Lucy Macmillan, M.S.
Environmental Scientist

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January 22, 2021

Mr. Tom Smith
Ghilotti Construction Company Inc.
246 Ghilotti Avenue
Santa Rosa, CA 95407

Re: California Tiger Salamander and Biological Resource Issues
Ghilotti Use Permit Application UPE01-0181
Santa Rosa, Sonoma County, California

Dear Mr. Smith:

At your request, this letter serves to provides information in response to comments in a letter from the California Department of Fish and Wildlife (CDFW) to the Sonoma County Permit Resource and Management Department on October 19, 2020 regarding the proposed Use Permit application (UPE01-0181) for Ghilotti Construction Company's construction yard project at 304 Todd Road in Santa Rosa, Sonoma County, California. The project is being considered by the County for a Mitigated Negative Declaration (MND) pursuant to the California Environmental Quality Act (CEQA).

Based on the comments in CDFW's letter, I contacted Ms. Dana Riggs, Principal Wildlife Biologist with Sol Ecology, to prepare a California tiger salamander habitat (CTS) assessment. The CTS assessment responds to CDFW's request for additional information regarding CTS and potential impacts associated with the proposed project. The assessment is attached as Attachment A to this letter.

In addition, I have paraphrased the comments in CDFW's letter and provided a response to each comment below.

Comment 1: Page 3 of CDFW Letter

The southern portion of the project appears to support grassland habitat that may be suitable for California tiger salamander (CTS, Ambystoma californiense), a State threatened and federally endangered species. The MND concludes that the "property no longer supports habitat for CTS. It is unclear if the southern 5 acres of the project site have been subject to disturbance from construction and operations allowing grassland habitat to reemerge".

Response:

Please refer to the California tiger salamander habitat assessment regarding the site's suitability to provide habitat for CTS (Attachment A).

Comment 2: Page 3 of Comment Letter

Additionally, the MND describes a Roadway Realignment concluding that it would not impact CTS habitat based on a Biological Resources Evaluation (BRE) prepared for the project however the BRE was not provided.

Response:

I prepared a Biological Resources Evaluation (BRE) of the roadway realignment at Ghilotti Avenue and Standish Avenue on December 10, 2019. This evaluation did not include an evaluation of the 5 acres on the southern portion of the proposed project and was for the roadway realignment project only and is not applicable to this project.

Comment 3: Page 3 of Comment Letter

The MND also includes a mitigation measures requiring biological monitoring of the Roadway Realignment if it occurs during the wet season, and states that if any CTS are observed the biologist shall implement applicable protective protocols of CDFW and the United State Fish and Wildlife Service (USFWS). However, it is unclear what the protective protocols would be.

Response:

Please refer to Attachment A for proposed mitigation measures for CTS.

Comment 4: Page 4 of Comment Letter

The project may result in CTS injury, mortality, and habitat loss. Project impacts would be potentially significant. For an adequate environmental setting and impact analysis and to reduce impacts to less-than-significant, CDFW recommends the following:

- *Provide a thorough analysis of the potential for CTS habitat within the project area and provide a copy of the BRE and any other biological technical studies.*
- *Identify any potentially significant impacts to CTS including potential Mandatory Findings of Significance, prior to mitigation.*
- *Require an Incidental Take Permit from CDFW for impacts to CTS.*
- *Require consultation with USFWS to determine if authorization under the federal ESA is warranted.*

The Terra Bagnata Wetland Mitigation project referenced in the MND does not provide CTS mitigation impacts for this project.

Response:

Please refer to the CTS assessment in Attachment A for a thorough analysis of potential habitat for CTS on the project site and associated recommendations for mitigation. The BRE referenced by CDFW was not prepared for this project.

Sonoma County will be the entity to consider Mandatory Findings of Significance for the project. Information provided in the CTS assessment should help facilitate that process.

