

Los Amigos Cottages Builder's Remedy Project

Final Initial Study–Mitigated Negative Declaration

State Clearinghouse Number: 2026040726

prepared by

Town of Windsor
Community Development Department
9291 Old Redwood Highway #400
Windsor, California 95492
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prepared with the assistance of

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July 2026

RINCON CONSULTANTS

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1 Introduction

1.1 Purpose of the Responses to Comments

This Final Initial Study – Mitigated Negative Declaration (Final IS-MMD) has been prepared by the Town of Windsor to evaluate the potential environmental impacts of the proposed Los Amigos Cottages Builder's Remedy Project ("proposed Project" or "Project").

This document includes comments received during the circulation of the Draft IS-MND prepared for the Project and responses to those comments. This document also includes revisions to the IS-MND made in response to comments, and the Mitigation Monitoring and Reporting Program (MMRP).

The IS-MND identifies the likely environmental consequences associated with implementation of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This document provides a response to comments on the IS-MND and makes revisions to the IS-MND, as necessary, in response to those comments or to make clarifications to material in the IS-MND. This document, together with the Draft IS-MND, constitutes the Final IS-MND for the proposed project.

1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to circulate a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) and provide the general public with an opportunity to comment on the Draft IS-MND. The Draft IS-MND was circulated for a public review period that began on April 16, 2026, and ended on May 18, 2026. Copies of the NOI were mailed to local and state agencies and posted with the County Clerk's Office. The NOI and Draft IS-MND were also filed with the State Clearinghouse. The Draft IS-MND was available for review at the Town of Windsor Community Development Department, Building 400, 9291 Old Redwood Highway, Windsor, CA, 95492 and on the Town's website https://www.townofwindsor.ca.gov/1646/Los-Amigos-Cottages).

The Town of Windsor received two comment letters on the Draft IS-MND. Section 2, "Responses to Comments on the Draft IS-MND," identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute a "substantial revision" by CEQA standards (*CEQA Guidelines* Section 15073.5).

1.3 Document Organization

This Response to Comments (RTC) Document consists of the following sections:

- **Section 1: Introduction**. This chapter discusses the purpose and organization of this RTC Document and summarizes the environmental review process for the project.
- **Section 2: Responses to Comments on the Draft IS-MND.** This chapter contains reproductions of all comment letters received on the Draft IS-MND. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Section 3: Draft IS-MND Revisions**. Corrections to the Draft IS-MND that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft IS-MND, are contained in this chapter. Underlined text represents language that has been added to the Draft IS-MND and ~~strikeout~~ text represents language that has been removed.

- **Section 4: Mitigation Monitoring and Reporting Program.** This chapter contains the MMRP for the proposed project.

2 Responses to Comments on the Draft IS-MND

This section includes comments received during public circulation of the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the Los Amigos Cottages Builder's Remedy Project (Project).

The Draft IS-MND was circulated for a 30-day public review period that began on April 17, 2026 and ended May 18, 2026. The Town of Windsor received two comment letters on the Draft IS-MND. The commenters and the page number on which each commenter's letter appear are listed below.

2.1 Comment Responses

Letter	No. and Commenter	Page No.
1	Katherine M. Butler, MPH, Director, Department of Toxic Substances Control (DTSC)	2-2
2	Erin Chappell, Regional Manager California Department of Fish and Wildlife (CDFW)	2-8

The comment letters and responses follow. The comment letters are numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in Comment Letter 1).

Where a comment resulted in a change to the Draft IS-MND text, a notation is made in the response indicating that the text is revised. Changes in text are signified by strikeout font (~~strikeout font~~) where text was removed and by underlined font (<u>underlined font</u>) where text was added. These changes in text are also included in Section 3, *Revisions to the Draft IS-MND*.

Letter 1

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

April 22, 2026

Kimberly Jordan
Planner III
Town of Windsor
9291 Old Redwood Highway
Windsor, CA 95492
kjordan@townofwindsor.ca.gov

RE: MITIGATED NEGATIVE DECLARATION FOR THE LOS AMIGOS COTTAGES BUILDER'S REMEDY PROJECT DATED APRIL 15, 2026, STATE CLEARINGHOUSE NUMBER 2026040726

Dear Kimberly Jordan,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Los Amigos Cottages Builder's Remedy Project (Project). The proposed Project would involve the subdivision of the Project site into 32 residential lots and construction of 32, two-story residences. In addition to the construction of residences on site, the Project would involve the construction of a portion of the planned Los Amigos Road extension from its intersection with Arata Lane to the Project site's northern entry. DTSC recommends and requests consideration of the following comments: 1

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic

present would require further analysis and sampling and must meet approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the DTSC's Human and Ecological Risk Office (HERO) webpage for the most recent guidance and screening levels.

1, cont.

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing soil/fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material is suitable for the intended land use. The sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

2

3. The Town of Windsor should consider soil testing as mentioned in comment #1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends the Town of Windsor address the contaminations within the Project area through an Environmental Site Assessment and/or receive oversight from a self-certified local agency, DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for

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Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact the relevant Regional Brownfield Coordinator for your Project.

3, cont.

DTSC appreciates the opportunity to comment on the MND for the Los Amigos Cottages Builder's Remedy Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via CEQA Review email for additional guidance.

Sincerely,

Dave Kereazis

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
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cc: (via email)

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Letter 1

Commenter: Katherine M. Butler, MPH, Director, Department of Toxics Substances Control

Date: April 22, 2026

Response 1.1

The commenter provides an introduction and summary of the project. The commenter states that when agricultural crops and/or land uses are proposed for conversion to residential use, several contaminants of concern (COCs) can be present including pesticides and arsenic, which would require further analysis and sampling and must meet approved local area baselines or thresholds. The commenter explains that if soil samples do not meet thresholds, remedial action is needed to get samples below those thresholds. The commenter states these recommendations should be adhered to and become part of the environmental document and refers to the DTSC's Human and Ecological Risk Office (HERO) webpage for the most recent guidance and screening levels.

