

**REGION 8**  
**Screening Form for Low-Effect HCP Determination and**  
**NEPA Environmental Action Statement**

**I. Project Information**

- A. Project name:** Low-Effect Habitat Conservation Plan for California Red-legged Frog Level 1 New Vineyard, 24129 Turkey Road, Sonoma County, California.
- B. Affected species:** Threatened California red-legged frog (*Rana draytonii*); federally listed as threatened. No other federally listed species would be affected by the project.
- C. Project size:** 8.5 acres; approximately 4.75 acres will be developed with a residence and vineyard and 0.15 acre will be temporarily disturbed to install utilities.
- D. Brief project description, including minimization and mitigation plans:**

The proposed project is a multi-use residential/agricultural development that will include the construction of an approximately 3,500 square foot house, a 1,800 square foot agricultural building, and the planting of a 4.5-acre vineyard within a 8.5-acre undeveloped site located at 24129 Turkey Road (APN 128-484-040), in Sonoma County. The proposed project will include the development of 0.25 acre with the residence, agricultural building, and gravel roads; temporary disturbance of 0.15 acre of grassland to install utilities, and the establishment of the 4.5-acre vineyard. The applicant seeks a five year permit to cover those activities associated with this proposed development within the 8.5-acre site (the permit area).

The proposed project will also include the on-site management of a 0.35 acre pond according to a management plan developed in conjunction with the U.S. Fish and Wildlife Service (Service). The goal of the management plan will be to maintain the pond and the adjacent upland riparian habitat in a manner that will enhance and maintain habitat for California red-legged frog for the duration of vineyard operations.

The Applicant will minimize effects from the proposed project to the California red-legged frog by implementing the following minimization measures: (1) a Service-approved biologist will conduct a pre-construction survey of the work area immediately prior to start of work; (2) a Service-approved biologist will conduct a training session for all persons who will be working on-site; (3) a Service-approved biological monitor will be on-site each day during initial site grading and during initial vegetation clearing and/or disking for vineyard planting; (4) before the start of work each morning, a biological monitor will check for animals under any equipment such as vehicles and stored pipes and will check all excavated steep-walled holes or trenches greater than one foot deep for California red-legged frogs; (5) an erosion and sediment control plan will be implemented and erosion control and exclusionary materials will be selected that do not include plastic monofilament mesh or other features that might lead to entrapment, injury, or death of California red-legged frogs; (6) Best Management Practices will be

implemented during construction to prevent any construction debris or sediment from impacting adjacent habitat; (7) the number of access routes, number and size of staging areas and the total area of activity shall be limited to the minimum necessary to achieve the project goal; (8) all foods and food-related trash items will be enclosed in sealed trash containers at the end of each day and removed completely from the site once every three days; (9) no pets will be allowed anywhere in the project site during construction; (10) a speed limit of 15 mph on dirt roads will be maintained; (11) all equipment will be maintained such that there will be no leaks of automotive fluids such as gasoline, oils, or solvents; (12) hazardous materials such as fuels, oils, solvents, etc., will be stored in sealable containers in a designated location at least 200 feet from aquatic habitats and all fueling and maintenance of vehicles and other equipment and staging areas will occur at least 200 feet from any aquatic habitat; (13) grading and clearing will typically be conducted between April 15 and October 15; and (14) project areas temporarily disturbed by construction activities will be re-vegetated with an appropriate mixture of native seeds for annual grassland upon project completion. In addition, the applicant will mitigate for the loss of 0.25 acre of upland habitat for California red-legged frog by purchasing 0.75 acre of California red-legged frog credits at a Service-approved conservation bank.

**II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?**

**A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP, prior to implementation of the minimization and mitigation measures?**

Yes. Based on a search of the California Natural Diversity Database (CNDDDB), no California red-legged frog occurrences have been reported from the permit area or the immediate vicinity (CDFW 2013). The closest reported sighting is located 1.55 miles southeast of the study area. Protocol-level surveys for California red-legged frog conducted between April 18 and June 27, 2012 did not detect any California red-legged frogs at the on-site pond (Wildlife Research Associates and Jane Valerius Environmental Consulting 2012).

