



State of California – Natural Resources Agency

DEPARTMENT OF FISH AND WILDLIFE

Bay Delta Region

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Governor's Office of Planning & Research

May 25 2021

May 25, 2021

STATE CLEARINGHOUSE

Ms. Nedzlene Ferrario
Solano County Department of Resource Management
675 Texas Street, Suite 5500
Fairfield, CA 94533
nferrario@solanocounty.org

Subject: MS-20-02 Steiger Lands, Mitigated Negative Declaration,
SCH No. 2021040652, Solano County

Dear Ms. Ferrario:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the County of Solano (County) for the MS-20-02 Steiger Lands Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA 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) or Native Plant Protection Act, the 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.

PROJECT DESCRIPTION SUMMARY

Proponent: Norcal Property Management, LLC

Objective: The Project would subdivide an existing approximately 23-acre parcel into four approximately 5-acre parcels. Future construction of single-family residences, driveways, and associated infrastructure are anticipated at three of the four new parcels. An existing residential structure and associated outbuildings would be maintained at the

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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southern-most parcel. Primary Project activities include grading, excavation, trenching, building construction, concrete pouring, and construction of leach fields.

Location: The Project is located at 7061 Steiger Hill Road, approximately one mile west of the City of Vacaville, in unincorporated Solano County. The Project site is immediately south and west of the intersection of Joslin Lane and Steiger Hill Road. Steiger Hill Road borders the eastern side of the Project. The Project would occur on Assessor's Parcel Number 0105-190-090. The approximate Project centroid is Latitude 38.40423°N, Longitude 122.00895°W.

Timeframe: The MND does not specify a Project timeframe.

ENVIRONMENTAL SETTING

The Project is located on an approximately 23-acre mostly undeveloped parcel. The southeast portion of the Project site consists of a single residential structure, several outbuildings, and associated infrastructure, covering approximately 0.8 acres. The rest of the Project site is undeveloped non-native grassland with clusters of oak trees (*Quercus* sp.). The grassland is periodically mowed or disked and has been heavily grazed by horses. The surrounding area consists of agricultural land, rangeland, low density ranchette-style housing, and blue oak (*Q. douglasii*), valley oak (*Q. lobata*) and interior live oak (*Q. wislizeni*) woodlands. An unnamed tributary to South Fork English Creek with a mature riparian canopy flows north across the southeast corner of the Project site, under Steiger Hill Road through an existing culvert, and then along the eastern border of the Project site, east of Steiger Hill Road. Two additional watercourses are present on the Project site: an ephemeral creek with a blue oak and interior live oak overstory in the northwest, a tributary to South Fork English Creek; and an ephemeral creek with a mixed hardwood overstory in the southeast, a tributary to the unnamed tributary that follows Steiger Hill Road. The MND identifies that California ground squirrels (*Otospermophilus beecheyi*) and associated burrows were observed on-site (Appendix 6.4). Botta's pocket gopher (*Thomomys bottae*) burrows were also observed on-site (Appendix 6.4). Special-status species with the potential to occur in or near the Project site include, but are not limited to, Swainson's hawk (*Buteo swainsoni*), listed as threatened pursuant to CESA; burrowing owl (*Athene cunicularia*), a California Species of Special Concern (SSC); American badger (*Taxidea taxus*), an SSC; white-tailed kite (*Elanus leucurus*), a Fully Protected Species; Keck's checkerbloom (*Sidalcea keckii*), listed as endangered pursuant to the federal Endangered Species Act (ESA) and California Rare Plant Rank (CRPR) 1B.1; and adobe lily (*Fritillaria pluriflora*), CRPR 1B.2².

² CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere. The threat ranks, 1B.1 and 1B.2, are considered seriously threatened in California and moderately threatened in California, respectively. Further information on CRPR is available in CDFW's *Special Vascular Plants*,

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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 under CESA, such as Swainson’s hawk, either during construction or over the life of the Project. Issuance of an 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 an ITP.

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 Agreement

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., 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 notification requirements. The MND identifies an intermittent creek and two ephemeral creeks occur within the Project site, and states that no development is proposed that would directly impact these areas (page 13 and Appendix 6.4). Please be advised that all identified ephemeral and intermittent streams are subject to LSA notification requirements if they will be impacted, either directly or indirectly. Activities that could indirectly impact these streams, e.g., through changes in hydrology and on-site drainage, could also be considered substantial. In that case, CDFW will 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.

