

4.3 BIOLOGICAL RESOURCES

This section evaluates potential impacts on the existing biological resources including vegetation, riparian zones and wildlife found within the Specific Plan Area.

A. Regulatory Framework

This section summarizes existing federal, State and local laws, policies and regulations that pertain to biological resources.

1. Federal Laws and Regulations

The federal regulations that are applicable to biological resources in the site vicinity are the federal Endangered Species Act (ESA), the Clean Water Act (CWA) and the Migratory Bird Treaty Act (MBTA). Relevant portions of these regulations are summarized below.

a. Federal Endangered Species Act

The ESA establishes protection for species that are listed as endangered or threatened by the U.S. Fish and Wildlife Service (USFWS). Sections 9 and 4(d) of the ESA prohibit “take” of endangered and threatened animal species. The USFWS has jurisdiction over wildlife and resident fish; the National Marine Fisheries Service (NOAA Fisheries) has jurisdiction over anadromous fish.

For plants, the ESA prohibits the removal or destruction of any endangered plant on federal land as well as destruction of an endangered plant species in non-federal areas in knowing violation of any State law. Section 7 of the ESA mandates that all federal agencies consult with the USFWS to ensure that federal agencies’ actions do not jeopardize the continued existence of a listed species or adversely modify critical habitat for listed species.

b. Clean Water Act

Section 401 of the CWA requires a water quality certification from the State for all nationwide or individual permits issued by the USACE under Section

404 of the CWA. The Regional Water Quality Control Board (RWQCB) is the State agency in charge of issuing Section 401 water quality certification or waiver.

Section 402 of the CWA requires a National Pollutant Discharge Elimination System (NPDES) permit for discharge of pollutants into water. For projects that will disturb more than one acre, an NPDES permit will need to be obtained from the State Water Resources Control Board. As part of this permit, a Storm Water Pollution Prevention Plan (SWPPP) to control erosion and sediment must be prepared and implemented.

Under Section 404 of the CWA, the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into "Waters of the United States" including wetlands.

c. Federal Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (MBTA) prohibits take of most species of birds and their active nests, eggs and nestlings, without a permit from the USFWS. Activities that cause abandonment of a nest are also considered non-permitted take, prohibited by the MBTA.

2. State Laws and Regulations

a. California Endangered Species Act

The California Endangered Species Act (CESA) prohibits the take of State-listed endangered and threatened species unless specifically authorized by the California Department of Fish & Game (CDFG). The CDFG administers the CESA and authorizes take through permits or memorandums of understanding issued under Section 2081 of the California Fish and Game Code (CFGC). Section 2090 of CFGC requires state agencies to comply with threatened and endangered species protection and recovery and to promote conservation of these species.

b. California Fish and Game

CFGF Section 1600 et seq., regulates activities that would substantially alter the channel, bed, or bank of, a lake, river, or stream. Section 1600 of the CFGF requires notification to the CDFG for stream alteration activities and may require a streambed alteration agreement with attached conditions to protect water quality, fish and wildlife species, along with associated aquatic and riparian habitats.

CFGF Sections 3511, 4700, 5050 and 5515 (Fully Protected Species), designates certain animal species as "fully protected" under Sections 3511 (birds), 4700 (mammals), 5050 (reptiles and amphibians) and 5515 (fish). Fully protected species may not be taken or possessed at any time and no permits may be issued for incidental take of these species.

The CFGF Bird Protections Section 3503 prohibits taking, possession or destruction of the nest or eggs of most bird species unless authorized by the CDFG. Section 3503.5 prohibits the taking of any birds of prey, their nests or eggs.

CFGF Sections 1900-1913 the Native Plant Protection Act (NPPA) includes provisions that prohibit the taking of endangered or rare native plants from the wild and a salvage requirement for landowners. The CDFG administers the NPPA and generally regards as "rare" many plant species included on lists 1A, 1B and 2 of the California Native Plant Society (CNPS) Inventory of Rare and Endangered Vascular Plants of California.¹

c. California Environmental Quality Act

The Oak Woodlands Bill (Senate Bill 1334) amended CEQA, effective January 1, 2005, to require counties to determine whether a project subject to CEQA may lead to a significant environmental impact as a result of the conversion of oak woodlands. If there may be a significant effect, mitigation

¹ California Native Plant Society (CNPS), 2006. Inventory of Rare and Endangered Plants. <http://cnps.web.aplus.net/cgi-bin/inv/inventory.cgi>.

measures must be employed to reduce the impact and promote oak woodland conservation.