A Phase I Environmental Site Assessment (ESA) was prepared for the Project site by Trans Tech Consultants in April 2021. This report has been included as Appendix A to this Final IS-MND. The ESA included the following properties: 263 Arata Lane (Assessor Parcel Number [APN] 161-020-49), 325 Arata Lane (APN 161-020-53), APN 161-020-58 (no street address), and 259 Arata Lane (APN 161-020-60). The Project site is located on APN 161-020-049. The ESA included a review of the Project site history based on data obtained from the landowner and agency files, a review of regulatory agency files and databases pertaining to the Project site, and a review of historical aerial photographs. The purpose of the Phase I ESA was to assess the following conditions: Recognized Environmental Condition (REC), Controlled REC, and Historical REC. The ESA revealed no RECs, Controlled RECs or Historical RECs in connection with the Project site. Based on historical aerial photographs, the ESA described the history of the uses on the Project site. According to the ESA, based on aerial imagery from 1942 to 1968 the site was developed with primarily orchards. By 1974 vineyards appear to have been planted but by 1983 they were removed and the site remained "essentially the same" through the 2012 photos. The owner has described the use of the property as pasture. Accordingly, the existence of agricultural chemicals such as fertilizers and pesticides are possible in the shallow soil due to this historical land use. While it is possible that agricultural chemicals such as pesticides have been used on the Project site, the application of pesticides in accordance with applicable laws and labeling requirements is generally considered an acceptable agricultural practice and does not constitute a REC. Pesticide accumulation in near-surface soils is not generally considered a soil contamination problem requiring cleanup, as long as their application is conducted in accordance with applicable laws and labeling requirements. Further, if an agricultural site did not contain an area where chemical management occurred (filling, mixing, rinsing, storage, or disposal), then use of these chemicals in accordance with industry standards does not appear to cause a historical land use finding to be classified as a REC unless evidence of a spill. According to the applicant, no mixing or storage of agricultural chemicals has occurred on the Project site and no conspicuous storage or mixing areas were observed on the Project site in the historical aerial imagery. Based on the review of historical photographs, there is no reason to suspect that the past owner of the orchard applied pesticides out of conformance with the recommendations of the labeling on the containers. Therefore, the historical orchard and vineyard land uses are not likely to have resulted in any hazardous materials release such that there is threat to public health. Nonetheless, in response to this comment, additional information has been added to the Draft IS-MND, including a requirement for soil testing to determine whether hazardous materials are present and implementation of remediation, if warranted, as suggested by the commenter. Revisions in response to this comment are shown in Section 3, *Revisions to the Draft IS-MND*, of this document.

Response 1.2

The commenter recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual. The commenter also advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing soil/fill is necessary and provides recommendations to minimize the possibility of introducing contaminated soil/fill material.

As discussed in the Draft IS-MND Project Description on page 11 of the Draft IS-MND, earthwork on the site would be balanced and no soil import or export would be required as part of construction. Therefore, the Project would not result in impacts related to introducing contamination to the site with imported soil/fill material. No revisions to the IS-MND have been made in response to this comment.

Response 1.3

The commenter states that the Town of Windsor should consider soil testing as mentioned in comment 1.1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends the Town of Windsor address the contaminations within the Project area through an Environmental Site Assessment and/or receive oversight from a self-certified local agency, DTSC or Regional Water Quality Control Board. The commenter provides information about how to enter into a voluntary agreement with DTSC.

As discussed in Response 1.1, a Phase I ESA was prepared for the Project site and no RECs, Controlled RECs or Historical RECs in connection with the Project site. As discussed in Response 1.1, revisions in response to the comment regarding the need for soil testing are shown in Section 3, *Revisions to the Draft IS-MND*, of this document.

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Letter 2

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
wildlife.ca.gov

May 11, 2026

Kimberly Jordan, Planner III
Town of Windsor
9291 Old Redwood Highway
Windsor, CA 95492
KJordan@townofwindsor.ca.gov

Subject: Los Amigos Cottages Builder's Remedy Project, Mitigated Negative Declaration, SCH No. 2026040726, Sonoma County

Dear Kimberly Jordan:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the Town of Windsor (Town) for the Los Amigos Cottages Builder's Remedy Project (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.

CDFW is submitting comments on the MND to inform the Town, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources. 1

PROJECT DESCRIPTION SUMMARY

Proponent: Arata Properties, LLC.

Objective: The project consists of the subdivision of the project site into 32 residential lots and construction of 32 residences including 26 detached single-family residences and 6 attached single family "duet" style residences all of which would be two-stories in height. Lot sizes would range from 1,896 square feet to 4,860 square feet for the detached single-family 2

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residences and 1,664 square feet to 2,932 square feet for the "duet" style residences. The project would also include a portion of the realignment and extension of Los Amigos Road and construction of storm drain facilities. Additionally, the project would connect to planned storm drain improvements proposed for the neighboring Quail Acres residential development project along Los Amigos Road and Arata Lane. 2 , cont.

Location: The 2.71-acre project site is located at 263 Arata Lane (Assessor's Parcel Number 161-020-049) in the Town of Windsor in Sonoma County in Section 2, Township 8 North, Range 9 West as depicted on the Mount Diablo Meridian Healdsburg U.S. Geological Survey 7.5' quadrangle map, and at approximately Latitude 38.56289°N, Longitude 122.82006°W.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed or candidates under CESA, either during construction or over the life of the project. **The project has the potential to result in take of Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*), and Burke's goldfields (*Lasthenia burkei*), which are CESA listed as endangered species, and burrowing owl (*Athene cunicularia*), which is a CESA candidate species, as further described below.** Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP. 3

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. **Project activities may impact an** 4

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unnamed stream, therefore an LSA Notification may be warranted. Thank you for including in the MND a requirement that the project consults with CDFW on the need for an LSA Notification. CDFW would consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency. 4, cont.

Raptors and Other Nesting Birds

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act. 5

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Town in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below, CDFW concludes that an MND is appropriate for the project. **Attachment 1** includes CDFW's recommended mitigation measures in a Draft Mitigation Monitoring and Reporting Program. 6

I. Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?

COMMENT 1: MND Pages 36-38, CESA-listed Plants, Environmental Setting and Mitigation Measure Related Impact Shortcoming

Issue: Burke's goldfields has been documented approximately 400 feet west of the project (California Natural Diversity Database [CNDDB] Occurrence Number 4) and Sonoma sunshine has been documented approximately 0.3 mile west of the project (CNDDB Occurrence Number 33). According to aerial imagery and the California Aquatic Resources Inventory, potentially suitable wetland habitat for these species may be located within or directly adjacent to the project site. The on-site drainage ditch may also represent suitable habitat if it contains seasonal wetlands. The MND does not address potential indirect impacts to these wetlands, such as modification of hydrologic conditions, or construction related sedimentation into occupied wetland habitat, that may result in impacts to Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields. As such, it is possible that the project may result in direct or indirect impacts to the above CESA-listed plants. 7

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The MND states that a rare plant survey was conducted in June 2018, however this survey only included 2 site visits and is over 3 years old. The MND requires a special-status plant survey prior to the onset of construction and within the appropriate blooming period for special-status plants that may occur. However, the MND only requires one survey prior to the onset of construction. The Santa Rosa Plain Conservation Strategy, Appendix D: Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy) and CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) provide guidelines for acceptable survey documentation for protocol-level surveys for CESA and federally listed plants on the Santa Rosa Plain. These guidelines include, but are not limited to, two years of surveys consisting of three site visits during the corresponding blooming seasons for Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields conducted under appropriate conditions, and surveys older than 3 years old likely require additional surveys. 7, cont.

