past agricultural activities, routine disk ing for fire fuel 
management, and heavy grazing has largely eliminated most of the native cover in these grasslands, and 
none appear to support a high enough native cover to be considered a sensitive natural community type.

**Jurisdictional Waters**

Although definitions vary to some degree, wetlands are generally considered to be areas that are 
periodically or permanently inundated by surface or ground water, and support vegetation adapted to life 
in saturated soil. Wetlands are recognized as important features on a regional and national level due to 
their high inherent value to fish and wildlife, use as storage areas for storm and flood waters, and water 
recharge, filtration, and purification functions. Technical standards for delineating wetlands have been 
developed by the Corps and the USFWS, which generally define wetlands through consideration of three 
criteria: hydrology, soils, and vegetation.

The CDFW, Corps, and RWQCB have jurisdiction over modifications to shorelines, open water, stream 
channels, river banks, and other waterbodies (see detailed descriptions below under Regulatory Context). 
Jurisdiction of the Corps is established through the provisions of Section 404 of the CWA, which prohibits 
the discharge of dredged or fill material into "waters" of the United States without a permit, including 
wetlands and unvegetated "other waters". All three of the identified technical criteria must be met for an 
area to be identified as a wetland under Corps jurisdiction, unless the area has been modified by human 
activity. Jurisdictional authority of the CDFW over wetland areas is established under Section 1601-1606 
of the Fish and Wildlife Code, which pertains to activities that would disrupt the natural flow or alter the 
channel, bed, or bank of any lake, river, or stream. The RWQCB is responsible for enforcing the provisions 
of Section 401 of the CWA, as defined by the Corps under Section 404, and for overseeing State waters as 
defined under the Porter-Cologne Water Quality Act. State waters typically extend to the top of a creek or 
river bank, or the limits of woody riparian vegetation, whichever is greater.

Based on the Southeast Greenway Existing Conditions, Opportunities, and Constraints document and the 
field reconnaissance surveys conducted during preparation of this BRA, jurisdictional waters in the project 
site include the various creek corridors and possibly the areas of seasonal wetlands and smaller drainages. 
The limits of Corps jurisdiction typically extend to the Ordinary High Water Mark along the creeks, and the 
limits of regulated State waters extend to the top of the channel banks or edge of woody riparian 
vegetation along the creeks, whichever is greater.

**4.3.2 STANDARDS OF SIGNIFICANCE**

Implementation of the proposed project would result in a significant impact to biological resources if it 
would:

1. 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 by the California Department of Fish and Wildlife or United States Fish and Wildlife 
   Service.

2. 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 United States Fish and Wildlife Service.
3. 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.

4. 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.

5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

4.3.3 IMPACT DISCUSSION

**BIO-1** Implementation of the proposed project could 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 by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

There is a remote potential that implementation of the proposed project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. This consists of: 1) a remote possibility that individual California red-legged frog could disperse onto the site in the future, although considered highly unlikely, and be injured or taken during construction; 2) that occurrences of one or more special-status plant species may be present within the remaining natural areas on the site and could be adversely affected if adjustments on proposed limits of disturbance and adequate controls during construction are not implemented; and 3) there is a possibility that bird nests regulated under the MBTA and CDFW code could be inadvertently destroyed during construction.

Suitable habitat for special-status species known or suspected to occur in the vicinity is generally absent from the site and no impacts are anticipated for most special-status species. This includes absence of suitable habitat for CRLF, among other special-status species. Although considered highly unlikely, there remains a remote potential for an individual CRLF to disperse onto the site in the future, which could be injured or killed during construction unless construction restrictions are implemented. Given the formal listing status of this species, this would be a significant impact.

**California Red-legged Frog**

**Impact BIO-1a:** Proposed development could potentially result in an inadvertent take of individual California red-legged frog (CLRF) in the remote instance that individuals were to disperse onto the site in the future, in which case this could result in a potential violation of the federal and California Endangered Species Acts if adequate controls and preconstruction surveys are not implemented.