3. Local Regulations and Policies

a. City of Santa Rosa General Plan, Open Space and Conservation Element
This section includes goals of rehabilitating and restoring channelized waterways, allowing for growth of riparian vegetation and avoiding disruption or pollution of the waterway. It also includes development guidelines for creek-side areas, including flood control, setback restrictions, orientation of buildings and recreational enhancements.

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 right, and/or
 - Compensatory mitigation, such as restoration or creation.
- ◆ **Policy OSC-D-7:** Rehabilitate existing channelized waterways, as feasible, to remove concrete linings and allow for a connection with the stream channel and the natural water table. Avoid creating additional channelized waterways, unless no other alternative is available to protect human health, safety and welfare.
- ◆ **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.
- ◆ **Policy OSC-D-12:** New development should maintain an adequate setback from channelized waterways to recognize the 100-year flood elevation and allow for stream corridor restoration. Setbacks identified in the Zoning Code should serve as minimum setbacks. Larger setbacks are encouraged in accordance with Restoration Concept Plans to meet restoration and enhancement goals.

Goal OSC-E: Conserve significant vegetation and trees.

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

b. City of Santa Rosa, Amending Santa Rosa City Code, Chapter 17-24, Trees

This ordinance requires that a permit be obtained prior to the alteration, removal or relocation of trees.

c. City of Santa Rosa Zoning Code, Section 20-30.040 – Creekside Development

This section requires minimum setbacks from waterways for structures built along banked waterways and channelized waterways, with exceptions for bridges, utilities and existing structures or properties adjacent to existing structures.

d. City of Santa Rosa, Santa Rosa Waterways Plan

This plan presents guidelines, mitigation measures and criteria for protecting and enhancing streams, including Santa Rosa Creek. It includes guidelines for setback requirements and limits on development adjacent to waterways, as well as protection and restoration guidelines for waterways in developed areas.

e. City of Santa Rosa, Design Guidelines, Section 4.4 Creeks, Riparian Corridors and Storm Drainage

This policy provides guidelines to preserve natural waterways, restore channelized waterways, protect riparian growth and provide for storm drainage and flood control using open channels.

f. Santa Rosa Creek Master Plan (City of Santa Rosa, Sonoma County, Sonoma County Water Agency)

This plan provides a framework for restoration and development along Santa Rosa Creek. It includes goals of conserving and restoring natural habitat, maintaining water flow capacity, access and recreational opportunities.

As part of the Citywide Creek Master Plan effort, the City is in the process of consolidating and updating the plans listed in subsections d, e and f above.

g. Santa Rosa Plain Conservation Strategy

The purpose of the strategy is to develop a long-term conservation program sufficient to mitigate potential adverse effects on listed species due to future development on the Santa Rosa Plain. The program will contribute to the recovery of the Sonoma County distinct population of the California tiger

salamander (CTS) (*Ambystoma californiense*), Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields (*Lasthenia burkei*), Sebastopol meadowfoam (*Limnathes vinculans*) and many-flowered navarretia (*Navarretia leucocephala* ssp. *plieantha*) (listed plants) with the conservation of their sensitive habitats. Both interim and long-term mitigation ratios for CTS, wetlands and listed plants are detailed.

h. Santa Rosa Storm Water Management Plan

In 1997, Santa Rosa was issued a joint National Pollutant Discharge Elimination System (NPDES) permit with the County of Sonoma and SCWA by the RWQCB. The NPDES permit identifies the Storm Water Management Plan (SWMP) implemented by the City to control and eliminate storm water pollution discharge. The City must comply with the provisions of the permit by ensuring that new development and redevelopment mitigate water quality impacts to storm water runoff both during construction and operation periods of projects.

Under direction from the State Water Resources Control Board, the City prepared a Standard Urban Stormwater Mitigation Plan (SUSMP). The SUSMP was developed in 2003 as a part of the NPDES permit for the City of Santa Rosa, the County of Sonoma and the Sonoma County Water Agency. The purpose of the SUSMP is to manage the quality and quantity of storm water runoff in the Santa Rosa area and to aid in the conservation of natural areas in the region. The SUSMP describes and evaluates various "Best Management Practices" (BMPs) for storm water management and outlines procedures for BMP maintenance and inspection. Both private-sponsored and public capital improvement projects in the Santa Rosa area are governed by SUSMP requirements.