The majority of the site supports non-native annual grassland that is suitable upland habitat for California red-legged frog. Although no California ground squirrel (*Spermophilus beecheyi*) burrows that could provide refugia for California red-legged frogs were observed in the permit area, smaller burrows from Botta's pocket gopher (*Thomomys bottae*) and broad-footed mole (*Scapanus latimanus*) are present and potentially provide refugia for frogs.

The 0.35-acre pond located in the northwestern portion of the site collects water from adjacent western properties and then flows through constructed ditches off-site into an unnamed stream in the southwest corner of the permit area. The pond provides potential breeding habitat for California red-legged frogs. However, crayfish (*Pacifastacus leniusculus*), mosquitofish (*Gambusia affinis*), and bullfrogs (*Rana catesbeiana*) were detected during protocol surveys for California red-legged frogs. These species are predators of California red-legged frogs and their presence reduces the suitability of the

pond for California red-legged frogs. Extensive duckweed cover on the pond may also decrease habitat quality for California red-legged frogs by affecting water temperatures and potentially creating anoxic conditions. Willow riparian shrubland around the perimeter of the pond and cattails in the pond margin provide shelter and foraging habitat for California red-legged frogs.

Effects to California red-legged frog resulting from the proposed project will be negligible. The parcels immediately adjacent to the permit area to the south are planted vineyard and numerous other vineyards and residences have been developed in the vicinity. The small amount of non-native annual grassland habitat that will be permanently converted to structures, roads, and vineyard by the proposed project lies within an existing matrix of rural and agricultural development and will have negligible effects to the California red-legged frog population in Sonoma County or range-wide. The pond and a surrounding buffer of riparian and grassland habitat will remain intact and continue to provide habitat for California red-legged frog in the permit area. The planted vineyard will not create a barrier to California red-legged frog movement between habitats within the permit area or to surrounding areas.

**B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.), prior to implementation of the minimization and mitigation measures?**

Yes. The HCP would permit the construction of a single residence (3,500 square feet) and a single agricultural storage unit (1,800 square feet) that would not generate significant pollutant emissions either during construction or operation. Intermittent operational emissions could result from exhaust emissions and dust during disking and mowing associated with planting and maintenance of the vineyard. The resulting emissions are expected to have a negligible effect on ambient air quality.

The proposed project would have only negligible effects on geology because only 0.25 acres would be developed with structures or roads. There are no significant slopes within the permit area and project construction is not anticipated to result in any soil instability.

Construction of the proposed project would require a grading permit from the County of Sonoma. The conditions of the grading permit would require that erosion is minimized and effects to water quality are negligible.

Water usage for the vineyard would be kept to the minimum possible to ensure premium quality grapes. Water conservation techniques would be modeled after a similar vineyard operation in the Carneros region above San Pablo Bay that uses between 24 and 60 gallons of water per vine per year. By the fourth-fifth year when roots are established deep in the soil, water consumption is expected to be lower. Water consumption would be minimized through the rootstock-scion combination being used, cross-arms used on the trellis system for shading to reduce evaporation, and other sustainable farming techniques

that would be employed to ensure water consumption is minimized. No water from the pond would be used in irrigation or frost protection. Watering would be accomplished using the permitted well on the site and natural rainfall.

Implementation of the HCP would not change the socioeconomic characteristics of this portion of Sonoma County. The project is located with an area zoned agricultural and residential and is similar to other residential/agricultural development in the vicinity. The implementation of the HCP would not affect recreation in the area, would not result in changes to housing availability, and would not create any new employment.

The proposed project is located approximately 0.25 mile east of Highway 121 which is listed as a scenic corridor (Sonoma County 2008). The proposed development is outside development setbacks for scenic corridors and multiple residences are located between the permit area and Highway 121. The construction of the proposed development is not expected to degrade existing visual and aesthetic resources.