**Mitigation Measure BIO-1a:** Ensure Avoidance of California Red-legged Frog. The following measures shall be implemented in locations within 100 feet of any drainage or seasonal wetland on the site to
ensure avoidance of individual California red-legged frog (CRLF) in the remote instance individuals were to disperse onto the site in the future in advance of or during construction:

- **Wildlife exclusion fence**: Wildlife exclusion fencing shall be installed prior to the start of construction and maintained until construction of the proposed project is complete. Such fencing shall, at a minimum, run along the proposed project boundaries with riparian habitat and for a distance of at least 100 feet perpendicular to riparian habitat. Silt fence material may be used to also provide erosion control, however, per CRLF standards, it must be at least 42 inches in height (at least 36 inches above ground and buried at least 6 inches below the ground) and stakes must be placed on the inside of the project (side on which work will take place).

- **Pre-construction survey**: Pre-construction surveys for CRLF shall be conducted prior to initiation of project activities (including fence installation) and within 48 hours of the start of ground disturbance activities following completion of exclusion fence installation. Surveys are to be conducted by qualified biologists with experience surveying for CRLF.

  If project activities are stopped for greater than 7 days, a follow-up pre-construction survey may be required within 48 hours prior to reinitiating project activities.

- **Worker Training**: All workers for activities within 100 feet of riparian habitat shall be trained by the qualified biologist to understand the remote potential for occurrence of this listed species, need to avoid any potential inadvertent take, and process to follow if a frog is encountered, that all work must stop and the qualified biologist must determine whether it is CRLF before work proceeds.

- **Earth Disturbing Activities only during dry weather**: No earth disturbing activities shall take place during rain events when there is potential for accumulation greater than 0.25 inch in a 24-hour period. In addition, no earth disturbing activities shall occur for 48 hours following rain events in which 0.25 inch of rain accumulation within 24 hours.

- **Biological monitoring**: An approved biologist shall be required to inspect and approve installation of the exclusion fence.

- **Erosion Control Materials**: Tightly woven fiber netting or similar material shall be used for erosion control or other purposes to ensure amphibians do not get trapped. Plastic mono-filament netting (erosion control matting), rolled erosion control products, or similar material shall not be used.

  **Significance With Mitigation**: Less than significant.

**Special-status Plant Species**

Although the potential for special-status plant species is considered unlikely or very low, there remains a remote possibility that one or more occurrences occur in the more natural hillside areas east of Summerfield Road. If present, the occurrence(s) could be inadvertently lost as a result of grading, construction of multi-use path trail and other improvements, fire fuel treatment and other vegetation management activities. Depending on the location of the occurrence(s) in relation to proposed improvements associated with potential future development under the proposed project, this could be a potentially significant impact. In addition, special-status species could occur in regulated waters. These impacts are discussed under Impact BIO-3 below.
Impact BIO-1b: Project implementation could potentially result in loss or modifications to special-status plant species if present on the site and systematic surveys and adequate avoidance are not implemented.

Mitigation Measure BIO-1b: Appropriate measures shall be implemented to ensure adequate avoidance of special-status plant species, if present in the remaining natural areas on the project site east of Summerfield Road. A qualified botanist shall conduct systematic surveys of the portion of the project site east of the Summerfield Road in spring and summer months to confirm absence of any special-status plant species on the site. The survey shall focus on the special-status plant species considered to have a remote probability for occurrence on the project site. The surveys shall be completed and a report of findings submitted to the City before the onset of any initial ground-disturbing activity or construction associated with project implementation.

If any special-status plant species are encountered, then any occurrence(s) shall be avoided or potential impacts adequately mitigated as part of potential future project development. The qualified botanist shall develop and implement a Special-Status Plant Species Mitigation and Monitoring Program (SSPSMMP). The SSPSMMP shall only be required if a listed species or those with a ranking of 1A, 1B or 2 of the California Native Plant Society (CNPS) Inventory are encountered during the preconstruction survey. Potential impacts on any species with a ranking of 3 and 4 of the CNPS Inventory would not be considered significant and no additional mitigation would be required for these species if encountered during the systematic survey(s).