Specific impacts and why they may occur and be significant: Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields may be directly or indirectly impacted by the project due to potential temporary or permanent removal of suitable seasonal wetland habitat, modification of hydrological conditions of wetland habitat, construction related sedimentation into occupied wetland habitat, or other factors affecting any on-site or off-site occurrences of these species, resulting in unevaluated and unmitigated mortality of individuals. Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields are CESA and federally listed as endangered species. These species are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if they are present within or adjacent to the project site where they would be directly or indirectly impacted, the project may substantially reduce the number or restrict the range of these species, which would be a mandatory finding of significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields to less-than-significant and comply with CESA, CDFW recommends including the following mitigation measure in the MND.

> **MM-BIO-1:** Special-Status Plant Habitat Assessment and Surveys. Prior to ground disturbance, the project shall submit a wetland assessment and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site wetland habitat, such as modification of hydrological conditions or construction related sedimentation into wetland habitat, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.

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If direct or indirect impacts to potentially suitable wetlands for special-status plant species including, but not limited to, Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields may occur, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should follow CDFW's 2018 Protocols for *Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of special-status plants, such as Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with the above survey protocols and guidelines, including, but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys should include the entire extent of any directly or indirectly impacted suitable wetland habitat, including portions of the wetland on adjacent parcels or not directly impacted, as impacts to part of a wetland often affects the entire wetland. Evaluation of indirect impacts may necessitate a thorough hydrological assessment that fully analyzes existing and post-project conditions to seasonal wetland habitat. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP including but not limited to providing habitat compensation. In addition, the project shall consult with the U.S. Fish and Wildlife Service (USFWS) for any impacts to suitable habitat for plants listed under the federal Endangered Species Act (ESA) (e.g., wetlands) and provide compensatory habitat mitigation as required.

7, cont.

II. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS?

8

COMMENT 2: MND Page 35-36, Burrowing Owl, Environmental Setting and Related Impact Shortcoming

Issue: The MND does appropriately evaluate potential impacts to burrowing owl, which have been documented within 2.6 miles of the project site (CNDDB Occurrence Number 2023).

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The project is within the wintering range of burrowing owl and based on aerial imagery appears to be within or adjacent to potentially suitable habitat for the species.

Specific impacts and why they may occur and be significant: The project may impact wintering burrowing owl utilizing burrows or burrow surrogates on or within up to 1,640 feet of the project site. The project could result in injury or mortality of adults and permanent wintering (i.e., non-nesting) habitat loss. Burrowing owl is a candidate species for CESA listed as threatened because the species' population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrel (*Otospermophilus beecheyi*) resulting in a loss of suitable burrows required by burrowing owl for nesting, protection from predators, and shelter (Shuford and Gardali 2008; Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012); personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Information indicates a decline in burrowing owl range over time, burrowing owl has experienced population declines in regions of California and threats to burrowing owl, coupled with long-term population declines, suggest a high degree and immediacy of threat to burrowing owl in California (CDFW 2024). Based on the foregoing, if burrowing owl are wintering on or within up to 1,640 feet of the project site, project impacts to burrowing owl would be potentially significant. 8, cont.

Recommended Mitigation Measure: For an adequate environmental setting and to reduce potential impacts to burrowing owl to less-than-significant and comply with CESA and Fish and Game Code section 3503 et seq., CDFW recommends including the below mitigation measure in the MND.

> **MM-BIO-2:** Burrowing Owl Assessment and Surveys. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a Qualified Biologist shall conduct a burrowing owl habitat assessment within 1,640 feet of the project area pursuant to the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds), unless otherwise approved in writing by CDFW. The Qualified Biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report habitat assessment and survey methodology. The habitat assessment shall focus on searching the CNDDB and potentially other sources for any burrowing owl records on or within one mile of the project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters in diameter and a depth greater than 150 centimeters), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey

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remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. The results of the habitat assessment shall be emailed to CDFW and the project shall obtain CDFW's written approval of the habitat assessment prior to starting project activities.

If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report and shall begin on August 1. The site visits shall be spread evenly throughout August and the non-breeding season, unless otherwise approved in writing by CDFW. The survey results shall be emailed to CDFW and the project shall obtain CDFW's written approval of the survey results prior to starting project activities. In addition, a survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report. Time lapses of more than 14 days between project activities may trigger subsequent surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance.

If burrowing owl is detected, the project shall immediately notify CDFW. The project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no project activities shall occur, unless otherwise approved in writing by CDFW. A Qualified Biologist or Biological Monitor shall monitor any detected owl to ensure it is not disturbed.

If the surveys result in the detection of the burrowing owl that may be impacted by the project, or the presence of this species and impacts to it are assumed, the project shall obtain and comply with an ITP from CDFW.

Habitat compensation for impacts to known wintering burrowing owl habitat (habitat known to have been occupied by wintering burrowing owl within the last three years) shall also be provided at a minimum 2:1 mitigation to impact ratio prior to project construction, unless otherwise approved by CDFW. Habitat mitigation shall include permanent preservation of high-quality burrowing owl wintering habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, to be finalized before project construction, unless otherwise approved in writing by CDFW. The burrowing owl mitigation plan shall be submitted to CDFW for approval before project construction and include a review of suitability of mitigation lands for burrowing owl as confirmed by a Qualified Biologist. The project shall obtain CDFW's written approval of the burrowing owl mitigation plan. Please be advised that an ITP obtained for burrowing owl may have additional requirements to achieve full mitigation.

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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during project surveys to CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals. 9

FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.) 10

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the Town in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nick Wagner, Senior Environmental Scientist (Specialist), at (707) 428-2075 or Nicholas.Wagner@wildlife.ca.gov or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation, State Clearinghouse (SCH No. 2026040726)
Vincent Griego, U.S. Fish and Wildlife Service - Vincent_Griego@fws.gov
Craig Weightman, CDFW Bay Delta Region - Craig.Weightman@wildlife.ca.gov

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REFERENCES

California Department of Fish and Wildlife (CDFW, formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline.