Additionally, a Notice of Intent (NOI) should be submitted with the RWQCB to ensure coverage under the State NPDES General Construction Permit for discharges of storm water associated with construction activity. A developer must propose control measures that are consistent with the State General Permit. A Storm Water Pollution Prevention Plan (SWPPP) must be

developed and implemented for each site covered by the general permit. A SWPPP should include SUSMP BMPs designed to reduce potential impacts to surface water quality during construction of the project.²

B. Existing Conditions

This section describes existing conditions in the Specific Plan Area and identifies animal and plant species and vegetation communities, including any special-status species and sensitive communities that may occur in the Specific Plan Area. Additional background data and information regarding identified animal and plant species may be found in Appendix C.

1. Regional Conditions

The City of Santa Rosa is a medium-sized urban and semi-urban community with a population of approximately 160,000. It is located 55 miles north of San Francisco on the Santa Rosa Plain. It lies 30 miles east of the Pacific coastline and 15 miles south of the Russian River. The region has a moderate climate and receives approximately 36 inches of rainfall per year. The area is generally flat with rolling hills and mountains to the east. Elevation ranges from 65 to 200 feet above sea level on the plain, and 400 to 700 feet above sea level in the mountains nearby. The outskirts of the City support agricultural uses, particularly dairy farms and wine grapes. Outside the City, the Santa Rosa Plain is characterized by vernal pool, seasonal wetland and associated grassland habitat.

2. Project Area Conditions

The Specific Plan Area of the City of Santa Rosa is located in the central section of the City and consists of approximately 650 acres. It is situated on the Santa Rosa Plain west of the Sonoma Mountains of the coastal range. Drainage is to the northwest toward the Laguna de Santa Rosa. The Laguna drains

² Public Works Department. *Storm Water Management Plan*. City of Santa Rosa. (<http://ci.santa-rosa.ca.us/default.aspx?PageID=1171>), accessed on November 6, 2006.

Santa Rosa Creek and other creeks in the area, as well as functioning as a major floodwater storage basin for the lower Russian River, located to the northwest.

The Specific Plan Area consists of an urban developed town center with several light-to-moderate industrial areas and two main highway thoroughfares: Highway 12 and Highway 101. The area encompasses the bulk of Downtown Santa Rosa, including the civic center and Railroad Square, and adjacent residential and light industrial areas. There are also some undeveloped land including parks, farmland and ruderal areas, with Santa Rosa Creek running through the Specific Plan Area. This creek is currently channelized; however, restoration to its natural state is planned. Overall, this area is considered heavily urbanized with moderate-to-high levels of disturbance.

a. Vegetation Types

The Specific Plan Area is located in Downtown Santa Rosa, where there is little natural vegetation present. Vegetation types observed were developed/disturbed, ruderal, urban landscape/ornamental and agricultural fields. Santa Rosa Creek, which runs through the Specific Plan Area, is channelized with concrete and rip-rap and contained some limited riparian vegetation, such as willows (*Salix spp.*) and cottonwood (*Populus spp.*), amongst other ruderal vegetation. No wetland areas were identified in the literature review or the field survey.

i. *Urban Landscape/Developed*

Urban landscape vegetation, consisting of ornamental trees, shrubs and lawn, is the dominant vegetation type in the Specific Plan Area. Most of the Specific Plan Area is developed or paved, with the only vegetation being ornamental plantings along the road or outside buildings. The trees observed within the urban landscape included coast redwood (*Sequoia sempervirens*), Monterey pine (*Pinus radiata*), maples (*Acer spp.*), California black oak (*Quercus kelloggii*), coast live oak (*Quercus agrifolia*), valley oak (*Quercus lobata*) and willows. Other than patches of ruderal vegetation and agricultural fields in

the Imwalle Gardens Sub-Area, urban landscape covers most of the remainder of Downtown Santa Rosa Specific Plan Area.