The SSPMMP shall be prepared in consultation with the California Department of Fish and Wildlife (CDFW) and shall be approved by the City prior to any initial ground-disturbing activity or construction. The SSPMMP shall be based on the status and vulnerability of the species present, with avoidance of all or a majority of any populations on the site the preferred method of mitigation. Where complete or even partial avoidance of any special-status plant populations on the site is considered infeasible, options for mitigation may include a program to salvage and reestablish the population at an alternative, suitable location. Details of any salvage and habitat recreation effort shall include the following criteria and performance standards measures may include:

- Collection of seeds during the appropriate developmental stage of the plan.
- Procedures for sowing techniques appropriate to the life cycle of the plant.
- Preparation of a maintenance and monitoring plan specific to the environmental conditions necessary for survival of the new population. Maintenance and monitoring shall be provided for a minimum of five years to determine success of re-seeding and habitat creation, and need for additional preservation.
- Identification of funding sources to provide implementation of the plan in consultation with the qualified plant ecologist, landscape architect, and civil engineer.
- In addition, preservation of another existing occurrence of the affected special-status plant species shall be required if monitoring indicates that the reestablishment efforts have not been successful after five years. The preservation program shall provide for permanent protection of a different existing population in Sonoma County, which is equal or larger in size than that encountered on the site (minimum 1:1 replacement), through land acquisition or use of a conservation easement. Any off-site mitigation lands shall include establishment of a
management endowment as necessary to provide for long-term management of the preserved population.

**Significance With Mitigation:** Less than significant.

**Nesting Birds**

In addition, there is a remote possibility that mature trees and areas of dense cover on the site could be used for nesting by raptors and more common bird species. These nests would be protected under the federal MBTA and CDFW code when in active use. The MBTA prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the USFWS; this prohibition includes whole birds, parts of birds, and bird nests and eggs. Tree removal, vegetation clearing, and other construction activities during the breeding season could result in the incidental loss of fertile eggs or nestlings or nest abandonment if any active nests are present. This would be considered a *significant* impact.

**Impact BIO-1c:** Proposed development could potentially result in inadvertent loss of bird nests in active use, which would conflict with the federal Migratory Bird Treaty Act and CDFW code if adequate controls and preconstruction surveys are not implemented.

**Mitigation Measure BIO-1c: Ensure Avoidance of Bird Nests in Active Use.** Tree removal, landscape grubbing, and building demolition shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Department of Fish and Wildlife (CDFW) code to avoid loss of nests in active use. This shall be accomplished by scheduling tree removal and landscape grubbing outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts on nesting birds if new nests are established in the future. Alternatively, if building demolition, tree removal and landscape grubbing cannot be scheduled during the non-nesting season (September 1 to January 31), a pre-construction nesting survey shall be conducted. The pre-construction nesting survey shall include the following:

- A qualified biologist (Biologist) shall conduct a pre-construction nesting bird (both passerine and raptor) survey within seven calendar days prior to tree removal, landscape grubbing, and/or building demolition.
- If no nesting birds or active nests are observed, no further action is required and tree removal, landscape grubbing, and building demolition shall occur within seven calendar days of the survey.
- Another nest survey shall be conducted if more than seven calendar days elapse between the initial nest search and the beginning of tree removal, landscape grubbing, and building demolition.
- If any active nests are encountered, the Biologist shall determine an appropriate disturbance-free buffer zone to be established around the nest location(s) until the young have fledged. Buffer zones vary depending on the species (i.e., typically 75 to 100 feet for passerines and 300 feet for raptors) and other factors such as ongoing disturbance in the vicinity of the nest location. If necessary, the dimensions of the buffer zone shall be determined in consultation with the CDFW.
- Orange construction fencing, flagging, or other marking system shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone.
- No restrictions on grading or construction activities outside the prescribed buffer zone are required once the zone has been identified and delineated in the field and workers have been properly trained to avoid the buffer zone area.
- Construction activities shall be restricted from the buffer zone until the Biologist has determined that young birds have fledged and the buffer zone is no longer needed.
- A survey report of findings verifying that any young have fledged shall be submitted by the Biologist for review and approval by the City prior to initiation of any tree removal, landscape grubbing, building demolition, and other construction activities within the buffer zone. Following written approval by the City, tree removal, and construction within the nest-buffer zone may proceed.