The Terra Bagnata Wetlands Mitigation Project does not mitigate for the project proposed in Ghilotti's Use Permit Application UPE01-0181. Mitigation for the proposed project will need to be achieved separately as described in the CTS assessment.

Comment 5: Page 5 of Comment Letter

Would the project have a substantial adverse effect on any riparian habitat or other sensitive community identified in local or regional plans, policies, or by the CDFW or USFWS or on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

Response:

The proposed project will be limited to the interior portions of the site from the toe of slope of the berms inward as shown on the attached site plan. The ditches that are on the perimeter of the project site are outside of the project area and will not be filled, modified or otherwise altered by the proposed project.

To ensure clean stormwater runoff from the site, Ghilotti should institute best management practices to be detailed in the Stormwater Pollution Prevention Plan (SWPPP) to be prepared for the project. This SWPPP should address potential contaminants and mitigation measures to reduce or eliminate potential adverse water quality impacts associated with stormwater runoff from the site.

Comment 6: Page 5 of Comment

Project activities could result in the fill of potential streams and runoff from soil stockpiles could adversely impact stream and wetland habitat and endangered and other special-status plants.

Therefore, CDFW recommends that the MND:

- *Include a thorough analysis of the ditches and wetlands within and adjacent to the site and whether the ditches are potentially subject to Section 1600 of the Fish and Game Code.*
- *Identify potential direct and indirect impacts to the above referenced resources and special-status plants.*
- *Require and LSA Notification to CDFW for impacts to streams and compliance with the LSA Agreement upon issuance.*

Response:

The proposed project does not call for modifying the adjacent channelized drainages surrounding the project site. These ditches, while man-made, may be considered potentially subject to CDFW pursuant to Section 1600 of the Fish and Game Code and therefore if modified in the future may require CDFW authorization through the Lake and Streambed Agreement process.

The ditches, which are ephemeral in nature, may provide habitat for special-status plants associated with wetland habitats on the Santa Rosa Plain. However, the project does not call to modify or alter these features and therefore would not have direct impacts on special-status plants if they occur.

To ensure clean stormwater runoff from the site, Ghilotti should institute best management practices to be detailed in the Stormwater Pollution Prevention Plan (SWPPP) to be prepared for the project. This SWPPP should address potential contaminants and mitigation measures to reduce or eliminate potential adverse water quality impacts that could affect special-status plants and CTS.

Conclusion

I trust that this letter and associated information provides you with information to respond to CDFW's comments regarding the proposed project. If you have any questions or require further assistance on the project, please contact me at lucymacmillanconsulting@gmail.com or at 415-244-6296. Thank you.

Sincerely,

Lucy Macmillan, M.S.
Environmental Scientist

SITE PLAN

SOL ECOLOGY

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January 18, 2021

Mr. Tom Smith
Ghilotti Construction Company Inc.
246 Ghilotti Avenue
Santa Rosa, CA 95407

Re: California Tiger Salamander Assessment for 304 Todd Road in Santa Rosa, California

Dear Mr. Smith,

The purpose of this letter is to describe the methods and results of a protocol-level California tiger salamander (CTS; *Ambystoma californiense*) site assessment for the property located on Ghilotti Construction Company's construction yard project at 304 Todd Road in Santa Rosa, California (Project Site). This report is being prepared in response to comments from the California Department of Fish and Wildlife (CDFW) issued to Sonoma County. For this purpose, this letter addresses the potential for impact to CTS to occur on the site and what permits and/or compensatory mitigation may be required.

Methods

The site assessment described in this report was performed in accordance with the October 2003 USFWS Interim Guidance on Site Assessment and Field Surveys for Determining Presence or A Negative Finding of the California Tiger Salamander. I, Dana Riggs a Principal Biologist with a background in wildlife ecology and more than 20 years of experience performing habitat assessments and protocol surveys for the CTS statewide and in Sonoma County, performed the site assessment on December 3, 2020.