ii. Ruderal

Ruderal vegetation was common throughout the Specific Plan area and was dominated by non-native grasses and forbs. This vegetation is characterized by weedy species that readily colonize disturbed soils in areas such as vacant lots and roadside strips. Within the Specific Plan Area, ruderal vegetation occurs along the railroad grade, in the old rail yard and on patches of industrial properties. Species composition consists mostly of non-native, annual grasses and other herbs. Typical ruderal species include grasses such as ripgut brome (*Bromus diandrus*), wild oat (*Avena spp.*) and weedy herbs, such as vetch (*Vicia sativa*), storksbill (*Erodium cicutarium*) and bindweed (*Convolvulus arvensis*).

iii. Agricultural

In the Imwalle Gardens Sub-Area there are three agricultural fields. Two were recently mowed and the third was unmowed and vegetated predominately by non-native grasses and herbs, including black mustard (*Brassica nigra*), poison oak (*Toxicodendron diversilobum*) and coyotebrush (*Baccharis pilularis*). There is a stand of California black walnuts (*Juglans hindsii*), which contained a variety of bird species, on the southern side of this field surrounded by California blackberry (*Rubus ursinus*), poison hemlock, calla lilies (*Zantedeschia aethiopia*), miner's lettuce (*Montia perfoliata*) and a variety of non-native grasses and forbs.

iv. Riparian

Riparian vegetation in the Specific Plan Area occurs along Santa Rosa Creek. Riparian scrub is a shrub-dominated community that grows along the banks of watercourses and in some other areas with high water tables. Willow shrubs generally dominate riparian scrub; other occasional species include big-leaf maple (*Acer macrophyllum*), California buckeye (*Aesculus californica*) and California bay (*Umbellularia californica*). Riparian plant communities provide high habitat value for wildlife. These communities can provide impor-

tant nesting habitat for birds, offer cover and refuge sites for amphibians, reptiles and small mammals and serve as important movement corridors for wildlife.

Riparian woodland occurs along the banks of perennial and seasonal watercourses. It is similar to riparian scrub, but includes a tree canopy over the associated watercourse. Characteristic tree species include mature willows, big-leaf maple, California buckeye, California bay, box elder (*Acer negundo* var. *californicum*) and cottonwoods (*Populus* spp.). Riparian woodland can also include a variety of oak trees. Within the Specific Plan Area corridor, riparian scrub and sparse riparian woodlands occur along Santa Rosa Creek only. Much of the creekside area has been ripped or channelized, removing the riparian habitat.

b. Wildlife Habitat

The Specific Plan Area consists almost entirely of developed areas with buildings, warehouses, paved or gravel parking areas and roads. Landscaped areas, planted trees and ruderal vegetation within the area provide marginal habitat for wildlife. Landscaped vegetation can provide moderate habitat for species such as Anna's hummingbird (*Calypte anna*), house finch (*Carpodacus mexicanus*), Brewer's blackbird (*Euphagus cyanocephalus*) and raccoon (*Procyon lotor*). Common reptiles, such as western fence lizard (*Sceloporus occidentalis*), may also use ruderal areas such as roadsides and railroad berms for thermal basking.

Cliff swallows (*Petrochelidon pyrrhonota*), barn swallows (*Hirundo rustica*) and a number of bat species may also nest under bridges or overhead roads. Cliff swallow nests were observed in the main parking garage in the Courthouse Square Sub-Area. Bats may also roost or nest inside of disused buildings.

Santa Rosa Creek runs through the center of the Specific Plan Area. This portion of Santa Rosa Creek running through the Specific Plan Area was channelized for flood control purposes. The Creek flows through a concrete culvert from E Street to Santa Rosa Avenue, then daylight into a restored

reach with planted sedges, shrubs, and trees. The grouted rip-rap between Olive Street and Pierson Street will be replaced with a natural bottom and native plantings during the final phase of the Prince Memorial Greenway Creek Restoration Project (anticipated for 2007-8). Downstream of Pierson Street, the Creek includes maturing trees that provide shade to migrating steelhead trout and various resident wildlife species.

There is weedy vegetation and very little riparian growth, which limits roosting or foraging habitat for migrant and resident bird species, such as great egret (*Casmerodius albus*) or great blue heron (*Ardea herodias*), and offers limited cover and refuge sites for amphibians, reptiles or small mammals. The Creek is also anadromous fish habitat, containing the federally Threatened Central California Coast steelhead (*Oncorhynchus mykiss*). Although Central California coast steelhead has been known to occur in the portion of Santa Rosa Creek within the Specific Plan Area, the habitat appears unsuitable for spawning and rearing and would be used primarily as a migratory corridor.