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Raptors and Other Nesting Birds

CDFW also 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.

Fully Protected Species

Fully Protected species, such as white-tailed kite, may not be taken or possessed at any time (Fish and Game Code, §§ 3511, 4700, 5050, & 5515).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources, in part through implementation of CDFW's below recommendations, CDFW concludes that an MND is appropriate for the Project.

Environmental Setting and Related Impact Shortcoming

Swainson's Hawk

The MND identifies that Swainson's hawk, listed as threatened pursuant to CESA, may occur within the Project site, which provides low quality foraging habitat (page 12, Appendix 6.4). The MND identifies that potentially suitable nesting trees exist in and near the Project site and that the closest California Natural Diversity Database (CNDDB) occurrence of nesting Swainson's hawk is approximately 1.5 miles southwest of the Project (*ibid.*). In addition, the California Wildlife Habitat Relationships Predicted Habitat Suitability for the site is High Suitability. The MND relies on the general pre-construction nesting bird surveys identified in Mitigation Measure (MM) BIO-1 to locate any nearby Swainson's hawk nests. This measure requires nesting bird surveys to occur within the Project area and the 0.5 miles surrounding the Project site. It also requires these surveys within 30 days before commencing Project activities. While MM BIO-1 incorporates an appropriate survey buffer zone for Swainson's hawk, it does not provide adequate survey techniques to effectively identify nesting Swainson's hawk in and near the Project site.

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The breeding population of Swainson's hawks in California has declined by an estimated 91% since 1900 and the species continues to be threatened by on-going and cumulative loss of foraging habitat (CDFW 2016). Swainson's hawks could be disturbed by Project activities, resulting in potentially significant impact to Swainson's hawk through nest abandonment or reduced health and vigor of young. In addition, the MND does not propose compensatory mitigation for removal of Swainson's hawk foraging habitat. To reduce impacts to less-than-significant, CDFW recommends including the following Mitigation Measures.

Mitigation Measure BIO-3A: Swainson's Hawk Surveys

If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to September 15), prior to beginning work on this Project, a qualified biologist shall conduct surveys according to the *Recommended timing and methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*.³ Survey methods should be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP. CDFW Bay Delta Region staff is available to provide guidance on the ITP application process.

Mitigation Measure BIO-3B: Swainson's Hawk Habitat Mitigation

Loss of foraging habitat shall be mitigated at the appropriate ratio following CDFW's (then Fish and Game) *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California*⁴ prior to Project construction, and accepted by CDFW in writing. The Project shall be assumed to be within one mile of an active nest tree and mitigate at a 1:1 mitigation to impact ratio, unless protocol-level Swainson's hawk surveys are conducted demonstrating that Swainson's hawks are not nesting within one mile of the Project. Habitat mitigation shall include permanent preservation of foraging habitat through a conservation easement

³ Swainson's Hawk Technical Advisory Committee, 2000.

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>

⁴ CDFW, 1994. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline>

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and implementing and funding a long-term management plan in perpetuity. Please be advised that the draft Solano Multispecies Habitat Conservation Plan, Section 6.4.8 and Figure 4-21, identifies 1:1 Swainson's hawk foraging habitat mitigation for the Project site (see: <https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/>).

Burrowing Owl

The MND identifies that burrowing owl, a California Species of Special Concern, may occur within the Project site, which provides potentially suitable foraging habitat and potential refuge via ground squirrel burrows (Appendix 6.4). The MND also notes that there are documented occurrences of burrowing owl approximately three miles east of the Project site according to the CNDDDB (*ibid.*). In addition, the California Wildlife Habitat Relationships Predicted Habitat Suitability for the site is High Suitability for burrowing owls. During the biological site assessment on August 18, 2020, no burrowing owls or their sign were observed, though several ground squirrels and ground squirrel burrows were identified (Appendix 6.4). In accordance with CDFW's *Staff Report on Burrowing Owl Mitigation, Appendix C: Habitat Assessment and Reporting Details*⁵ (CDFW 2012 Staff Report), owls may be disturbed up to 1,640 feet (500 meters) from a project. Burrowing owls are present within the vicinity of the Project site and there is potentially suitable habitat for the species on and adjacent to the site.