Prior to the site visit, I reviewed available information and the CNDDB database[1] for records on CTS sightings within 3.1 mile of the Project Site. I also reviewed available aerial photography to identify potential breeding/aquatic and upland habitats on the site and surrounding vicinity and whether barrier-free corridors are present to nearby suitable habitats and/or documented occurrences. During the site assessment, I conducted transects across the entire property to determine whether suitable habitat elements (e.g., suitable water bodies, small-mammal burrows, or other suitable refugia) are present to support CTS. I also evaluated surrounding land uses located between the site and nearby suitable occupied habitats. A map of the property and

[1] California Department of Fish and Wildlife (CDFW). 2020. California Natural Diversity Database. Wildlife and Habitat Data Analysis Branch, Sacramento, CA.

surrounding habitats is provided in Attachment A (Figure 1). Photographs of the site are provided in Attachment B.

Results

Element 1. Is the project site within the range of the CTS?

The project site is within the range of the CTS and is located within the Santa Rosa Plain Conservation Strategy Area. The site is located within an area designated as "future development" and is within the "urban growth boundaries" as shown on the Figure 3 (revised) Conservation Strategy Map[2].

Element 2. What are the known localities of CTS within the project site and within 3.1 miles (5 km) of the project boundaries?

There are 51 documented occurrences records (or localities) of CTS within 3.1 miles of the project site. Attachment A, Figure 2 shows the location of these known occurrences respective to the project site. Of these documented occurrence records, three are located east of Highway 101, a known barrier to CTS. The remaining documented occurrence records are located west, north, and south of the site, two to the south east (#328, #726), and one (#780) within the project site. The documented occurrence within the project site is recorded in an ephemeral erosion control ditch at the southern end of the site. This occurrence is presumed extant and consisted of two larvae observed in February 2003, one juvenile caught in a pitfall trap in November 2010, and another individual (life stage not specified) in 2013, presumed to be migrating from aestivation to breeding habitat.

There are 14 documented occurrence records of CTS located within 1.3 miles (2 km) of the project site, the distance CTS have been known to migrate. This does not include the occurrence on the project site and one on the east side of Highway 101. The nearest documented occurrence (#668) is located approximately 1,700 feet or 0.32 miles (0.51 km) to the south and consisted of a single adult observation in 2013, also presumed extant in the area. The most recent nearby documented occurrence (#328), 0.65 miles (1 km) from the site was of larvae in 2019 observed in ponded drainage and vernal swale, (with regular observations of larvae in this area dating back to 1993). A majority of the remaining documented occurrences are of larvae or eggs and considered extant, however the date of documentation (early to mid-2000s for most) and continued development may indicate certain occurrences extirpated particularly those to the north of the project site within the "urban growth boundaries" designated areas. The 14 documented occurrence records of CTS located within 1.3 miles (2 km) of the project site are in areas designated as "future development", "already developed (no potential for impacts)", "CTS

[2] U.S. Fish and Wildlife Service. 2014. Draft Recovery Plan for the Santa Rosa Plain: *Blennosperma bakeri* (Sonoma sunshine); *Lasthenia burkei* (Burke's goldfields); *Limnanthes vinculans* (Sebastopol meadowfoam); Sonoma County Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California. vi + 132 pp

conservation areas", and "areas within 1.3 miles of known breeding" as shown on the Conservation Strategy Map.

Element 3. What are the habitats within the project site and within 1.24 miles (2 km) of the project boundaries?