**Significance With Mitigation:** Less than significant.

**BIO-2**

**Implementation of the proposed project would generally not 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 United States Fish and Wildlife Service.**

Grading, multi-use paths, and other improvements associated with project implementation would generally be located away from the riparian sensitive natural communities on the site. Direct modification would be limited to multi-use path crossings of Matanzas and Spring creeks. New crossings would presumably be located and designed to minimize tree removal and disturbance to other native cover along these creek corridors where riparian vegetation is relatively well-developed, and for new crossings of Sierra Park Creek and other drainages where woody riparian vegetation is less well-developed. Best management practices, such as source control, and treatment control measures that provide both flow control and treatment to runoff during construction would be implemented to control the potential for construction-generated sediment from reaching these drainages and downstream waters, as discussed under Chapter 4.8, Hydrology and Water Quality, of this Draft EIR. Further, the exclusionary fencing recommended in Mitigation Measure BIO-1a would ensure that the limits of grading associated with the project are clearly defined, and would prevent any inadvertent disturbance to the riparian corridors on the site. As a result, the proposed project would result in less-than-significant impacts to riparian habitat and other sensitive natural communities.

**Significance Without Mitigation:** Less than significant.
Implementation of the proposed project could 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.

Grading and other improvements associated with project implementation would include new multi-use path crossings of Spring Creek, Sierra Park Creek, and other drainages, and possibly a new crossing over Matanzas Creek, and would require filling of areas of potential seasonal wetlands on the east side of Summerfield Road where public plaza trailhead and urban agriculture uses are proposed. Implementation of the proposed project would result in direct and indirect effects on jurisdictional wetlands and other waters. This includes possible modifications to the bank and bed of jurisdictional drainages, and filling of areas of potential seasonal wetlands.

Modifications to regulated waters would require appropriate authorizations from federal and State regulatory agencies, including the USACE and RWQCB under Section 404 and 401 of the CWA, and CDFW under the Streambed Alteration Agreement program. Further review would be provided by these regulatory agencies where a permit application was formally submitted for authorization of activities within jurisdictional limits. If regulated wetland habitat is affected, a compensatory mitigation program would be required as part of the regulatory agency authorizations. A program to monitor and maintain any created habitat provided as mitigation would be a requirement of the regulatory agency authorizations, ensuring adequate compensatory mitigation and successful establishment of any replacement marshland and adjunct upland vegetation. As discussed in Chapter 4.8, Hydrology and Water Quality, best management practices would be utilized to prevent any construction-generated sediments or pollutants from entering the surrounding wetlands and downstream waters. Consequently, without mitigation the proposed project could result in significant impacts with regards to wetlands and other waters.

Impact BIO-3: Potential future development would result in adverse impacts to regulated waters and special-status species within the regulatory waters, and would require appropriate authorizations from regulatory agencies and adequate compensatory mitigation where avoidance is infeasible.

Mitigation Measure BIO-3: Provide Compensatory Mitigation for Wetland Modifications. The City shall require future project applicants to develop and implement a compensatory mitigation program to provide adequate mitigation for jurisdictional waters affected by proposed improvements in the Southeast Greenway Area for submittal to the City. A jurisdictional wetland delineation shall be prepared by a qualified wetland specialist and submitted for verification by the United States Army Corps of Engineers (USACE) where jurisdictional waters may be affected by project-related improvements. A Wetland Protection and Replacement Program (WPRP) shall be prepared by the qualified wetland specialist and implemented to provide compensatory mitigation at a minimum 2:1 ratio where wetland habitat is affected, shall minimize disturbance to unvegetated waters, and shall be reviewed and approved by appropriate regulatory agencies (e.g., USACE, Regional Water Quality Control Board (RWQCB) and the California Department of Fish and Wildlife (CDFW). The WPRP shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those wetland features eliminated or
modified as a result of potential future project development. The WPRP shall contain the following components:

- Where verified waters of the United States are present and cannot be avoided, authorization for modifications to these features shall be obtained from regulatory agencies with jurisdiction. This includes the USACE through the Section 404 permitting process where waters of the United States are affected by the potential future project development and the RWQCB as part of the Section 401 Certification process. Together with a Streambed Alteration Agreement (SAA) secured from CDFW, if required as part of the SAA Notification process for proposed fills to the man-made ditch and possibly the pond on the golf course. All conditions required as part of the authorizations by the USACE, RWQCB, and CDFW shall be implemented as part of the project.

- Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts. Future project applicants shall obtain all legally required permits or other authorizations from the USFWS, NOAA Fisheries, and CDFW for the potential “take” of protected species under the Endangered Species Acts.

- Install orange construction fencing around the boundary of all wetland areas and waters to be preserved at the interface with proposed fills and grading so that they are not disturbed during construction. The fencing shall be placed a minimum of 25 feet out from the boundary of the wetlands/waters but may need to be adjusted if restoration activities are to be conducted within this area. Grading, construction, and restoration work within the wetland/waters buffer zones shall be conducted in a way that avoids or minimizes disturbance of existing wetlands and aquatic habitat.

- A qualified biologist/restoration specialist shall be available during construction to provide situation-specific wetland avoidance measures or planting recommendation, as needed.

- Success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures in the WPRP should be specified. Monitoring shall be conducted by the qualified wetland specialist for a minimum of five years and continue until the success criteria are met. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period.

- Annual monitoring reports shall be prepared by the qualified wetland specialist and submitted to resource agency representatives by December 31 of each monitoring year for a minimum of 5 years or until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.

**Significance With Mitigation:** Less than significant.
BIOLOGICAL RESOURCES

BIO-4 Implementation of the proposed project would not substantially interfere 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.

Implementation of the proposed project would not result in any substantial adverse impacts on wildlife movement opportunities or native nurseries. Wildlife in the site vicinity is already acclimated to human activities and the proposed multi-use path and associated uses on the project site would not result in substantial disruption or obstruction of wildlife movement opportunities. Project implementation would result an increase in the frequency and intensity of human activity on the project site, including dogs and other pets. But appropriate controls would be implemented to minimize the potential for harassment of wildlife, including existing leash laws per SRCC Section 7-12.110, Leash Required in Public Park, Playground. Accordingly, the impact would be less than significant.

Significance Without Mitigation: Less than significant.

BIO-5 Implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

In general, the proposed project would not conflict with any goals and policies of the Santa Rosa General Plan, or conflict with any ordinances. With the exception of the riparian habitats that bisect the site, and the scattered mature trees, sensitive biological resources are generally absent from the site. Measures called for in Mitigations BIO-1a through BIO-1c would ensure avoidance of any special-status species in the remote instance that they disperse onto or establish new nests on the site. Implementation of the proposed project could result in the removal of one or more regulated trees. But any tree removal would be required to comply with the City’s tree protection ordinance. Overall, the proposed project would not conflict with any local policies or ordinances protecting biological resources and a less-than-significant impact would occur.

Significance Without Mitigation: Less than significant.

BIO-6 Implementation of the proposed project would not conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.

There are no habitat conservation plans, natural community conservation plans, or other approved local, regional, or State habitat conservation plans that encompasses the project site or its immediate vicinity. The Santa Rosa Plain Conservation Strategy establishes a long-term conservation program to address potential adverse effects on listed species due to future development on the Santa Rosa Plain, but the service area restricted to the west of Highway 101 and does not extend into the vicinity of the project site. Accordingly, there would be no impact.

Significance Without Mitigation: No impact.
4.3.4 CUMULATIVE IMPACTS

BIO-7 Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, would not result in a significant cumulative impacts with respect to biological resources.

The potential impacts of a proposed project on biological resources tend to be site-specific, and the overall cumulative effect is dependent on the degree to which significant vegetation and wildlife resources are protected on a particular site. This includes preservation of well-developed native vegetation (e.g., marshlands, native grasslands, oak woodlands, riparian scrub and woodland, etc.), populations of special-status plant or animal species, and wetland features (including seasonal wetlands and drainages).

Environmental review of specific development proposals in the vicinity of a development site should serve to ensure that important biological resources are identified, protected, and properly managed, and to prevent any significant adverse development-related impacts, including development for the remaining undeveloped lands in the surrounding area.

Because the footprint of the proposed project lacks any sensitive biological resources, with the exception of the proposed crossing of riparian corridors, and because the identified mitigation measures would reduce any potential biological impacts to a less than significant level, the project would not contribute to any cumulative impacts on special-status species, sensitive natural communities, or regulated wetlands. And the impacts associated with the proposed development would not contribute to a cumulative reduction of important wildlife habitat. Accordingly, the impact would be less than significant.

Significance Without Mitigation: Less than significant.