The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, or injury or mortality of adults. Additionally, the Project would result in a permanent reduction of burrowing owl habitat in Solano County. Burrowing owls are a California Species of Special Concern due to population decline and breeding range retraction. Based on the above, the Project may potentially significantly impact burrowing owls. To reduce impacts to less-than-significant CDFW recommends the following Mitigation Measures.

Mitigation Measure BIO-4A: Burrowing Owl Habitat Assessment, Surveys, and Avoidance

Prior to Project activities, a habitat assessment shall be performed following *Appendix C: Habitat Assessment and Reporting Details* of the CDFW 2012 Staff Report. The habitat assessment shall extend at least 150 meters (492 feet) from the Project area boundary and include burrows and burrow surrogates. If the habitat assessment identifies potentially suitable burrowing owl habitat, then a qualified biologist shall conduct surveys following the CDFW 2012 Staff Report survey methodology. Surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted commensurate with the type of disturbance anticipated, as outlined in the CDFW 2012 Staff Report, and include burrow surrogates such as culverts, piles of concrete or rubble, and other non-natural features, in addition to burrows and mounds.

⁵ Department of Fish and Wildlife (then Fish and Game), 2012.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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Time lapses between surveys or Project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections. Detected nesting burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report and any passive relocation plan for non-nesting owls shall be subject to CDFW review.

Please be advised that CDFW does not consider exclusion of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure for the reasons outlined below. Therefore, to mitigate the impacts of potentially evicting burrowing owls to less-than-significant, Mitigation Measure BIO-4B outlined below should require habitat compensation with the acreage amount identified in any eviction plan. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owls are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or “take” which is prohibited under Fish and Game Code section 3503.5. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented to avoid “take.”

Mitigation Measure BIO-4B: Burrowing Owl Habitat Mitigation

If the Project would impact an unoccupied nesting burrowing owl burrow or burrow surrogate (i.e., a burrow known to have been used in the past three years for nesting), or an occupied burrow (where a non-nesting owl would be evicted as described above), the following habitat mitigation shall be implemented prior to Project construction:

Impacts to each nesting site shall be mitigated by permanent preservation of two occupied nesting sites with appropriate foraging habitat within Solano County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity. The same requirements shall apply for impacts to non-nesting evicted owl sites.

Impacts to burrowing owl foraging habitat shall be mitigated by permanent preservation of foraging habitat at a 1:1 mitigation to impact ratio, in the same manner described above, and accepted by CDFW in writing. The CDFW 2012 Staff Report states, “current scientific literature supports the conclusion that mitigation for permanent habitat loss necessitates replacement with an equivalent or greater habitat area for breeding, foraging, wintering, dispersal...” Please be advised that the draft Solano Multispecies Habitat Conservation Plan, Section 6.4.9 and Figure 4-22, identifies 1:1 burrowing owl foraging habitat mitigation for the project site (see: <https://www.scwa2.com/solano->

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[multispecies-habitat-conservation-plan/](#)).

The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

Special-Status Plants

The MND identifies 24 special-status plants with potential to occur in the area and concludes that all are unlikely to be present on the Project site (page 14, Appendix 6.4). Most plants were deemed unlikely to occur due to the absence of required habitat features such as vernal pools or serpentine soils. However, at least two species, Keck's checkerbloom, ESA listed as endangered and CRPR 1B.1, and adobe lily, CRPR 1B.2, may be associated with "valley and foothill grassland," consistent with habitat on-site, and were considered unlikely based solely on the level of disturbance at the site (*ibid.*). While disturbance on-site may reduce the habitat quality for some special-status plants, it does not necessarily preclude their presence. Special-status plants could occur on or adjacent to the Project site.

The Project has the potential to crush and kill special-status plants and could significantly impact special-status plants on-site. Special-status plants could also be indirectly impacted by the Project through, for example, changes to hydrology or introduction of invasive species. To reduce impacts to less-than-significant, CDFW recommends the following Mitigation Measure.