CDFW. 2024. Petition Evaluation for Western Burrowing Owl (*Athene cunicularia hypugaea*). Report to the Fish and Game Commission. California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA.

Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTPR6001-2003, Washington, D.C.

Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Docusign Envelope ID: FDF125E8-2BE0-4337-92D6-6B98EB60C5CF

ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	**Description**	**Timing**	**Responsible Party**
MM-BIO-1	Special-Status Plant Habitat Assessment and Surveys. Prior to ground disturbance, the project shall submit a wetland assessment and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site wetland habitat, such as modification of hydrological conditions or construction related sedimentation into wetland habitat, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation. If direct or indirect impacts to potentially suitable wetlands for special-status plant species including, but not limited to, Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields may occur, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should follow CDFW's 2018 Protocols for *Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of special-status plants, such as Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with the above survey protocols and guidelines, including, but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	conditions where the above species may be present. Surveys should include the entire extent of any directly or indirectly impacted suitable wetland habitat, including portions of the wetland on adjacent parcels or not directly impacted, as impacts to part of a wetland often affects the entire wetland. Evaluation of indirect impacts may necessitate a thorough hydrological assessment that fully analyzes existing and post-project conditions to seasonal wetland habitat. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP including but not limited to providing habitat compensation. In addition, the project shall consult with the USFWS for any impacts to suitable habitat for plants listed under the federal ESA (e.g., wetlands) and provide compensatory habitat mitigation as required.		
MM-BIO-2	Burrowing Owl Assessment and Surveys. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a Qualified Biologist shall conduct a burrowing owl habitat assessment within 1,640 feet of the project area pursuant to the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds), unless otherwise approved in writing by CDFW. The Qualified Biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report habitat assessment and survey methodology. The habitat assessment shall focus on searching the CNDDB and potentially other sources for any burrowing owl records on or within one mile of the project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters in diameter and a depth greater than 150 centimeters), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

Docusign Envelope ID: FDF125E8-2BE0-4337-92D6-6B98EB60C5CF

	prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. The results of the habitat assessment shall be emailed to CDFW and the project shall obtain CDFW's written approval of the habitat assessment prior to starting project activities. If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report and shall begin on August 1. The site visits shall be spread evenly throughout August and the non-breeding season, unless otherwise approved in writing by CDFW. The survey results shall be emailed to CDFW and the project shall obtain CDFW's written approval of the survey results prior to starting project activities. In addition, a survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report. Time lapses of more than 14 days between project activities may trigger subsequent surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance. If burrowing owl is detected, the project shall immediately notify CDFW. The project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no project activities shall occur, unless otherwise approved in writing by CDFW. A Qualified Biologist or Biological Monitor shall monitor any detected owl to ensure it is not disturbed. If the surveys result in the detection of the burrowing owl that may be impacted by the project, or the presence of this species and impacts to it are assumed, the project shall obtain and comply with an ITP from CDFW. Habitat compensation for impacts to known wintering burrowing owl habitat (habitat known to have been occupied by wintering burrowing owl within the last three years) shall also be provided at a minimum 2:1 mitigation to impact ratio prior to project construction, unless otherwise approved by CDFW. Habitat mitigation shall include permanent preservation of high-quality burrowing owl wintering habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, to be finalized before project construction, unless otherwise approved in writing by CDFW. The burrowing owl mitigation plan shall be submitted to CDFW for approval before project construction and include a review of suitability of mitigation lands for burrowing owl as confirmed by a		

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	Qualified Biologist. The project shall obtain CDFW's written approval of the burrowing owl mitigation plan. Please be advised that an ITP obtained for burrowing owl may have additional requirements to achieve full mitigation.		

Letter 2

Commenter: Erin Chappell, Regional Manager, Bay Delta Region, California Department of Fish and Wildlife (CDFW)

Date: May 11, 2026

Response 2.1

The commenter states that the California Department of Fish and Wildlife (CDFW) is considered as both a Trustee Agency and a Responsible Agency.

The comment summarizes CDFW's jurisdiction and as it pertains to CEQA and does not relate directly to the adequacy of the information or analysis within the Draft IS-MND. No changes to the IS-MND are required as a result of this comment.

Response 2.2

The commenter provides a summary of the project, the project's location, and the project's timeframe.

The comment summarizes information about the Project and does not directly relate to the adequacy of the information or analysis within the Draft IS-MND. No changes to the IS-MND are required as a result of this comment.

Response 2.3

The commenter states that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed or candidates under CESA, either during construction or over the life of the project. In addition, the commenter states that CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species and that impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

This comment states that the Project has the potential to result in take of endangered plants or burrowing owl. However, as discussed in responses 2.7 and 2.8, the Project would not have the potential to result in take of burrowing owl and with mitigation the Project would not have the potential to result in take of rare plants. Please see responses 2.7 and 2.8 for additional information.

Response 2.4

The commenter states that the project may fill unnamed ephemeral drainages and therefore a Lake and Streambed Alteration (LSA) Notification may be required and obtained from the CDFW.

As discussed in Section 4, *Biological Resources,* of the Draft IS-MND, a drainage ditch that flows parallel to Arata Lane was mapped along a portion of the southern boundary of the site. The drainage ditch does not meet the definition of "waters of the U.S." but could be considered "waters of the state" under the Porter-Cologne Water Quality Control Act of California. Further, although the drainage ditch did not exhibit a bed and bank at the time of the delineation, the drainage ditch may also fall under jurisdiction of CDFW pursuant to Section 1600 et seq. of the California Fish and Game Code. Should the ditch be subject to CDFW jurisdiction, it is acknowledged in the Draft IS-MND that impacts to the drainage could require a Lake and Streambed Alteration Agreement (LSA) from the CDFW for any grading or fill activity within the drainage. Therefore, Mitigation Measure BIO-5 is required to address potential impacts associated with the drainage. With mitigation, impacts were found to be less than significant. The commenter does not raise specific concerns about these findings or mitigation but agrees with the requirements of Mitigation

Measure BIO-5 to consult with CDFW on the need for an LSA. Therefore, no revisions have been made to the IS-MND in response to this comment.

Response 2.5

The commenter states that the CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds, and that migratory birds are also protected under the federal Migratory Bird Treaty Act.

The comment provides information on protections for nesting and migratory birds and does not directly relate to the adequacy of the information or analysis within the Draft IS-MND. No changes to the IS-MND are required as a result of this comment.

Response 2.6

The commenter states that an MND is appropriate for the project based on the project's avoidance of significant impacts on biological resources with implementation of mitigation measures.

This comment reiterates the findings of the Draft IS-MND that an MND is the appropriate CEQA path. No changes to the IS-MND have been made in response to this comment.