The project site is relatively flat at an elevation of between 32 and 33 meters (105- 111 feet), except for a large berm at the south end of the site with an elevation of 38 meters (126 feet). Impacted bare ground and gravel constitute the sides and top of the berm, limited vegetative groundcover on the sides. Underlying soils include Clear Lake clay, sandy, and Wright loam, commonly found on the Santa Rosa Plain. The project site is developed, visible as gravel parking and equipment storage yards, storage containers and built structures, and pavement rubble piles, (the northern 3/4th having more materials structures and parked vehicles). The paved road (Ghilotti Ave.) runs along the north east side of the site stopping midway. A dirt road runs through the outer edge of the project site, over the berm and between rubble piles. An ephemeral erosion control ditch for a soil deposition area runs along Ghilotti Ave., extending from the top half of the site and connects into the more vegetated ditch base at the site base. Little vegetation is present on the project site. Dominant natural communities present are ruderal grassland habitat, developed and disturbed habitat, and an ephemeral drainage stream.

The project site is surrounded by industrial (construction company sites) and agricultural development (often disked), and ruderal grassland to the north, south, east, and west. Although there is suitable upland and breeding habitat within 1.3 miles (2 km) of the site, this habitat is poor quality, fragmented and mostly surrounded by development. The only potential corridor exists along the south and lower east more vegetated portion of the site.

Conclusion and Recommendations

Based on the findings of this assessment, CTS is documented on the southern half of the site and likely to utilize available upland refugia located within earthen berms on the south, southeast, and southwest portions of the site. However, other portions of the site are not likely to support CTS adults due to the presence of both fill material and heavily compacted soils which prevent small mammals from burrowing and otherwise limits available refugia. Less than 4 acres of the approximately 15-acre site contains marginally suitable upland habitat for CTS in most years. Disturbance from vehicles on the site, including frequent vibration likely precludes estivation. However, the proximity of the site to known and potential breeding habitat suggest that CTS may occupy refugia on the site at least temporarily during dispersal events at the beginning and end of the breeding season.

The project site currently contains suitable aquatic breeding habitat in the large wetland pool at the southwestern corner the site where the ephemeral erosion ditch ends. It is not clear whether this is the exact location of occurrence #780 where larvae were observed in 2003. This area is largely undisturbed and should be presumed extant breeding habitat for CTS. A small amount of the ephemeral ditch on the western side of the property just south of the terminus of Ghilotti

Ave., may also provide aquatic breeding habitat above average rainfall years. However, conclusive evidence is not available and current conditions suggest ponding is unlikely in most years due to limited hydrology.

Based on these findings, continued use and/or future modifications to the southern end of the project site may result in incidental take of CTS and as such, avoidance and minimization measures set forth in the Santa Rosa Conservation Strategy are recommended to avoid incidental take during periods when CTS may be present. Because complete avoidance may not be possible, a Section 2081 Incidental Take Permit (ITP) from CDFW is recommended. Compensatory mitigation for the approximately 3 to 4 acres of suitable habitat is recommended at a ratio of 3:1. It is also recommended that a permanent fence be established around the site once CTS have been excluded to ensure CTS is not subject to mortality due to proposed site operations.

Please do not hesitate to contact me should you have questions.

