



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Northern Region  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



March 24, 2023

Governor's Office of Planning & Research

**March 27 2023**

## **STATE CLEARING HOUSE**

Christopher Drop, General Manager  
Manila Community Services District  
1901 Park Street  
Manila, CA 95521  
[manilacsd1@sbcglobal.net](mailto:manilacsd1@sbcglobal.net)

**SUBJECT: MANILA COMMUNITY SERVICES DISTRICT FLOOD REDUCTION AND DRAINAGE ENHANCEMENT PROJECT MITIGATED NEGATIVE DECLARATION (SCH# [2023020475](#))**

Dear Christopher Drop:

On February 20, 2023, the California Department of Fish and Wildlife (CDFW) received the Manila Community Service District's (MCSD; Lead Agency) Initial Study and Draft Mitigated Negative Declaration (IS/MND) for the Manila Community Services District Flood Reduction and Drainage Enhancement Project (Project). CDFW understands the Lead Agency will accept comments on the Project through March 29, 2023.

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary to sustain their populations (Fish and Game Code (FGC), §§ 1801 and 1802). As a Responsible Agency, CDFW administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations in our role as Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA; California Public Resource Code §21000 *et seq.*). CDFW participates in the regulatory process in its roles as Trustee and Responsible Agency to minimize Project impacts and avoid potential significant environmental impacts by recommending avoidance and minimization measures. These comments are intended to reduce the Projects impacts on public trust resources.

### **Project Description**

The Project is located in the unincorporated community of Manila on the Samoa Peninsula in Humboldt County, California. As described in the IS/MND, the Project will address chronic flooding and drainage problems caused by undersized, disconnected, and failing drainage infrastructure. Improvements are intended to address persistent flooding while also enhancing ecosystem services and resiliency to sea level rise. Existing bioswales will be cleared and re-graded to original contours, and new bioswales will be graded to connect with existing drainage systems. Restored and newly constructed bioswales will be revegetated with native species. The Project will also replace undersized or failing culverts and associated flap gates, and install several new

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culverts, drainpipes, and valley gutters to connect drainage areas. Finally, rain gardens will replace impervious surfaces at the Manila Community Center and as feasible along roadsides.

### **CDFW Comments on the IS/MND:**

#### **Special Status Bumble Bees**

Vegetation removal and ground disturbance have the potential to impact special status bumble bees and their habitat. The IS/MND reports that western bumble bee (*Bombus occidentalis*) was observed in the Project Area during a reconnaissance site visit. Due to a myriad of stressors, western bumble bee has experienced an 84% decline in relative abundance and occupies less than 50% of its historic range (Xerces Society et al. 2018). In California, populations are largely restricted to higher elevation sites in the Sierra Nevada, with a couple of observations in coastal northern California (Xerces Society et al. 2018, Xerces Society et al. 2023). The species is currently a candidate for listing pursuant to CESA and may therefore qualify as an endangered, rare, or threatened species under CEQA (CEQA Guidelines § 15380). Western bumble bee is also under review for protection pursuant to the Endangered Species Act. Although independent taxonomists were unable to verify or refute the sighting, there are historical occurrences along the Samoa Peninsula (CDFW 2023), and the Project Area contains suitable foraging and nesting habitat. Without conducting focused, appropriately timed surveys, the presence of western bumble bee should not be ruled out. Vegetation clearing and ground disturbance could result in the loss of foraging resources, changes in behavior, nest destruction or abandonment, and direct mortality.

Although the IS/MND acknowledges the potential for significant impacts, the proposed mitigation measure to halt construction is inadequate because it hinges on detection of a cryptic species and leaves implementation to the contractor. Sight identification of bumble bees is notoriously difficult; most surveys rely on non-lethal capture and photo documentation, which require experience and training. Furthermore, bumble bee nests and overwintering sites are difficult to detect, even for experienced biologists (Liczner and Colla 2019). If the Lead Agency cannot conduct several appropriately timed protocol-level surveys prior to Project implementation, CDFW recommends they assume presence and adapt Mitigation Measure BIO-6 to include seasonal avoidance and construction monitoring by a qualified biologist (**Recommendation 1**), as follows:

- 1) *Clear vegetation during late winter months (January through February) to avoid peak flight season, minimize impacts to floral resources, and reduce the potential for floral resources to draw bumble bees into the Project Area.*
- 2) *Commence ground-disturbing activities by early May at the latest as a potential means of discouraging bumble bees from nesting in the project area. Notify CDFW at least two weeks prior to breaking ground to coordinate early season scouting and any concurrent targeted surveys led by CDFW staff.*
- 3) *During grubbing and other ground-disturbing activities that occur during the colony active period, a qualified biologist shall scout the area for western bumble bee, with particular attention to potential floral resources and nest sites. If the species is detected, the biologist shall notify CDFW immediately*

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*([kathryn.rian@wildlife.ca.gov](mailto:kathryn.rian@wildlife.ca.gov)) as further coordination will be required to avoid or mitigate for significant impacts. The biologist should have the authority to halt work and establish appropriate no-disturbance buffer zones around potential nest sites.*

To facilitate reliable field identification of bumble bee species and avoid potentially unnecessary project delays, CDFW encourages the project proponent to retain a qualified biologist with a Memorandum of Understanding (MOU) and Scientific Collecting Permit (SCP) allowing for the capture and chilling of potential target species (**Recommendation 2**). Chilling and photographing bumble bees, as in the [California Bumble Bee Atlas Point Surveys](#) or the [USFWS Survey Protocols for Rusty Patched Bumble Bee](#), is considered the most efficient and accurate means of identifying bumble bees without causing unnecessary harm; however, capture is a form of *take* and requires the aforementioned permits pursuant to Fish and Game Code section 2081. An MOU would suffice if the biologist can confidently identify and avoid netting species in the yellow-faced group, which includes obscure bumble bee (*Bombus caliginosus*), a special-status species requiring a SCP.

### **Submittal of Biological Data to CNDDDB**

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(e)). Please report any special status species and natural communities detected during Project surveys to the CNDDDB (**Recommendation 3**). The CNDDDB field survey form can be found at <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>, and completed forms can be mailed electronically to CNDDDB at [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.


### **Summary of Recommendations**

1. If the Lead Agency cannot conduct focused surveys prior to Project implementation, CDFW recommends they assume presence and adapt Mitigation Measure BIO-6 to include seasonal avoidance and construction monitoring by a qualified biologist.
2. To facilitate reliable field identification of bumble bee species and avoid potentially unnecessary project delays, CDFW encourages the project proponent to retain a qualified biologist with a Memorandum of Understanding (MOU) and Scientific Collecting Permit (SCP) allowing for the capture and chilling of potential target species.
3. Please report any special status species and natural communities detected during Project surveys to the CNDDDB.

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We appreciate the opportunity to comment on this IS/MND. If you have any questions, please contact Environmental Scientist Kathryn Rian by email at [kathryn.rian@wildlife.ca.gov](mailto:kathryn.rian@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Tina Bartlett, Regional Manager  
California Department of Fish and Wildlife

cc: State Clearinghouse, Office of Planning and Research  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

California Department of Fish and Wildlife  
Rebecca Garwood, Michael van Hattem, Kathryn Rian

## References

CDFW. 2023. California Natural Diversity Database. Biogeographic Data Branch, California Department of Fish and Wildlife. Retrieved March 13, 2023 from <https://wildlife.ca.gov/Data/CNDDB>.

Liczner, A. R. and S. R. Colla. 2019. A systematic review of the nesting and overwintering habitat of bumble bees globally. *Journal of Conservation* 23:787-801. Available from <https://link.springer.com/article/10.1007/s10841-019-00173-7>.

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 from <https://xerces.org/publications/policy-statements/california-esa-bumble-bee-petition-2018>.

Xerces Society, Wildlife Preservation Canada, York University, University of Ottawa, The Montreal Insectarium, The London Natural History Museum, Bee Spotter. 2023. Data accessed from Bumble Bee Watch, a collaborative website to track and conserve North America's bumble bees. Retrieved March 13, 2023 from <http://www.bumblebeewatch.org/app/#/bees/lists>.