There are no existing structures within the permit area and the Sonoma County General Plan 2020, Chapter 4.10 Cultural Resources, does not identify specific information regarding archeological resources in this area (Sonoma County 2006). It is thought that Sonoma Valley was occupied by the Coast Miwok, who depended heavily on gathering of shellfish and generally lived along the shoreline or nearby bays or lagoons (Sonoma County 2006). Given the proposed project's location, the likelihood of finding archeological resources associated with the Coast Miwok in the permit area is low. Although not anticipated, it is possible that previously unidentified cultural resources may become apparent during construction activities. Should this occur, all construction activity in the area would cease until a cultural resources specialist evaluates the significance of the finding.

**C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) *not* result, over time, in a cumulative effect to the human environment (the natural and physical environment) which would be considered significant?**

Yes. No other projects are anticipated within the permit area. The proposed project is located in an area zoned for agriculture and residential development and is consistent with the type of development on surrounding properties. It will not result in significant environmental effects beyond that which has already occurred. Present and future projects that may occur in the vicinity of the permit area must include, when appropriate, minimization measures and mitigation that will minimize and avoid effects to environmental resources and listed species.

**III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?**

**Would implementation of the HCP:**

**A. Have significant impacts on public health or safety?**

No. The proposed project site is more than 8 miles east of the Rogers Creek Fault, which enters Sonoma County at San Pablo Bay and runs north through the City of Santa Rosa. The permit area is within an area ranked as having the potential for very strong to violent shaking severity magnitude but is not within areas identified as having high liquefaction or landslide potential (Sonoma County 2008). No action proposed by the project would create ground shaking, surface fault rupture, liquefaction, or landslides.

The permit area is in an area rated as Zone “X” by FEMA. Zone X is considered at low risk of flooding and includes areas determined to be outside the 500-year floodplain (FEMA 2008).

The property would have a gravel road to and from the house on the southern portion of the property that would be in compliance with all Sonoma County Fire Protection codes. The proposed project is on a parcel zoned for rural residential and implementation of the HCP would not significantly increase existing traffic volumes.

**B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, or other ecologically significant or critical areas?**

No. No refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, national monuments, or ecologically significant areas occur within or adjacent to the permit area and no effects to these features would result from the proposed project.

The permit area is not mapped as important farmland, prime farmland, unique farmland, or farmland of statewide or local importance by the California Department of Conservation, Division of Land and Resource (California Division of Land and Resource Protection 2012). The permit area is not within a sole or principal drinking water aquifer as designated by the EPA (EPA 2013). Therefore implementation of the HCP will not result in effects to these features.

The permit area is outside the 500-year floodplain; consequently, HCP implementation would not result in significant encroachment or impact to a floodplain.

The proposed project will avoid the 0.009 acre of wetlands along Turkey Road and the 0.25 acre of waters on the site (Jane Valerius Environmental Consulting 2012) by placing development away from these sensitive resources. None of these features would be

impacted by the construction or operation of the proposed project which would be located entirely in upland areas.

**C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources? [see NEPA section 102(2)(E)]**

No. The proposed project will be developed in compliance with County development regulations and no substantial disputes exist as to the size nature, or effects of the proposed project. There are no controversial environmental effects or unresolved conflicts.

**D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks?**

No. The proposed project would not involve uncertain environmental effects or involve unique or unknown environmental risks because the proposed activities are generally routine with predictable and negligible impacts.

**E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?**

No. The permit area is zoned AR (Agricultural and Residential District) and is located within an area currently developed with a number of residences and vineyards. The proposed project would utilize standard practices and therefore would not establish a precedent for future actions with potentially significant environmental effects.

**F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?**

No. The proposed project is not directly related to rural residential development that has previously occurred in the vicinity and is not directly related to any actions or development on other undeveloped parcels adjacent to or in the vicinity of the permit area. The proposed project is not part of a larger subdivision or planned project.

**G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?**

No. The proposed project is on undeveloped land and no structures are located within the permit area. The National Register of Historic Places does not report any properties listed or eligible for listing in or near the permit area.

**H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?**

No. Although the proposed action may result in the incidental take of California red-legged frog, any such take would result in minor or negligible effects to the persistence of the species as explained in Section II.A above. This finding will be evaluated in further detail in the Service's intra-service section 7 consultation under the Endangered Species Act.