Response 2.7

The commenter states that "Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields may be directly or indirectly impacted by the project due to potential temporary or permanent removal of suitable seasonal wetland habitat, modification of hydrological conditions of wetland habitat, construction related sedimentation into occupied wetland habitat, or other factors affecting any on-site or offsite occurrences of these species, resulting in unevaluated and unmitigated mortality of individuals." The commenter notes that "Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields are CESA and federally listed as endangered species. These species are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if they are present within or adjacent to the project site where they would be directly or indirectly impacted, the project may substantially reduce the number or restrict the range of these species, which would be a mandatory finding of significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1)".

The commenter recommends that the applicant "submit a wetland assessment and an evaluation of potential direct and indirect impacts to any on-site or adjacent off-site wetland habitat, such as modification of hydrological conditions or construction related sedimentation into wetland habitat, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation".

As discussed in Section 4, *Biological Resources,* of the Draft IS-MND, a wetland delineation was performed for a larger area that included the Project site by Salix Consulting Inc., on May 6, 2021. This delineation was verified in the field by senior U.S. Army Corps of Engineers project manager Bryan Matsumoto on December 10, 2025, who confirmed there were no vernal pools, seasonal wetlands, or wetland swales in the Project area. Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields are wetland obligate plants that occur specifically in vernal pool ecosystems in the Santa Rosa Plain. During the delineation, no vernal pools or seasonal wetlands were mapped in the Project area; therefore, direct impacts to these species due to temporary or permanent removal of suitable seasonal wetland habitat, modification of hydrological conditions of wetland habitat, and construction related sedimentation into occupied wetland habitat in the project area would not occur as a result of project activities.

Potential indirect impacts to special-status plants that may occur outside of the Project area boundaries would be less than significant during construction due to the requirement of the project applicant to develop a Storm Water Pollution Prevention Plan (SWPPP) in accordance with National Pollutant Discharge Elimination System (NPDES) Construction General Permit requirements. The SWPPP would be required to include Best Management Practices (BMPs) during construction to control degradation of

surface water by preventing soil erosion or pollution discharge from the Project site which would prevent runoff and siltation of adjacent habitat. During operation, the Project would implement low impact development BMPs in accordance with Provision C.3 requirements to minimize water pollutants, including implementation of interceptor trees and a bioretention area located within the common space in the center of the Project site. Therefore, indirect impacts to special-status plant species that may be present outside of the project area would be less than significant.

Overall, the Project would not affect special-status wetland plants and no additional mitigation measures are required in response to this comment.

As discussed in Section 4, *Biological Resources,* of the Draft IS-MND, there is potential for non-wetland special-status plants to be present on the Project site. Nonetheless, impacts to special-status plants were found to be less than significant with implementation of Mitigation Measure BIO-4. A follow up rare plant survey is required to be completed in accordance with Mitigation Measure BIO-4, during the season prior to the onset of construction and within the blooming period for special-status plants that may occur on the Project site. No revisions have been made in response to this comment.

Response 2.8

The commenter states an opinion that "The MND does appropriately evaluate potential impacts to burrowing owl, which have been documented within 2.6 miles of the project site (CNDDB Occurrence Number 2023; CNDDB 2026[1]*). The project is within the wintering range of burrowing owl and based on aerial imagery appears to be within or adjacent to potentially suitable habitat for the species. The project may impact wintering burrowing owl utilizing burrows or burrow surrogates on or within up to 1,640 feet of the project site. The project could result in injury or mortality of adults and permanent wintering (i.e., non-nesting) habitat loss."*

The commenter recommends that "If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a Qualified Biologist shall conduct a burrowing owl habitat assessment within 1,640 feet of the project area pursuant to the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation." In addition, the commenter recommends that "The habitat assessment shall focus on searching the CNDDB and potentially other sources for any burrowing owl records on or within one mile of the project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters in diameter and a depth greater than 150 centimeters), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW…If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report and shall begin on August 1."

The nearest documented occurrence of burrowing owl is three miles south of the Project area (CNDDB Occurrence No. 2023[2]). The occurrence record describes an adult using a culvert in rock rip rap at the Sonoma Airport for overwintering. The next nearest documented occurrence is approximately seven miles south of the project area along Guerneville Road, which describes a breeding pair that was present in the vicinity between 1980-1984; however, this occurrence is considered to be extirpated.

[1] California Natural Diversity Database (CNDDB). 2026. California Department of Fish and Wildlife (CDFW). Rarefind, Version 5.3.0. Accessed May 2026.

[2] California Natural Diversity Database (CNDDB). 2026. California Department of Fish and Wildlife (CDFW). Rarefind, Version 5.3.0. Accessed May 2026.

The commenter provided concurrence that the evaluation of potential burrowing owl habitat (lack thereof) in the Project area was appropriate. The CDFW 2012 *Staff Report on Burrowing Owl Mitigation*[3] states that surveys should be conducted "whenever burrowing owl habitat or sign is encountered on or adjacent to (within 150 meters of) a project". Additionally, the recommended setback distances for burrowing owls includes a 500-meter (1,640 feet) recommendation for "nesting sites" in areas experiencing a medium to high level of disturbance. The 500-meter (1,640 feet) recommendation is not specified for overwintering owls in the *Staff Report on Burrowing Owl Mitigation*.

As described in the Draft IS-MND, the Project area is surrounded on the eastern, western, and southern boundaries by development and experiences regular disturbance due to human activities. The area within 150 meters (500 feet) north of the Project is currently undeveloped; however, this land is managed in the same manner as the subject property, where the grass is managed very infrequently and grows to several feet in height. In addition, the biological resources assessment conducted for the Project and the area to the north did not describe the presence of suitable burrows, concrete rubble, or culverts for burrowing owl, nor burrowing owl sign such as whitewash, feathers, pellets, or prey remains. Lastly, the clusters of oak trees just outside of the northern boundary of the Project area and closer to the riparian corridor 200 meters (650 feet) northwest of the Project area likely preclude burrowing owls from occurring due to the potential presence of larger raptors that may prey on burrowing owls and young. Considering this information, which was presented in the Draft IS-MND, an assessment of burrowing owl habitat was already conducted, and the site does not contain suitable burrowing owl habitat.

Given the lack of suitable overwintering habitat in and adjacent to the Project area, a lack of documented occurrence records for this species in the larger vicinity of the Project area, and the developed nature of the surrounding area, the recommended mitigation measure is not warranted and would not result in any additional protection for this species. As such, no revisions to the Draft IS-MND have been made in response to this comment.