Mitigation Measure BIO-5: Special-Status Plant Surveys

A qualified biologist shall conduct surveys during the appropriate blooming period for all special-status plants that have the potential to occur on or adjacent to the Project site prior to the start of ground-disturbing activities and prepare a report documenting survey findings. Surveys and reporting shall be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*⁶. If special-status plants are found during surveys, the Project shall be re-designed to avoid impacts to special-status plants. If special-status plants listed as threatened or endangered under the ESA, such as Keck's checkerbloom, are discovered on or adjacent to the Project site, the Project shall consult with U.S. Fish and Wildlife Service prior to commencing Project activities. If impacts to any special-status plants cannot be avoided completely during construction, the Project shall provide mitigation including offsite habitat preservation or another method accepted in writing by CDFW. The qualified biologist shall be knowledgeable about plant taxonomy, familiar

⁶ Department of Fish and Wildlife, 2018. <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

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with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.

American Badger

The MND identifies that the Project is within the range of the American badger, a California Species of Special Concern, and that a CNDDDB badger occurrence is approximately 3 miles southeast of the Project site (Appendix 6.4). The Project is located within grassland habitat that may be suitable for American badger. Badgers range⁷ throughout most of California and can dig burrows in a single day; therefore, the species may occupy the Project site and adjacent habitat prior to Project construction (Ministry of Environment Ecosystems 2007 as cited in Brehme et al. 2015). Additionally, the California Wildlife Habitat Relationships Predicted Habitat Suitability for the site is High Suitability. This information confirms the species has occurred in the vicinity of the Project site and could use it and adjacent habitat.

The Project may result in injury or mortality to adult or young badgers, or burrow abandonment. Therefore, project impacts to American badger would be potentially significant.

To reduce impacts to less-than-significant, CDFW recommends that the MND: (1) further analyze the potential for American badger to occur on and adjacent to the Project site, and (2) include mitigation measures to ensure impacts are reduced to less-than-significant. These measures may include a qualified biologist surveying for the species including adjacent habitat prior to construction, avoiding occupied burrows including a sufficient buffer approved by CDFW, and preparing and implementing a CDFW-approved relocation plan if badgers are found on or adjacent to the Project site.

Mitigation Measure or Alternative and Related Impact Shortcoming

Nesting Birds

The MND identifies that Project activities could disturb protected nesting birds and requires pre-construction nesting bird surveys in MM BIO-1A (page 13, Appendix 6.4). MM BIO-1A states that the nesting bird surveys may occur up to 30 days before Project activities, which could allow birds to begin nesting after the survey has occurred but prior to Project activities. This would not ensure avoidance of nesting birds.

Human activity and removal of habitat has contributed to the loss of a significant proportion of the total number of birds in the United States and Canada since the 1970s (Rosenburg et al. 2019). Nesting birds may be disturbed by Project noise or human

⁷ CDFW maintains range maps and life history accounts for all terrestrial species in California. The American badger range map is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=2598&inline=1>

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presence, which could lead to nest abandonment or reduced health and vigor of young, a potentially significant impact. To reduce impacts to less-than-significant, CDFW recommends revising MM BIO-1A; additions are in ***bold italics*** and deletions are in ~~strikethrough~~.

Mitigation Measure BIO-1A: Avoidance of Avian Nests and Protected Avian Species

If construction activities are scheduled to occur during the ***avian*** breeding season (February 1- August 31), a qualified wildlife biologist shall conduct pre-construction surveys of all potential suitable nesting habitat within ~~0.5 miles~~ ***500 feet*** of active construction areas, including trees, shrubs, grassland and wetland vegetation. The qualified wildlife biologist shall determine the timing of the preconstruction surveys based upon the time of year and habitats that are present. The qualified wildlife biologist shall conduct surveys no more than ~~30~~ ***7*** days prior to construction. ***If a lapse in Project-related work of 7 days or longer occurs, another focused survey shall occur before Project work is reinitiated.***

Tree Avoidance

The MND notes that several significant oaks and heritage sized trees are present on the Project site and that no tree removal is anticipated during the Project (page 13, Appendix 6.4). MM BIO-2 states that no Project activities would occur within five feet of the dripline of specified oak clusters, but does not provide a mechanism that would inform workers to avoid these areas. In addition, MM BIO-2 appears to be missing text and is grammatically unclear. To ensure trees are avoided during Project activities, CDFW recommends revising MM BIO-2; additions are in ***bold italics*** and deletions are in ~~strikethrough~~.