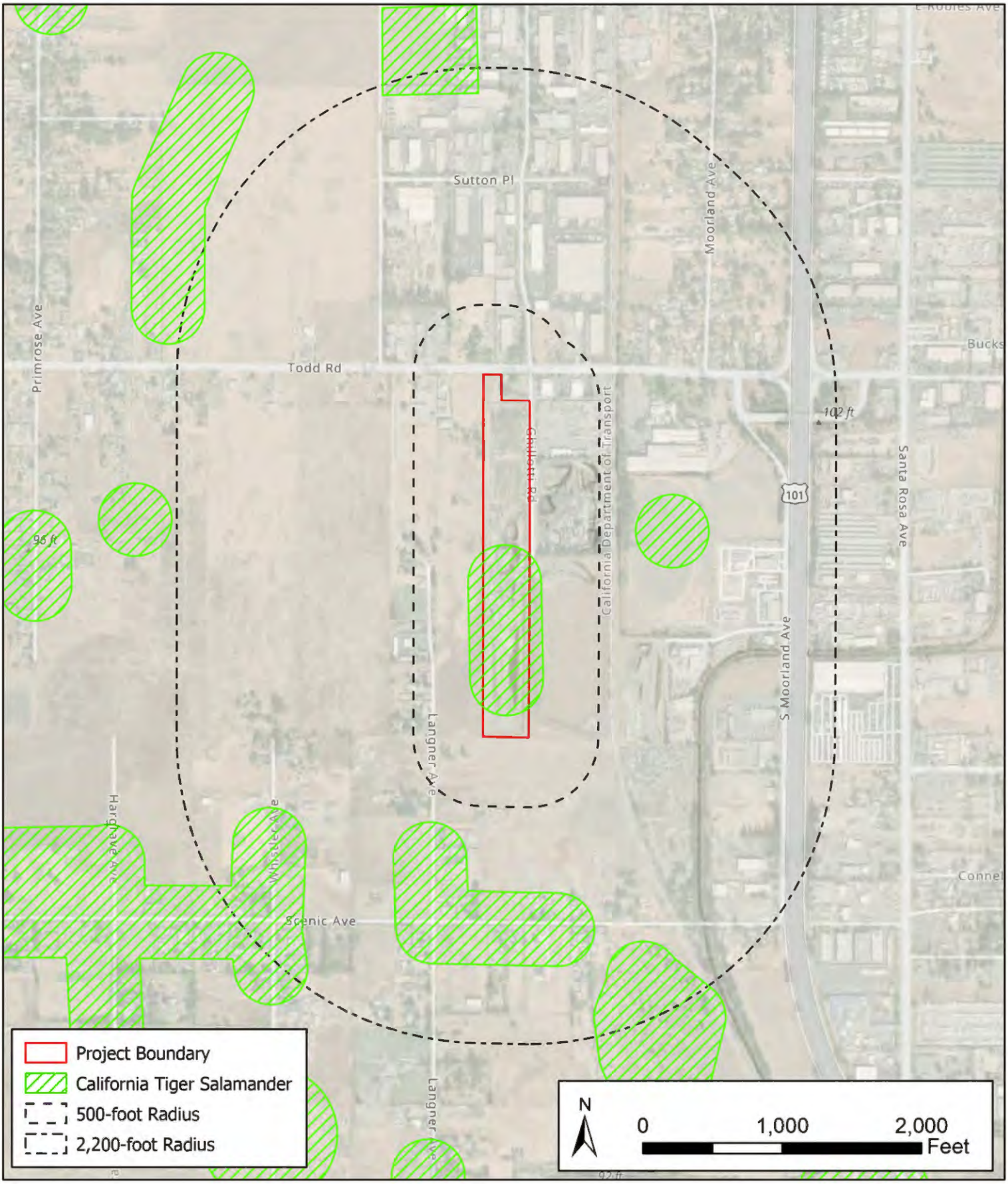
Respectfully,

Dana Riggs, Principal Biologist

Attachments (2):