Response 2.9

The commenter asks that any special-status species and natural communities detected during project surveys be reported to California Natural Diversity Database (CNDDB).

The recommendation is noted. Should special-status species or natural communities be detected during project surveys this information can be documented in the CNDDB. No revisions to the Draft IS-MND have been made in response to this comment.

Response 2.10

The commenter states that the project would have an impact on fish and/or wildlife and an assessment of environmental document filing fees is necessary. The commenter also states that the payment of environmental document filing fee is required in order for the project approval to be operative, vested, and final.

In accordance with CEQA requirements, the applicant will submit applicable environmental document filing fees upon filing of the Notice of Determination. No revisions to the Draft IS-MND have been made in response to this comment.

[3] California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. Available at: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds.

3 Revisions to the Draft IS-MND

This chapter presents specific text changes made to the Draft IS-MND since its publication and public review. The changes are presented in the order in which they appear in the original Draft IS-MND and are identified by the Draft IS-MND page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline. The information contained within this chapter clarifies and expands on information in the Draft IS-MND and does not constitute "substantial revision" requiring recirculation. (See CEQA Guidelines Section 15073.5.)

Section 9, Hazards and Hazardous Materials

The following revisions have been made on Page 66 of the Draft IS-MND:

d. Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Rincon Consultants queried the following State of California and federal databases to determine if the Project site appears on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. The query was conducted on February 3, 2025.

- Department of Toxic Substances Control Envirostor Database (DTSC 2025)
- California State Water Resources Control Board (SWRCB) GeoTracker (SWRCB 2025)
- List of "active Cease and Deists Orders and Cleanup and Abatement Orders from the Water Board (CalEPA 2025).
- California Department of Resources Recycling and Recovery (CalRecycle) Solid Waste Information System (CalRecycle 2016)

A search of the above listed government databases and environmental records compiled pursuant to Government Code Section 65962.5 did not reveal known hazardous materials sites on or adjacent to the Project site. Additionally, there are no hazardous sites listed per Section 65962.5(a) that are within 1000 feet of the Project site. Accordingly, the Project would have no impact related to creating hazards from working on a site appearing on a list compiled pursuant to Government Code Section 65962.5.

The Project site may have previously been used for agriculture as an orchard and a vineyard. Therefore, chemicals associated with agricultural uses may be present. However, the Town's 2040 General Plan contains goals and policies related to the treatment of contaminated sites. Goal PHS 5 is to minimize the potential health effects from the use, storage, transport, and disposal of hazardous materials and wastes. Policy PHS-5.9 encourages the Town to consider the constraints imposed by the potential for site contamination when approving projects and to restrict any use that would allow human exposure to hazardous contamination. Policy PHS-5.10 also requires that if human exposure to contamination would occur that such contamination shall require remediation and/or mitigation efforts to reduce the health risks to acceptable levels prior to issuance of a building permit. To implement General Plan Policies PHS-5.9 and PHS-5.10, the Town will require the Project to comply with the following Condition of Approval to test and remediate soil as needed prior to issuing an occupancy permit:

Condition of Approval

Soil Testing: The applicant shall hire a qualified environmental professional to perform soil testing at a minimum of two locations on the Project site to determine the presence of Pesticides and Organochlorine Pesticides (OCPs) or arsenic. If present, OCPs requiring

further testing are dichloro-diphenyltrichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic requires further analysis and sampling and must meet approved local area baselines or thresholds. If OCPs or arsenic exceed hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), remediation shall be conducted. The applicant shall retain a qualified environmental consultant to conduct additional analytical testing and recommend soil disposal recommendations, or consider other remedial engineering controls, as necessary. If impacted soils or other impacted wastes are present at the Project site, the Project applicant shall retain a qualified environmental professional to prepare a Soil Management Plan (SMP) prior to issuance of a grading permit. The SMP, or equivalent document, shall be prepared to address onsite handling and management of impacted soils or other impacted wastes and reduce hazards to construction workers and offsite receptors during construction. Prior to issuance of an occupancy permit, the applicant or their contractors shall provide evidence the Town that remediation reduced contaminant levels to below applicable federal, State, and local regulations for human and environmental health, and below hazardous materials threshold concentrations.

With compliance with General Plan policies and required adherence to the Condition of Approval for the Project, this impact would be less than significant.

~~NO IMPACT~~ LESS THAN SIGNIFICANT

4 Mitigation Monitoring and Reporting Program

CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is designed to ensure compliance with adopted mitigation measures during project implementation. For each mitigation measure recommended in the Initial Study-Mitigated Negative Declaration (IS-MND), specifications are made herein that identify the action required and the monitoring that must occur. In addition, a responsible agency is identified for verifying compliance with individual conditions of approval contained in this Mitigation Monitoring and Reporting Program.

Applicant Mitigation Measures Agreement

We, the undersigned, hereby attest that we have reviewed the mitigation measures included in the Initial Study-Mitigated Negative Declaration for the Los Amigos Cottages Builder's Remedy Project and agree to implement all the mitigation measures contained therein.



Signature (Applicant)

Ben van Zutphen

Printed Name (Applicant)

