



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



December 2, 2022

Brent Cooper
 Community Development Director
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Subject: Giovannoni Logistics Center Project, Final Environmental Impact Report,
 SCH No. 2021010104, City of American Canyon, Napa County

Dear Mr. Cooper:

The California Department of Fish and Wildlife (CDFW) previously submitted comments on the Draft Environmental Impact Report (DEIR), prepared by the City of American Canyon (City) for the Giovannoni Logistics Center Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ On November 4, 2022, the City, as Lead Agency, notified CDFW the Final EIR (FEIR) was available, including responses to comments CDFW submitted on the DEIR. CDFW has determined the City's responses in the FEIR are inadequate to address impacts to Swainson's hawk (*Buteo swainsoni*) and is submitting this letter to address outstanding concerns.

In 2016, CDFW released a Status Review for Swainson's hawk in California and recommended the species retain its status as threatened under the California Endangered Species Act (CESA) (CDFW 2016). The review states there is no indication the species has reoccupied its historical range and the distribution of Swainson's hawk remains largely unchanged and restricted. Additionally, the review cites the **primary threat** to Swainson's hawk continues to be habitat loss, **especially the loss of suitable foraging habitat**. One recent study done by CDFW scientists indicated Swainson's hawk populations have been increasing, but also cautioned using this data to inform conservation planning, stating this apparent stability remains largely unclear (Furnas et al. 2022). The study cites concerns regarding impacts to Swainson's hawk from urban development, reduction in grasslands, and orchard and vineyard cultivation, all of which are prominent impacts in Napa County, where the Project is proposed.

Master Response 1 in the FEIR states that there is "more than sufficient foraging habitat in the area" for Swainson's hawk, referencing approximately 2,000 acres of preserved foraging habitat within the Project vicinity, and therefore there is "no potential for

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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significant indirect or cumulative impacts associated with habitat for Swainson's hawk in this area and the proposed project would not add to any such impact." However, the proposed Project would remove 154.7 acres of Swainson's hawk foraging habitat, resulting in a net loss of habitat that is equivalent to approximately 7% of the preserved foraging habitat the FEIR states is available in the vicinity of the Project, which is a significant proportion. While the proposed Project does include the establishment of a 45-acre Wetland Preserve (Mitigation Measure BIO-2), this is included as mitigation for impacts to wetlands, not as mitigation for impacts to Swainson's hawk. Swainson's hawk is not typically associated with wetlands, though they may be found foraging in wetlands if they are adjacent to grasslands (Shannon Skalos, CDFW Avian Specialist, personal communication, November 22, 2022). As the Project would remove the majority of grasslands on the property, the suitability of the wetland preserve area as Swainson's hawk foraging habitat would likely be greatly reduced.

In summary, the loss of foraging habitat is the primary threat to Swainson's hawk and the FEIR does not propose mitigation for potentially significant impacts to Swainson's hawk foraging habitat. Additionally, several other large development projects near the proposed Project have not been required to mitigation for Swainson's hawk foraging habitat, despite CDFW's strong recommendations to mitigate in order to reduce impacts to Swainson's hawk to less-than-significant. Therefore, the net loss of 154.7 acres of foraging habitat from the proposed Project, in conjunction with nearby projects that have not mitigated for loss of Swainson's hawk foraging habitat, would contribute to a **significant cumulative impact to a state threatened species**. As stated previously, CDFW strongly recommends the City, as Lead Agency, require the Project to mitigate for the loss of Swainson's hawk foraging habitat at a minimum 1:1 ratio to reduce impacts to Swainson's hawk to less-than-significant.

Questions regarding this letter or further coordination should be directed to Alicia Bird, Environmental Scientist, at (707) 980-5154 or alicia.bird@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
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Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021010104)

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REFERENCES

- California Department of Fish and Wildlife (CDFW), 2016. 5-year Status Review: Swainson's hawk (*Buteo swainsoni*). Prepared for the California Fish and Game Commission. Nongame Bird and Mammal Program 1416 Ninth Street, Sacramento, CA.
- Furnas, B.J., Wright, D.H., Tennant, E.N., O'Leary, R.M., Kuehn, M.J., Bloom, P.H. and Battistone, C.L., 2022. Rapid growth of the Swainson's Hawk population in California since 2005. *Ornithological Applications*, 124(2), p.duac006.