



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



**Governor's Office of Planning & Research**

**Oct 11 2021**

October 8, 2021

## **STATE CLEARING HOUSE**

Ms. Meily M. Sheehan  
 City of Fairfield  
 1000 Webster Street  
 Fairfield, CA 94533  
[msheehan@fairfield.ca.gov](mailto:msheehan@fairfield.ca.gov)

Subject: LogistiCenter at Fairfield, Mitigated Negative Declaration,  
 SCH No. 2021090204, Solano County

Dear Ms. Sheehan:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the City of Fairfield (City) for the LogistiCenter at Fairfield (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

CDFW is submitting comments on the MND to inform the City, 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 (NPPA), 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:** Dermody Properties

**Objective:** The Project would develop a 58.95-acre site with five commercial buildings totaling 717,504 square feet, and associated infrastructure including parking lots, landscaping, and stormwater treatment facilities. The buildings are planned for limited

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<sup>1</sup> 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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industrial use. Primary Project activities would include grading, excavation, trenching, building construction, concrete pouring, and landscaping.

**Location:** The Project is located at the northeast corner of Beck Avenue and Cordelia Road, south of the Union Pacific Railroad, and west of Ledgewood Creek, in the City of Fairfield. The approximate centroid of the Project is Latitude 38.23335°N, Longitude 122.06203°W and the Assessor's Parcel Numbers are 032-190-120, 032-190-240, 032-190-300, 032-190-320, and 032-190-330.

**Timeframe:** The MND does not specify a timeframe.

## ENVIRONMENTAL SETTING

The Project covers 58.95 acres of undeveloped land with industrial complexes to the north and west, grasslands and cultivated agricultural land to the east and south, and Ledgewood Creek adjacent to the Project's eastern boundary. The Project area supports approximately 4.24 acres of wetlands (MND page 12). Special-status species with the potential to occur in or near the Project area include, but are not limited to, California tiger salamander (*Ambystoma californiense*), listed as threatened pursuant to CESA and the federal Endangered Species Act (ESA); Swainson's hawk (*Buteo swainsoni*), listed as threatened pursuant to CESA; Contra Costa goldfields (*Lasthenia conjugens*), listed as endangered pursuant to ESA and a California Rare Plant Rank (CRPR) 1B.1<sup>2</sup>; vernal pool fairy shrimp (*Branchinecta lynchi*), listed as threatened pursuant ESA; pappose tarplant (*Centromadia parryi* ssp. *parryi*), CRPR 1B.2; saline clover (*Trifolium hydrophilum*), CRPR 1B.2; burrowing owl (*Athene cunicularia*), a California Species of Special Concern (SSC); and white-tailed kite (*Elanus leucurus*), a Fully Protected species.

## REGULATORY REQUIREMENTS

### Lake and Streambed Alteration

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

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<sup>2</sup> CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere. Further information on CRPR is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline> and on the California Native Plant Society webpage <https://www.cnps.org/rare-plants/cnps-rare-plant-ranks>

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identifies that the Project would occur adjacent to Ledgewood Creek (MND page 11). Project activities that could substantially alter the bed, bank, or channel of Ledgewood Creek or associated riparian habitat, including vegetation treatment, site preparation, and plantings, would likely require an LSA Notification. In this case, 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.

### **California Endangered Species Act and Native Plant Protection 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 or NPPA, such as California tiger salamander or 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 or NPPA 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.

### **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 & G. Code, §§ 3511, 4700, 5050, & 5515).

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## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Environmental Setting and Related Impact Shortcoming

#### *California Tiger Salamander*

The Project is within the range<sup>3</sup> and potentially suitable habitat for California tiger salamander (CTS), listed as threatened pursuant to CESA; the Central California population is also listed as threatened pursuant to ESA. In addition, the Project is approximately 5 miles west of known CTS occurrences identified in the California Natural Diversity Database (CNDDB). The Project area is immediately surrounded by grassland and agricultural lands and consists of potential marginal upland habitat.

CTS in central California face continuing threats from development projects such as urban development (U.S. Fish and Wildlife Service (USFWS) 2017a). The Project has potential to impact CTS through grading, excavating, trenching, and removing burrow refugia, possibly crushing CTS and substantially reducing the number of CTS, a potentially significant impact pursuant to CEQA Guidelines section 15065, subdivision (a) Mandatory Findings of Significance. CTS is considered a threatened species under CEQA Guidelines section 15380.