Blackberry bushes provide cover for smaller mammals, such as brush rabbit (*Sylvilagus bachmani*) and deer mouse. Blackberry scrub communities are used by a variety of birds for perching and foraging and can also provide protected nesting. Blackberry scrub was seen in several locations in the Railroad Corridor Sub-Area.

Grassland can support a variety of small mammals and provide important foraging habitat for raptors and other bird species. Birds commonly found foraging in grasslands include red-tailed hawk (*Buteo jamaicensis*), American kestrel (*Falco sparverius*) and western meadowlark (*Sturnella neglecta*). Common mammals include black-tailed jackrabbit (*Lepus californicus*), California ground squirrel (*Spermophilus beecheyi*) and Botta's pocket gopher (*Thomomys bottae*). Rodent burrows in grassland habitats also provide essential upland refuge sites for some amphibians and reptiles. Grassland habitat was observed in the Railroad Corridor Sub-Area, and particularly in the Imwalle Gardens Sub-Area, which contained the largest parcel of wildlife habitat in the Downtown area. A number of small mammal burrows, as well as a large flock of

Brewer's blackbirds and western meadowlarks, were observed in Imwalle Gardens during the site visit.

c. Special Status Species

The following federally listed wildlife species were determined to have a moderate or high likelihood of occurring in the Specific Plan Area. Species determined to have a low likelihood of occurring in the Specific Plan Area, such as the California Tiger Salamander, are not addressed in this section of this EIR. Additional information on species with a low likelihood of occurrence can be found in Appendix C.

i. *Threatened Species*

- ◆ **Central California Coast steelhead (*Oncorhynchus mykiss*).** The Central California Coast Evolutionary Significant Unit (ESU) of steelhead is a federally listed Threatened species. This ESU includes all naturally spawned populations of steelhead in coastal drainages from the Russian River basin south to Santa Cruz County and in the San Francisco/San Pablo Bay basin as far east as the Napa River. Critical habitat has been designated for this ESU in all occupied stream reaches in its geographic range, including Santa Rosa Creek.

Although steelhead are generally anadromous, juveniles spend a considerable time rearing in fresh water and some individuals may remain in fresh water throughout their life cycle. Generally, adults begin returning to streams with the first heavy rains of fall, with peak migration occurring in winter to early spring. Most spawning takes place from January through April, depending on the timing of immigration. Steelhead usually spawn in high-gradient, upper reaches of tributaries. After hatching, steelhead usually stay in fresh water for 1 to 2 years. Juvenile steelhead can occupy a variety of in-stream habitats that provide adequate cover, food supply and cold water temperatures. Out migration usually occurs between February and June and requires sufficiently high flows and cool water temperatures.

- ◆ **California Coastal chinook salmon (*Oncorhynchus tshawytscha*).** The California Coastal ESU of chinook salmon includes all naturally spawned populations from the Russian River watershed north to Redwood Creek in Humboldt County. Critical habitat is designated for this ESU in all occupied stream reaches in its geographic range, including the Specific Plan Area. Fall-run chinook have been seen in Santa Rosa Creek, though it is unknown whether they use the reach encompassed by the Specific Plan Area.³

ii. *Species of Concern*

- ◆ **Townsend's western big-eared bat (*Corynorhinus townsendii townsendii*).** This species is found throughout California except at very high altitudes. It prefers moist habitats. This bat roosts exclusively in open sites in caves or in human-made structures such as mines and abandoned buildings; however, it is very sensitive to disturbance. This species is also listed as a California Species of Special Concern.
- ◆ **Yuma myotis bat (*Myotis yumanensis*).** Yuma myotis is found predominantly in open woodlands and it typically forages over water and roosts in buildings, mines, caves and crevices, under bridges and even in swallow nests. They utilize a variety of roosting habitats and are often found in man-made structures. Yuma myotis may occur in abandoned buildings, particularly near water bodies.
- ◆ **Allen's hummingbird (*Selasphorus sasin*).** This hummingbird typically nests in trees in a variety of semi-open habitats including open oak woodlands, streamside groves, well-wooded suburbs and city parks. This species migrates to Mexico for the winter. The riparian woodlands and stands of trees that occur intermittently may provide suitable nesting habitat for this species.