3/27/26

Date

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Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Requirements	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
Biological Resources							
BIO-1: Preconstruction Nesting Bird Survey							
A preconstruction nesting bird survey shall be performed by a qualified biologist no earlier than one week prior to any construction during the nesting season (March 1 – August 31) to determine if any native birds are nesting on or near the Project site (including a 250-foot buffer for raptors, where accessible). If any active nests are observed during surveys, a suitable avoidance buffer from the nests shall be determined by the qualified biologist based on species, location, and extent and type of planned construction activity. These nests shall be avoided until the chicks have fledged and/or the nests are no longer active, as determined by the qualified biologist. Any suitable nesting habitat (i.e., trees and vegetation) shall be removed outside of the breeding bird season where possible to avoid impacts to nesting birds. If construction begins outside of the nesting season, a preconstruction nesting bird survey shall not be necessary. If a lapse of 7 days or longer occurs during the nesting season, or construction stops during the non-nesting season and is expected to start again during the nesting season, a subsequent nesting bird survey shall be completed within 7 days prior to re-initiation of construction.	A preconstruction nesting bird survey shall be performed by a qualified biologist if construction begins during the nesting season (March 1-August 31). If any nests are observed during surveys a suitable avoidance buffer shall be determined by the qualified biologist and implemented.	Prior to construction (if construction will occur between (March 1-August 31)	Once (as long as there is not a construction lapse of 7 days or more)	The Town of Windsor			
BIO-2: Special-Status Bats							
To avoid impacts to foraging special-status bats, construction activities shall be limited to daylight hours (one hour after sunrise to one hour before sunset). Because it is not possible to detect bats that may be roosting in trees without using acoustic monitoring, a qualified biologist shall inspect any trees slated for removal or trimming at least 180 days prior to removal or trimming (or as soon as possible after CEQA approval), to determine if they contain appropriate roosting habitat (e.g., cavities, crevices, cracks, peeling bark, foliage, etc.). If suitable roosting habitat is detected during these inspections, the Project proponent shall consult with CDFW to determine an appropriate plan to avoid impacts to roosting bats, which may include preparation of a phased tree removal plan. If any bats are observed during construction activities, work shall be halted and postponed until a qualified biologist and/or CDFW is contacted to determine a proper strategy to address bats in the Project site.	Trees slated for removal or trimming shall be inspected by a qualified biologist to determine if they contain appropriate bat roosting habitat. If suitable roosting habitat is detected, CDFW shall be consulted to determine an appropriate plan to avoid impacts to roosting bats.	Prior to construction	Once	The Town of Windsor			
BIO-3: Monarch Butterfly							
If monarch butterfly is listed under the federal ESA prior to construction, all milkweed plants within the disturbance footprint shall be mapped by a qualified botanist with a mobile data collection device and flagged in the field. These plants shall be protected with high visibility fencing and avoided during construction with a 15-foot buffer wherever possible. Milkweed plants that cannot be avoided during construction shall be searched by a qualified biologist for monarch eggs or caterpillars. For plants absent of eggs or caterpillars, the plants shall be counted and recorded and the Project proponent shall mitigate for the loss of milkweed plants by planting native milkweed species within areas of the Project that would support establishment of milkweed. For each plant directly impacted by the Project (e.g., removed by grading), at least one native milkweed plant shall be planted and established from seed or container stock. Seeds or plants shall be sourced from genetic materials acquired as close to the Project site as possible (either collected directly from impacted plants or sourced from a commercial supplier from the County or as near to the County as available). Any milkweed container plants used shall be certified to have been produced without pesticides including but not limited to neonicotinoid insecticides. Milkweed plants shall be monitored for survival for no less than three years, and replanted if plants die. Any milkweed plants that have monarch eggs or caterpillars shall be avoided until the caterpillars have metamorphosed into adults. If avoidance is not possible, the Project proponent shall consult with USFWS to determine a strategy to avoid impacts to monarchs.	If monarch butterfly is listed under the federal ESA prior to construction, all milkweed plants within the disturbance footprint shall be mapped by a qualified botanist and protected with avoidance fencing and a buffer. If not possible, a qualified biologist shall search for monarch eggs or caterpillars on all milkweed plants that cannot be avoided within the disturbance footprint. Any milkweed plants that have monarch eggs or caterpillars shall be avoided until the caterpillars have metamorphosed into adults. If avoidance is not possible, the Project proponent shall consult with USFWS to determine a strategy to avoid impacts to monarchs.	Prior to construction	Once	The Town of Windsor			
	The Project proponent shall mitigate for the loss of milkweed plants by planting native milkweed species within areas of the Project that would support establishment of milkweed.	Prior to construction if any loss of milkweed will occur.	Once	The Town of Windsor			
BIO-4: Special-Status Plants							
During the season prior to the onset of construction and within the blooming period for special-status plants that may occur on the Project site, a qualified botanist shall perform a rare plant survey within the Project site to determine if any special-status plants are evident and identifiable. The botanical field survey shall be floristic in nature, meaning that every plant taxon that occurs in the Project site is identified to the taxonomic level necessary to determine rarity and listing status. Visits to reference sites may also be warranted to determine whether the target species are identifiable at the times of year the botanical field survey takes place, and to obtain a visual image of the special-status plant, associated habitat, and associated natural communities. Should any special-status plant species be encountered	A qualified botanist shall perform a rare plant survey to determine if any special-status species are present. Should any special-status plant species be encountered during surveys, consultation with CDFW shall be initiated to determine the best way to avoid or mitigate impacts to the species	Prior to construction	Once	The Town of Windsor			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Requirements	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
during surveys, consultation with CDFW shall be initiated to determine the best way to avoid or mitigate impacts to the species, likely either by avoidance of individuals, harvesting and broadcasting seeds, or relocation of individual plants.							
BIO-5: Jurisdictional Waters of the State							
To ensure compliance with Section 401 of the CWA, if avoidance of the drainage ditch in the southern portion of the Project area is not feasible, a Section 401 Water Quality Certification application would need to be submitted to RWQCB and authorized prior to any impacts to the drainage ditch. In addition, a Lake and Streambed Alteration Agreement application would need to be submitted to CDFW for review and approval of any impacts to the drainage. As part of the permitting process, the applicant will be required to provide compensatory mitigation to mitigate impacts to the drainage ditch, typically at ratio of 1:1. This could include the use of mitigation credits or an in-lieu fee program, or a permittee responsible program. The exact details of the compensatory mitigation strategy shall be finalized during consultation with the agencies during the permitting process.	A Section 401 Water Quality Certification application shall be submitted to and authorized by the RWQCB if avoidance of the drainage ditch in the southern portion of the Project area is not feasible. Additionally, the Project applicant shall provide compensatory mitigation for impacts to the drainage ditch, the details of which shall be finalized either thew agencies during the permitting process.	Prior to construction in or around the drainage ditch in the southern portion of the Project area.	Once	The Town of Windsor			
BIO-6: Protected Trees							
The Project proponent shall acquire a tree removal permit from the Town of Windsor prior to removal of any protected trees on the site. A Tree Protection and Preservation Plan shall be prepared by the Project arborist or other arborist certified through the program of the International Society of Arboriculture (ISA). The Plan shall include the contents outlined in Section 2.2 of the Town of Windsor Tree Technical Manual (2003) and be submitted to the Town review and approval. Trees that will not be removed but may be impacted by grading, soil compaction, or damage to roots shall be included in the Plan. Removal of protected trees shall require replacement, either on or off site. If on site replacement is not possible, the value of the tree shall be determined using the Tree Preservation and Protection Ordinance and paid to the Town to replace trees elsewhere in the Town.	A tree removal permit shall be acquired for removal of any protected trees on site and a Tree Protection and Preservation Plan that details which trees on site would be impacted by the project, on or off site replacement of protected trees, and/or payment to the town to compensate for removal of protected trees shall be prepared by an Isa certified arborist	Prior to construction	Once	The Town of Windsor			
Cultural Resources							
CUL-1: Unanticipated Discovery of Cultural Resources							
In the event archaeological resources are unexpectedly encountered during ground-disturbing activities, work within 50 feet of the find shall halt and an archaeologist meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards for Archeology (National Park Service 1983) shall be contacted immediately to evaluate the resource. If the resource is determined by the qualified archaeologist to be prehistoric, a Native American representative shall also be contacted to participate in the evaluation of the resource. If the qualified archaeologist and/or Native American representative determines it to be appropriate, archaeological testing for CRHR eligibility shall be completed. If the resource is determined to be eligible for the CRHR and significant impacts to the resource cannot be avoided via project redesign, the qualified archaeologist shall prepare a data recovery plan tailored to the physical nature and characteristics of the resource, per the requirements of CCR Guidelines Section 15126.4(b)(3)(C). The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any potential significant impacts to the resource. The data recovery plan shall identify data recovery excavation methods, measurable objectives, and data thresholds to reduce any significant impacts to cultural resources related to the resource. Pursuant to the data recovery plan, the qualified archaeologist and Native American representative, as appropriate, shall recover and document the scientifically consequential information that justifies the resource's significance. The Town shall review and approve the treatment plan and archaeological testing, as appropriate, and the resulting documentation shall be submitted to the regional repository of the CHRIS, per CCR Guidelines Section 15126.4(b)(3)(C).	Work within 50 feet of any unexpected discovery of archaeological resource shall be halted. The resource shall be evaluated by an archaeologist meeting or exceeding the Secretary of the Interior's Professional Qualifications Standards for Archeology.	During Construction	Ongoing	The Town of Windsor			
Geology and Soils							
GEO-1: Unanticipated Discovery of Paleontological Resources							
The Project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If a potential fossil is discovered during Project construction, construction activity within 50 feet of the find shall cease until the discovery is examined by a Qualified Professional Paleontologist. If the find is determined to be significant, the Qualified Professional Paleontologist shall direct all mitigation efforts related to paleontological resources consistent with the Society of Vertebrate Paleontology (2010) standards, which may include, but are not limited to:	If a fossil is discovered during Project construction, construction activity within 50 feet of the find shall cease until the discovery is examined by a Qualified Professional Paleontologist. If the find is significant the Qualified Professional Paleontologist shall direct all mitigation efforts related to the resource. A	During construction	Ongoing	Town of Windsor			