To reduce impacts to less-than-significant, CDFW recommends: 1) including additional CTS baseline information in the MND regarding the potential for CTS to occur on-site, and 2) including the following Mitigation Measure.

#### *BIO-9. California Tiger Salamander Avoidance*

Prior to ground disturbing activities, a qualified biologist shall survey the Project site for CTS upland refugia habitat. If burrows or other refugia habitat occur on-site, the qualified biologist shall flag them for avoidance with a minimum 10-foot avoidance buffer, where feasible.

During initial ground disturbing activities, a qualified biologist shall be on-site to monitor for presence of CTS. If CTS are observed on or near the Project area, all work shall

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<sup>3</sup> CDFW maintains range maps and life history accounts for all terrestrial species in California. The California tiger salamander range map is available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=1417&inline=1>

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cease, and the qualified biologist shall immediately contact CDFW and USFWS. Work shall not proceed until the Project has received CDFW and USFWS authorization.

Alternatively, a qualified biologist shall prepare an assessment demonstrating that CTS are unlikely to occur, and the assessment shall be provided to CDFW and accepted by CDFW in writing.

### ***Special-Status Plants***

The MND identifies that the Project site historically provided habitat for Contra Costa goldfields and identifies that “focused rare plant surveys” occurred at the Project site in 2019 and 2020 (MND page 12). However, there are other special-status plant species that could occur on or in the vicinity of the Project site, including saline clover and pappose tarplant. The aforementioned species have CNDDDB occurrences within 600 feet of the Project. Botanical field surveys should be floristic in nature, meaning that every plant taxon that occurs in the Project area is identified to the taxonomic level necessary to determine rarity and listing status. “Focused surveys” that are limited to habitats known to support special-status plants or that are restricted to lists of likely potential special-status plants are not considered floristic in nature and are not adequate to identify all plants in a project area to the level necessary to determine if they are special-status plants. It is unclear whether the focused rare plant surveys would have identified these other species or were timed appropriately to the species’ blooming seasons. Without this information, the Project cannot accurately identify and reduce potential impacts to less-than-significant. To reduce impacts to less-than-significant, CDFW recommends: 1) including additional special-status plant baseline information in the MND regarding the potential for all special-status plants to occur on-site, and 2) including the following Mitigation Measure.

#### ***BIO-10. Special-Status Plant Survey and Avoidance.***

A qualified botanist 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 area prior to the start of ground-disturbing activities and prepare a report documenting survey findings. Habitat adjacent to the Project area should be surveyed if the Project may have indirect impacts off-site as a result of changes to hydrology or other indirect impacts. More than one year of surveys may be necessary. Surveys and reporting shall be conducted following *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities*<sup>4</sup>. Surveys shall be submitted to CDFW for review and written acceptance. If special-status plants are found during surveys, the Project shall be re-designed to avoid impacts to special-status plants. If impacts to any special-status plants cannot be avoided completely during

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<sup>4</sup> Department of Fish and Wildlife, 2018. <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

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construction, the Project shall provide mitigation including on-site restoration, off-site habitat preservation, or another method accepted in writing by CDFW. The qualified botanist shall be knowledgeable about plant taxonomy, familiar with plants of the region, and have experience conducting botanical field surveys according to vetted protocols.

## **Mitigation Measures 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 area, which provides suitable foraging habitat (MND page 12). Potentially suitable nesting trees exist in the vicinity of the Project site. In addition, the MND notes that protocol-level surveys between 2019 and 2021 identified 5 active Swainson's hawk nests within 3 miles of the Project site (MND page 13), and the California Wildlife Habitat Relationships Predicted Habitat Suitability for the site is High Suitability. The MND relies on general pre-construction nesting bird surveys identified in Mitigation Measure BIO-8 to avoid potential impacts to Swainson's hawk. BIO-8 does not provide adequate survey techniques to effectively identify nesting Swainson's hawk in and near the Project area.

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 impacts to Swainson's hawk through nest abandonment or reduced health and vigor of young. To reduce impacts to less-than-significant, CDFW recommends including the following Mitigation Measure.