³ Personal communication with Steve Brady, City of Santa Rosa, April 10, 2006.

C. Standards of Significance

The Specific Plan would have a significant impact with regard to biological resources if it would:

- a. Adversely impact, either directly or through habitat modifications, any endangered, rare, or threatened species, as listed in Title 14 of the California Code of Regulations (§§ 670.2 or 670.5) or in Title 50, Code of Federal Regulations (§§ 17.11 or 17.12).
- b. Have a substantial adverse effect, either directly or indirectly through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- c. 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 Game or U.S. Fish and Wildlife Service.
- d. 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.
- e. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.
- f. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and/or
- g. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

D. Impact Discussion

This section analyzes potential biological impacts for the Specific Plan Area. This discussion is organized by and responds to each of the potential impacts identified in the Standards of Significance.

1. Project Impacts

- a. Adversely impact, either directly or through habitat modifications, any endangered, rare, or threatened species, as listed in Title 14 of the California Code of Regulations or in Title 50, Code of Federal Regulations.

The Specific Plan proposes to relocate the planned creek crossing at Imwalle Gardens to a more centralized location. In addition, it is likely that creek restoration projects would be conducted in conjunction with creekside developments conducted under the auspices of the Specific Plan. Creek restoration projects would be likely to involve removal of concrete channels and restoration of banks, earth channel and riparian vegetation. Construction of stream crossings could cause mortality, harm or disturbance to federally listed Chinook salmon and steelhead if they are present in or near work areas. During construction, migratory passageways for adults or juveniles could be temporarily blocked. While spawning by these species is not expected within the Specific Plan Area, juvenile fish could be present and could be displaced by work activities or injured by construction equipment. Construction-related increases in water turbidity or sedimentation could also adversely affect migrating or rearing fish. Both Central California Coast steelhead and California Coastal Chinook have a high likelihood of occurring in the Specific Plan Area during the appropriate season.

The City's SWMP requires development to be designed to minimize disturbance to waterways and riparian vegetation in order to avoid potential impacts to federally listed salmonids. Implementation of the Specific Plan would require all projects under it to develop and implement their individual Storm Water Pollution Prevention Plan (SWPPP), as required by the City's Storm Water Management Plan (SWMP). A SWPPP would include SUSMP "BMPs" designed to control erosion and sediment.

However, impacts related to endangered, rare or threatened species could occur during the implementation of the Specific Plan. These impacts, including restoration projects in or in the vicinity of Santa Rosa Creek, as well as development adjacent to the creek could impact endangered, rare or threatened species and would create a *significant* impact.

- b. Have a substantial adverse effect, either directly or indirectly through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Allen's hummingbird nests in trees, and may be found in urban or suburban settings during nesting season. It is moderately likely to occur in the Specific Plan Area. Tree removal during nesting season would be likely to impact this species, as well as other birds which nest in the Downtown area.

Demolition of old buildings and bridge structures could impact special-status bat species if they inhabit any of these structures. Abandoned buildings and hidden cavities in old structures could possibly be used as roosting or nursery sites. If an active bat nursery is present, construction activities could disturb or harm breeding adults or offspring and adversely affect their reproductive success.

Existing regulations implemented by permitting agencies, such as the USFWS and CDFG, require a plan to monitor nesting birds or bats during construction be prepared and submitted to the respective agency if there is the potential for destruction of a nest or substantial disturbance to nesting birds or bats due to construction activities

However, impacts related to habitat modification could occur and cause adverse effects to a species identified as a candidate, sensitive, or special-status species. The environmental impact from development projects involving habitat removal, such as tree removal or structure removal or remodeling of existing buildings, could cause a *significant* impact.

- c. 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 Game or US Fish and Wildlife Service.

Riparian habitat is found along Santa Rosa Creek in the Specific Plan Area. The riparian vegetation includes willow shrubs as well as big-leaf maple, California buckeye, California bay and a variety of oak species that may include a tree canopy over the watercourse. Riparian habitats are considered sensitive by the resource agencies because of their high value to wildlife and because of the substantial loss and degradation of these habitats regionally. Removal of riparian vegetation could reduce potential nesting and cover sites for animals, reduce beneficial shading of watercourses and potentially affect bank stability. However, along Santa Rosa Creek, riparian vegetation is limited because much of the creekside area has been riprapped or channelized. Vegetated areas feature sparse riparian vegetation along with weedy species.