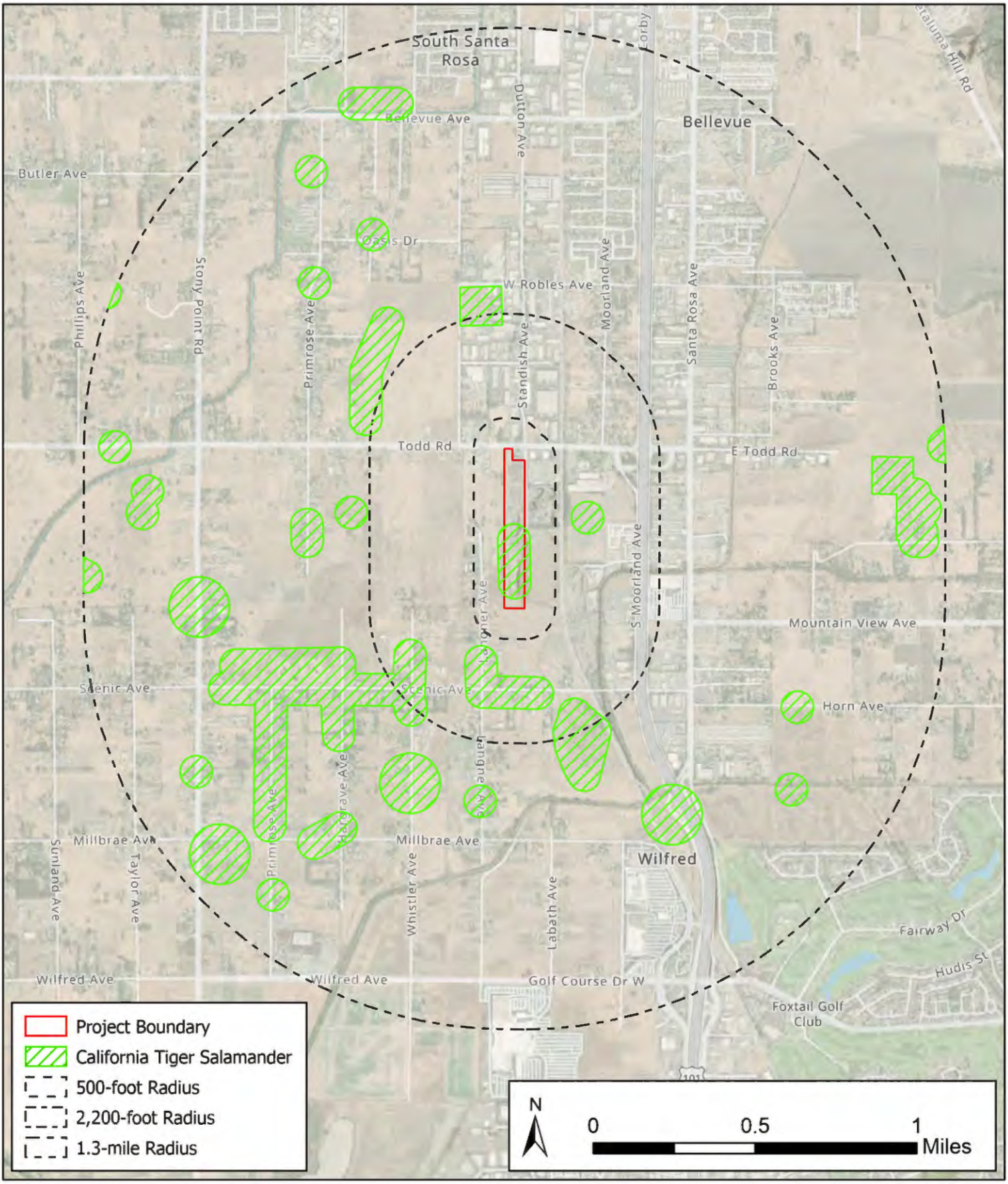
Attachment A – Project Figures
Attachment B – Site Photographs

Attachment A



2246 Camino Ramon
San Ramon, CA 94583

CNDDB California Tiger Salamander
Occurrences within 2,200 feet of
304 Todd Road
Santa Rosa, California



2246 Camino Ramon
San Ramon, CA 94583

CNDDB California Tiger Salamander
Occurrences within 1.3 miles of
304 Todd Road
Santa Rosa, California

Attachment B. Site Photographs

North facing photo of east side of berm located at the south end of project site; provides marginal upland habitat for CTS.

South facing photo of bottom of the site, with view of large wetland at the terminus the ephemeral ditch (provides suitable breeding habitat for CTS).

South facing photo of roadside ditch along north east portion of site; feature does not provide suitable breeding habitat except possibly in very wet years.

West facing photo taken from top of berm looking out onto dirt roads and adjacent disked agricultural parcel; site compaction and fill precludes CTS.