#### *BIO-11. 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 the 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*.<sup>5</sup> 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

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<sup>5</sup> Swainson's Hawk Technical Advisory Committee, 2000.

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

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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.

CDFW appreciates that the MND includes Swainson's hawk and burrowing owl foraging habitat mitigation in Mitigation Measure BIO-7. However, the amount of mitigation acres does not appear to match the proposed 2:1 mitigation ratio given the Project description of a 58.95-acre site. There is no disclosed data as to a foraging habitat delineation or other quantification of foraging habitat onsite. CDFW recommends making the following deletions in ~~strikethrough~~ and additions in **bold** to reduce impacts to less-than-significant.

#### ***BIO-7. Swainson's Hawk & Burrowing Owl Foraging Habitat Mitigation***

To mitigate for the loss of burrowing owl and Swainson's hawk foraging habitat, the developer/applicant shall 1.) acquire suitable habitat land and **permanently preserve foraging habitat through recording conservation easements and implementing and funding a long-term management plan in perpetuity**, or 2.) acquire **burrowing owl and Swainson's hawk foraging habitat** mitigation credits **from a CDFW-approved mitigation bank** prior to building permit issuance. Either mitigation option shall **minimally** be consistent with the mitigation **regulations requirements** outlined in the draft Solano HCP. **However, Should should** the developer/applicant choose to fully mitigate habitat loss through credits, the mitigation credits shall be obtained consistent with ~~the following-~~ a **2:1 mitigation ratio, unless a greater mitigation ratio is required by the draft Solano HCP.** ratios:

- Preserved uplands: ~~83.57 acres (2:1 ratio)~~

#### ***Burrowing Owl***

The MND identifies that burrowing owl, an Species of Special Concern (SSC), may occur within the Project site, which provides potentially suitable foraging habitat (MND page 12). There are documented occurrences of burrowing owl immediately adjacent to the Project site according to the CNDDDB, though these were last observed in 1987. In addition, the California Wildlife Habitat Relationships Predicted Habitat Suitability for the site is High Suitability for burrowing owls. The MND relies on general pre-construction nesting bird surveys identified in Mitigation Measure BIO-8 to avoid potential impacts to burrowing owls. BIO-8 does not provide adequate survey techniques to effectively identify burrowing owls in and near the Project area.

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The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, or loss of wintering owls. Burrowing owls are an SSC 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.

#### *BIO-12A. 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 Staff Report on Burrowing Owl Mitigation*<sup>6</sup> (CDFW 2012 Staff Report). The habitat assessment shall extend at least 492 feet (150 meters) from the Project site boundary or more where direct or indirect effects could potentially extend offsite (up to 500 meters or 1,640 feet) 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. 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-12B 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

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<sup>6</sup> CDFW, then Department of Fish and Game, 2012.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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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.”

#### *BIO-12B. Burrowing Owl Breeding and Wintering 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.

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

#### **Nesting Birds**

The MND identifies Mitigation Measure BIO-8 to avoid potentially significant impacts to nesting birds (MND pages 15 and 16). The existing measure combines Swainson's hawk, burrowing owl, and common nesting bird survey and avoidance into one measure. As identified above, CDFW recommends separating special-status species surveys from general pre-construction nesting bird surveys. CDFW recommends making the following deletions in ~~strikethrough~~ and additions in **bold** to reduce impacts to less-than-significant.

#### ***BIO-8. Nesting Bird Surveys and Avoidance***

To avoid impacts to ~~burrowing, owls, Swainson's hawk, and other~~ nesting birds in compliance with State Fish and Game Code regulations **and the Migratory Bird Treaty Act:**

If construction commences between Feb. 15 – Sept. 15, pre-construction surveys for nesting birds within ~~0.5 miles~~ **500 feet** of the project site shall be conducted no more than ~~14~~ **7** days prior to any ground disturbing activity. ~~Pre-construction surveys for nesting migrant burrowing owls (regardless of time of year construction begins) within 250 feet of the project site shall be conducted no more than 14 days prior to any ground disturbing activity.~~

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If no nesting birds, ~~including burrowing owls~~, are found during this first survey, a final survey will be conducted within 24 hours prior to ground disturbance. If ground-disturbing activities are delayed or suspended for more than ~~14-7~~ days after the initial survey, the site shall be resurveyed (including the final survey within 24 hours of disturbance).