The Prince Memorial Greenway Restoration Project restored a riprapped and channelized portion of Santa Rosa Creek extending from Railroad Street in the Railroad Square to Santa Rosa Avenue. Although little riparian vegetation remains, further restoration efforts on the Creek could impact existing riparian habitat.

Implementation of the Specific Plan would involve civic, retail/office, and residential development adjacent to the creek. Given the developed state of these reaches of the creek, and provided that such developments are in concurrence with the guidelines and policies established by the City of Santa Rosa, the Sonoma County Water Agency, notably creek setback requirements established in the Santa Rosa Waterways Plan, the anticipated impact on riparian vegetation could be reduced. However, if development projects are done in close proximity to the Santa Rosa Creek and sensitive communities, *significant* impacts could occur.

- d. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means.

The Specific Plan Area does not include any federally protected wetlands, including marshes, vernal pools, or coastal areas. Therefore, the Specific Plan would have *no impact* on such resources.

- e. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites.

Central California Coast Steelhead and California Coast Chinook salmon use Santa Rosa Creek as part of their migratory corridor, though they are unlikely to spawn in the reaches encompassed by the Specific Plan. Development increasing water temperature or turbidity or decreasing dissolved oxygen levels would adversely affect creek water quality and reduce the habitat for these Federally Threatened fish species. Erosion and sedimentation due to construction would be a possible cause of water quality impairment.

Implementation of the Specific Plan would require all projects under it to develop and implement their individual Storm Water Pollution Prevention Plan (SWPPP), as required by the City's Storm Water Management Plan (SWMP). A SWPPP would include SUSMP "BMPs" designed to control erosion and sediment.

Nesting birds, including special-status species such as Allen's hummingbird, would be affected by the removal of trees and other vegetation in the Specific Plan Area. These and other development-related activities could destroy active nests, harm individual birds, or cause nest abandonment, if they occurred during the nesting season. The MBTA protects most birds, including both common and special-status species, from "incidental take." Activities that cause abandonment of an active nest are also considered non-permitted take, protected by the MBTA.

Bat nurseries could also be disturbed by demolition of buildings or other structures, or construction during the nesting season. The Yuma myotis bat and the Townsend's western big-eared bat, both considered moderately likely to occur in the Specific Plan Area, preferentially nest in abandoned buildings or other human-made structures. If an active bat nursery is present, construction activities could disturb or harm breeding adults or offspring and adversely affect their reproductive success.

Existing regulations implemented by permitting agencies, such as the USFWS and CDFG, require a plan to monitor nesting birds or bats during construction be prepared and submitted to the respective agency if there is the potential for destruction of a nest or substantial disturbance to nesting birds or bats due to construction activities.

Taken together, the existing goals, policies and guidelines would diminish the environmental impact from development projects to potential wildlife corridors and nursery sites. However, it is possible that development projects could disturb waterways and riparian vegetation and remove structures that provide nesting sites for species. The development of such projects could result in a *significant* impact.

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

The proposed restoration and development activities would not conflict with local policies or ordinances protecting biological resources. The Santa Rosa General Plan Open Space and Conservation element has goals of rehabilitating and restoring channelized waterways, allowing for growth of riparian vegetation and avoiding disruption or pollution of the waterway. The goals also describe development guidelines for creekside areas, including flood control, setback requirements, orientation and recreational enhancements. The City of Santa Rosa Zoning Code, the Santa Rosa Creek Design Guidelines, the Sonoma County General Plan, Santa Rosa Waterways Plan and the Santa Rosa Creek Master Plan all provide similar objectives and goals for creek water quality and restoration. The City is in the process of consolidating and

updating these plans as part of the Citywide Creek Master Plan effort. The City also requires a City permit for tree removal. The Specific Plan is designed to be compliant with these existing policies and regulations by deferring to their specific requirements as applicable. Adherence to the existing policies and ordinances would result in a *less-than-significant* impact.