Mitigation Measure/Condition of Approval	Action Required	Monitoring Timing	Monitoring Requirements	Responsible Agency	Compliance Verification		
					Initial	Date	Comments
paleontological monitoring; fossil salvage, preparation, and curation; and reporting to summarize the paleontological mitigation efforts.	standard inadvertent discovery clause shall be included in all construction contracts informing the construction team of this requirement.						
Transportation							
TRA-1: Pedestrian Circulation Improvement							
To ensure that adequate pedestrian circulation would exist in the near-term, if signalization of Arata Lane/ Los Amigos Road has not been implemented prior to occupancy of the Los Amigos Cottages Project, the Los Amigos Cottages Project shall be responsible for installing or funding the installation of a crosswalk with high-visibility signage and markings on the west leg of the Arata Lane/ Los Amigos Road intersection, as well as ensuring that adequate street lighting for the crosswalk is in place. The Town shall verify that the pedestrian improvements are in place prior to issuance of an occupancy permit.	A crosswalk with high-visibility signage and markings on the west leg of the Arata Lane/ Los Amigos Road intersection and associated street lighting shall be installed or funded.	Prior to issuance of an occupancy permit.	Once	Town of Windsor			
TRA-2: Landscaping to Allow for Adequate Sight Distance							
To ensure that adequate sight distance would be provided for drivers approaching the roundabout on eastbound Arata Lane, the Project shall not install any large fencing, or tall obstructions, such as large trees or shrubs, in the 30-foot triangular space on the southeastern corner of the Project site. The Town shall verify that landscaping plans reflect this requirement and shall verify that the southeastern corner of the Project site is free from any large obstructions prior to construction of the roundabout on eastbound Arata Lane.	The Town shall verify that the Project landscaping plans show no large fencing or tall obstructions in the 30-foot triangular space on the southeastern corner of the Project site.	Prior to construction of the roundabout on eastbound Arata Lane	Once	Town of Windsor			
TRA-3: Striping Modifications on Arata Lane							
To ensure that drivers could legally turn left into and out of the Project site, the existing striping on Arata Lane at the Project street shall be modified to provide a break in the painted median. The Town shall verify that the striping modifications have occurred on Arata Lane prior to issuance of an occupancy permit.	The Town shall verify that the striping on Arata Lane at the Project street is modified to provide a break in the painted median.	Prior to issuance of an occupancy permit.	Once	Town of Windsor			
Tribal Cultural Resources							
TCR-1: Unanticipated Discovery of Tribal Cultural Resources							
In the event that archaeological resources of Native American origin are identified during implementation of the proposed Project, ground-disturbing activities within 50 feet of the find shall be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find as a cultural resource and an appropriate local Native American representative is consulted. If the Town, in consultation with traditionally and culturally affiliated Native American group(s), determines the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in consultation with traditionally and culturally affiliated Native American group(s). The plan shall include measures to ensure the find is treated in a manner that respectfully retains, to the degree feasible, the qualities that render the resource of significance to the local Native American group(s). Examples of appropriate mitigation for tribal cultural resources include, but are not limited to, avoidance, protecting the cultural character and integrity of the resource, protecting traditional use of the resource, protecting the confidentiality of the resource, or heritage recovery.	Ground-disturbing activities shall be halted within 50 feet of any unanticipated discovery of archeological resources. An archeologist shall evaluate the nature of the find and the appropriate Native American representative shall be consulted. A mitigation plan shall be prepared and implemented for any tribal cultural resources found on site.	During Construction	Ongoing	Town of Windsor and site construction manager			
Wildfire							
WILD-1: Emergency Access							
Prior to issuance of the building permit for the 31st residential unit, the applicant shall obtain, and submit to the Town of Windsor, Fire Marshal approval of an exception to the 1:30 emergency access route ratio requirement based on the following factors: ▪ The Project site can be accessed via Arata Lane from the west, where the proposed private street intersects with Arata Lane at the southern end of the Project site. ▪ The Project site can be accessed from the east via Arata Lane or from the south via Los Amigos Road where the proposed private street intersects with the Los Amigos Road extension at the north end of the Project site. ▪ No more than 32 units would be served by the private street as there is no possibility that the proposed private street could be extended to adjacent properties.	Fire Marshall approval of the emergency access ratio exception shall be submitted to the Town.	Prior to issuance of the building permit	Once	Town of Windsor			

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