If active nests are identified, appropriate buffer zones shall be established around the nest.

The width of the buffer zone shall be based on a site-specific analysis prepared by a Qualified Biologist indicating that the nesting pair under consideration are not likely to be adversely affected by construction activities. Monitoring by the Qualified Biologist ~~is~~ shall be conducted for a sufficient time during all construction activities following the initiation of construction to determine if the nesting pair exhibits adverse reactions to construction activities (e.g., changes in behavioral patterns, reactions to construction noise). **If nesting birds exhibit signs of disturbance, the Qualified Biologist shall halt all activities and consult with CDFW prior to commencing Project activities.**

## GENERAL SUGGESTIONS

In addition to the above recommendations, CDFW suggests that the MND clarify the environmental setting and background biological reports incorporated into Project planning. The MND states that 19 federally listed species that occur in the vicinity of the Project were assessed for their potential to occur on the Project site and that two of these species, Contra Costa goldfields and vernal pool fairy shrimp, were identified as having the potential to occur on site (MND page 12). The MND also states that Swainson's hawk and burrowing owl were identified as having potential to occur on site (MND page 12). However, a full list or appendix of species assessed for potential to occur on the Project site is not provided. The MND references numerous species-specific surveys and biological assessments of the site but does not provide any of these reports as appendices, nor does the MND describe the methodology used to determine which special-status species have the potential to occur on or near the Project site. Without a thorough discussion of the species that have the potential to occur on the site and a clear biological justification for determining that species are absent from the site or have a low likelihood to occur, the MND does not provide an adequate environmental baseline. Therefore, the MND may not adequately identify all potentially significant impacts from Project activities.

Another aspect of the environmental baseline partially described in the MND is the presence of wetlands. The MND identifies that 4.24 acres of wetland are present on site and 4.1 acres of wetlands will be impacted by the Project (MND pages 12 and 13). However, the wetland habitat vegetation community and biological conditions are not described. In addition, changes to the hydrology of the Project site or impacts to

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portions of wetland features could impact the entirety of the wetlands in the Project. Without further information, the MND may not adequately identify all potentially significant impacts from Project activities.

CDFW recommends that the MND:

1. Clearly define special-status species as those species that meet the CEQA Guidelines definition of endangered, threatened, or rare (CEQA Guidelines, § 15380); species listed pursuant to CESA, ESA, or NPPA; species identified as California Species of Special Concern; species with a California Rare Plant Rank; Fully Protected Species; or any locally rare species.
2. Discuss the methodology used to identify special-status species that have the potential to occur on or in the vicinity of the Project site. This should include information from multiple sources such as aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; the U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; findings from positive occurrence databases such as CNDDDB; and biological resource information from the draft Solano Habitat Conservation Plan. Surveys conducted at the Project site and in the Project vicinity should be listed with dates and associated protocols that were followed.
3. Include an appendix with a table of all special-status species assessed for the Project and an explanation as to why a species was considered absent from the Project site.
4. Describe the wetland habitat that exists on the Project site, including vegetation, hydroperiod, and all special-status species that could potentially use the wetlands as habitat. Include a map of the wetlands.

## **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

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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 & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## **CONCLUSION**

CDFW appreciates the opportunity to comment on the MND to assist the City 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 (707) 428-2075 or [amanda.culpepper@wildlife.ca.gov](mailto:amanda.culpepper@wildlife.ca.gov), or Ms. Melanie Day, Senior Environmental Scientist (Supervisory), at [melanie.day@wildlife.ca.gov](mailto:melanie.day@wildlife.ca.gov).

Sincerely,

DocuSigned by:

  
*Stephanie Fong*

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Stephanie Fong  
Acting Regional Manager  
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2021090204)

## **REFERENCES**

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>

USFWS. 2017a. Recovery Plan for the Central California Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*). U.S. Fish and Wildlife Service, Pacific Southwest Region, Sacramento, California.  
[https://www.fws.gov/sacramento/outreach/2017/06-14/docs/Signed\\_Central\\_CTS\\_Recovery\\_Plan.pdf](https://www.fws.gov/sacramento/outreach/2017/06-14/docs/Signed_Central_CTS_Recovery_Plan.pdf)