*Mitigation Measure BIO-2: ***Tree Avoidance****

~~Development, construction or trenching within 5 feet of the dripline of the cluster of Oak Trees on Lot, 1, 3 and 4 shall be prohibited and remain undisturbed.~~ ***No trees shall be removed during the Project. For each existing tree within or adjacent to Project ground-disturbing activities, a critical root zone that extends at least five feet from the dripline of the tree shall be established by a qualified biologist. The critical root zone of each tree within the project area shall be flagged or fenced off from Project activities. Flagging or fencing shall be maintained throughout the Project activities and removed and disposed of once the Project is complete.*** The final map ***and design plans*** shall include a ~~such~~ ***this requirement as a*** notation under supplemental notes.

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GENERAL SUGGESTIONS

In addition to the above recommendations, CDFW encourages landscaping using native trees and shrubs to benefit native wildlife such as nesting birds and insect pollinators. The removal of habitat for birds from human activities has contributed to the loss of a significant proportion of birds in the United States and Canada since the 1970s (Rosenburg et al. 2019). Similarly, insect pollinators such as monarch butterflies and native bees have declined drastically relative to 1990 levels (Xerces Society Western Monarch Thanksgiving Count 2021, Xerces Society et al. 2018, Forister et al. 2011). Planting native trees, shrubs, and flowering species, is an opportunity to improve conditions for native birds and insects. It is unclear in the MND what plant species, if any, are proposed for the landscaping of the Project site and these details have likely not yet been planned (Appendix 6.3). If landscaping would occur, CDFW recommends native species such as valley oaks (*Quercus lobata*), western redbud (*Cercis occidentalis*), and narrow leaf milkweed (*Asclepias fascicularis*) where possible.⁸

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 the CNDDDB. The CNDDDB field survey form, online field survey form, and contact information for CNDDDB staff can be found at the following link: <https://wildlife.ca.gov/data/CNDDDB/submitting-data>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 fee is required for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

⁸ For further native species recommendations and planting tips, review the Willis L. Jepson Chapter of the California Native Plant Society document *Native Landscape Planting Guide*: https://jepson.cnps.org/images/horticulture/plans/willis_jepson-planting_guide.pdf and the Xerces Society document *Pollinator Plants: California*: https://xerces.org/sites/default/files/2018-05/17-045_02_XercesSoc_Pollinator-Plants_California_web-3page.pdf

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CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Ms. Amanda Culpepper, Environmental Scientist, at amanda.culpepper@wildlife.ca.gov; or Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at melanie.day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

BE74D4C83C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021040652)

Jamielynn Harrison, Solano County, jbharrison@solanocounty.com

REFERENCES

Brehme, C.S., Hathaway, S.A.; Booth, R.; Smith, B.H.; and Fisher, R.N. 2015. Research of American Badgers in Western San Diego County, 2014. Data Summary prepared for California Department of Fish and Wildlife and the San Diego Association of Governments. 24pp. (42pp. with Appendix).

CDFW. 2016. Status Review: Swainson's Hawk (*Buteo swainsoni*) in California, Reported to the California Fish and Game Commission, Five-year Status Report. State of California Natural Resources Agency, Sacramento, CA.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133622&inline>

Forister, Matthew L.; Jahner, Joshua P.; Casner, Kayce L.; Wilson, Joseph S.; and Shapiro, Arthur M. 2011. The race is not to the swift: Long-term data reveal pervasive declines in California's low-elevation butterfly fauna. *Ecology*. 92 (12): 2222-2235.

Rosenburg, Kenneth V.; Dokter, Adriaan M.; Blancher, Peter J.; Sauer, John R.; Smith, Adam C.; Smith, Paul A.; Stanton, Jessica C.; Panjabi, Avirind; Helft, Laura; Parr, Michael; and Marra, Peter P. 2019. Decline of the North American Avifauna. *Science*: 120-124.

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Xerces Society, Defenders of Wildlife, and Center for Food Safety. 2018. A petition to the State of California Fish and Game Commission to list the Crotch bumble bee (*Bombus crotchii*), Franklin's bumble bee (*Bombus franklini*), Suckley cuckoo bumble bee (*Bombus suckleyi*), and western bumble bee (*Bombus occidentalis occidentalis*) as endangered under the California Endangered Species Act. Available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161902&inline>

Xerces Society Western Monarch Thanksgiving County. 2021. Western Monarch Thanksgiving County Data, 1997-2020. Available at www.westernmonarchcount.org.