- g. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The proposed renovation activities were not found to be in conflict with local, regional, State, or federal habitat conservation plans. There are no formal Habitat Conservation Plans covering this area. Therefore, the Specific Plan would result in *no impact* to conservation plans.

2. Cumulative Impacts

Development within the Santa Rosa Urban Growth Boundary has the potential to cumulative impact sensitive biological resources, such as sensitive species and wetlands. However, the 2002 General Plan EIR identified that with the policies included in the General Plan, that the potential for development under the General Plan to cumulatively impact biological resources would be reduced to a less than significant level. Implementation of the Specific Plan without mitigating measures could result in impacts to significant biological resources, including tree nesting birds, bats and Central California Coast Steelhead; however, as discuss below, the identified General Plan policies and mitigation measures identified in this EIR would reduce the impact to a less than significant level. In addition, the majority of the vegetation currently present in the Specific Plan Area is ruderal, consisting primarily of non-native plant species occurring in discontinuous patches, which provide relatively low habitat value to wildlife. The Specific Plan's compliance with the existing General Plan policies and the mitigation measures identified below would result in the Specific Plan *not contributing to a significant* cumulative impact on biological resources.

E. Impacts and Mitigation Measures

Impact BIO-1: The Specific Plan proposes to relocate the planned creek crossing at Imwalle Gardens, and it is likely that creek restoration projects would be conducted in conjunction with creekside developments. The implementation of the Specific Plan could impact, either directly or through habitat modifications, some endangered, rare, or threatened species within the Santa Rosa Creek. This would be a *significant* impact.

Mitigation Measure BIO-1: Development shall be designed to minimize disturbance to waterways and riparian vegetation in order to avoid potential impacts to federally listed salmonids. For work in or in close proximity to Santa Rosa Creek, in-stream work shall not start before June 15 and shall be completed by October 15, unless otherwise approved by appropriate agencies. The City shall consult with NOAA Fisheries and CDFG and implement protection measures specified in consultation with those agencies.

Significance After Mitigation: Less than significant.

Impact BIO-2: Tree removal, demolition of old buildings and bridge structures, as well as construction disturbances could have a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species. This would be a *significant* impact.

Mitigation Measure BIO-2: If there is the potential for destruction of a nest or substantial disturbance to nesting birds or bats due to construction activities, a plan to monitor nesting birds or bats during construction shall be prepared and submitted to the USFWS and CDFG for review and approval. The City shall comply with all USFWS or CDFG guidance for protection of nesting birds.

If vegetation, buildings or bridges that potentially provide nesting sites must be removed, a qualified wildlife biologist shall conduct pre-

construction surveys. If an active bird nest is found, the bird shall be identified to species and the approximate distance from the closest work site to the nest estimated. No additional measures need be implemented if active nests are more than the following distances from the nearest work site: (a) 300 feet for raptors; or (b) 75 feet for other non-special-status bird species. Disturbance of active nests shall be avoided to the extent possible until it is determined that nesting is complete and the young have fledged. Bats shall be absent or flushed from roost locations prior to demolition of buildings. If flushing of bats from buildings is necessary, it shall be done by the biologist during the non-breeding season from October 1 to March 31. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away. During the maternity season from April 1 to September 30, prior to building demolition or construction, a qualified biologist shall determine if a bat nursery is present at any sites identified as potentially housing bats. If an active nursery is present, disturbance of bats shall be avoided until the biologist determines that breeding is complete and young are reared.

Significance After Mitigation: Less than significant.

Impact BIO-3: Removal of riparian habitat and restoration efforts along Santa Rosa Creek could have a substantial adverse effect on any riparian habitat or other sensitive natural communities. This would be a *significant* impact.

Mitigation Measure BIO-3: See Mitigation Measure BIO-1.

Significance After Mitigation: Less than significant.

Impact BIO-4: The implantation of the Specific Plan could interfere substantially with the movement of migratory fish such as Central California Coast Steelhead and California Coast Chinook salmon. Nesting birds, including special-status species such as Allen's hummingbird, could also be affected by

the removal of trees and other vegetation. The nurseries of the Yuma myotis bat and the Townsend's western big-eared bat could also be disturbed by demolition or construction during nesting season.

Mitigation Measure BIO-4a: See Mitigation Measure BIO-1.

Mitigation Measure BIO-4b: See Mitigation Measure BIO-2.

Significance After Mitigation: Less than significant.