Focused plant surveys were conducted within the permit area during the blooming period for those listed plant species with the potential to occur. No listed plants were observed and the proposed project is not expected to result in effects to listed plants.

The permit area is not within designated critical habitat for California red-legged frog or any other federally listed species and no effects to critical habitat are expected as a result of the proposed project or implementation of the HCP.

**I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment?**

No. Implementation of the HCP would not threaten to violate any federal, state, local, or tribal law or requirement imposed for the protection of the environment.

**J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).**

No. The project site is in a rural agricultural area that is not within a low income or minority area of Sonoma County. The closest redevelopment area to the project site is in the Springs Project Area, which is located north of the Town of Sonoma on Highway 12 (Sonoma County Community Development Commission 2008).

**K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).**

No. There are no federal lands in the permit area or in the vicinity of the proposed project and the permit area is not situated in a location that could limit access to Federal Lands.

**L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).**

No. Based on the plant surveys conducted in the permit area (Wildlife Research Associates and Jane Valerius Environmental Consulting 2012) there are currently several

non-native species that occur on the site. However, none are considered to be federal noxious or invasive weeds according to the USDA Introduced, Invasive and Noxious Plants list. Therefore, the proposed project will not contribute to the continued existence of noxious weeds or non-native invasive species in the permit area. Vineyard cultivation would include the control of weeds that may be introduced within the vineyard area and the pond management plan will include the control of non-native vegetation within and surrounding the on-site pond in the undeveloped portion of the permit area.

#### **IV. ENVIRONMENTAL ACTION STATEMENT**

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for the Low-Effect Habitat Conservation Plan for California Red-legged Frog Level 1 New Vineyard, 24129 Turkey Road, Sonoma County, California qualifies for a categorical exclusion, as defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Low-Effect Habitat Conservation Plan for California Red-legged Frog Level 1 New Vineyard, 24129 Turkey Road, Sonoma County, California. Therefore, the Service's permit action for Low-Effect Habitat Conservation Plan for California Red-legged Frog Level 1 New Vineyard, 24129 Turkey Road, Sonoma County, California is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents

California Department of Fish and Wildlife (CDFW). 2013. RAREFIND. California Natural Diversity Data Base, Natural Heritage Division, Sacramento, California.

California Division of Land and Resource Protection. 2012. Sonoma County Important Farmland Data. Available at: <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/son10.pdf>

Federal Emergency Management Agency (FEMA) 2008. Flood Insurance Rate Map 06097C1030E. Effective December 12, 2008.

Sonoma County. 2006. Sonoma County General Plan 2020 Draft Environment Impact Report. Sonoma County Permit and Resource Management Department. State Clearinghouse No. 2003012020.

Sonoma County. 2008. Sonoma County General Plan 2020. Sonoma County Permit and Resource Management Department. Adopted September 23, 2008.

Sonoma County Community Development Commission. 2008. Amended and Restated Redevelopment plan for the Springs Redevelopment Project (formerly known as the Sonoma Valley Redevelopment Project). Amended and Restated on April 22, 2008, by Ordinance No. 5780.

Jane Valerius Environmental Consulting. 2012. Preliminary Delineation of Waters of the United States, Including Wetlands, for 24129 Turkey Road, Sonoma County, California. Prepared for Bradley Jacobs, Warner Robbins, Georgia. July, 2012.

United States Environmental Protect Agency (EPA). 2013. Sole Source Water Protection Program. Available at: <http://epa.gov/region09/water/groundwater/ssa.html>

Wildlife Research Associates and Jane Valerius Environmental Consulting. 2012. Habitat Assessment and California Red-legged Frog Focused Surveys (USFWS ref. #2012-TA-3073), Level 1 New Vineyard 24129 Turkey Road, Sonoma County, California. Prepared for Bradley Jacobs, Warner Robbins, Georgia. July 11, 2012.

Signature Approval:

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Jennifer M. Norris  
Field Supervisor  
Sacramento Fish and Wildlife Office

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Date

