



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

FEB 6 2023

STATE CLEARING HOUSE

February 6, 2023

Heather Davis, Interim Director of Environmental Planning
Campus Planning and Environmental Stewardship
University of California, Davis
One Shields Avenue
Davis, CA 95616
environreview@ucdavis.edu

Subject: Solano Park Demolition Project, Draft Subsequent Environmental Impact Report, SCH No. 2017012008, Solano County

Dear Ms. Davis:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Subsequent Environmental Impact Report (SEIR) from the University of California, Davis (UC Davis) for the Solano Park Demolition Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW provided a response to the Notice of Preparation for the Project on July 6, 2022. The SEIR is tiered from the UC Davis 2018 Long Range Development Plan Program EIR (2018 EIR), for which CDFW previously provided comments.

CDFW is submitting comments on the SEIR to inform UC Davis, as the Lead Agency, of potentially significant impacts to biological 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 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: Solano Park Demolition Project

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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Objective: The Project would demolish 26 multi-story apartment buildings, a community center, and associated ancillary buildings that were constructed in 1962 and are currently vacant. The Project would remove all existing infrastructure and establish a management plan for the 16-acre site.

Location: The Project is located at 3700 Solano Park Circle and associated addresses on the UC Davis campus in an unincorporated area of Solano County. The Assessor's Parcel Number is 036-170-022-000 and the approximate Project centroid is Latitude 38.53812°N, Longitude -121.74444°W.

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, including candidate species, either during construction or over the life of the Project. **As described in the SEIR, the Project has the potential to impact Swainson's hawk (*Buteo swainsoni*), a CESA listed as threatened species. Thank you for including in the SEIR a mitigation measure to avoid take of Swainson's hawk and reduce impacts to this species to less-than-significant. The Project may also impact Crotch bumble bee (*Bombus crotchii*), a candidate species for listing under CESA, as further described below.** 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.

Raptors and Other Nesting Birds

CDFW 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

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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 may not be taken or possessed at any time (Fish & G. Code, §§ 3511, 4700, 5050, & 5515) except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist UC Davis in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and in Attachment 1 Draft Mitigation and Monitoring Reporting Plan, CDFW concludes that an SEIR is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare or threatened species?

COMMENT 1: Crotch Bumble Bee

Issue: The SEIR does not identify potential impacts to Crotch bumble bee; however, the California Natural Diversity Database (CNDDDB) contains a 1998 occurrence of Crotch bumble bee that overlaps with the northern portion of the Project location (CNDDDB 2023). A potential 2021 observation of Crotch bumble bee occurred approximately 1.2 miles southwest of the Project site (Hillary Sardinias, CDFW Statewide Pollinator Coordinator, pers. comm., February 3, 2023). Urban gardens and parks may serve as nesting and overwintering sites for Crotch bumble bee (Hatfield et al. 2018); therefore, Crotch bumble bees may be present and nest on the Project site despite its developed nature. The SEIR does not include mitigation measures to prevent or reduce impacts to Crotch bumble bee.

Specific impacts, why they may occur and be potentially significant: The Project could result in crushing or killing Crotch bumble bees, reduction in sufficient food resources such as nectar and pollen, and removal of nesting and overwintering sites. Many bumble bee species, once common in the western United States, have undergone

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a dramatic decline in both distribution and abundance and are now extirpated from much of their historic ranges (Hatfield et al. 2018). Many bumble bees are threatened with extinction due primarily to reductions in habitat from urbanization, intensive agriculture, and invasive species introductions (ibid.). Crotch bumble bee is a candidate species under CESA and therefore should be considered a threatened, endangered, or rare species under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if Crotch bumble bee occur at the Project site and Project impacts to Crotch bumble bee would occur, this may result in a substantial reduction in the species' population, which would be a mandatory finding of significance (CEQA Guidelines, § 15065).

Recommended Mitigation Measure: To reduce potential impacts to Crotch bumble bee to less-than-significant, CDFW recommends including the below mitigation measure in the SEIR.

Mitigation Measure 3.5-12a (Crotch Bumble Bee): All ground-disturbing work, including, but not limited to, staging of equipment on bare soil, grass, or other vegetation and trenching to remove underground infrastructure such as water and sewer lines, shall take place between the period of August 15 to March 15. This period has been developed using local Crotch bumble bee data and may not be applicable to other regions or projects. If ground-disturbing work must occur between March 16 and August 14, a survey for Crotch bumble bee shall be conducted prior to the start of ground-disturbing activities. The biologist conducting the survey and the survey protocol must be approved in writing by CDFW prior to the survey. The Project shall submit a survey report to CDFW within one month of survey completion and shall notify CDFW within 24 hours if Crotch bumble bee or other special-status bumble bees are detected. The Project shall obtain a CESA ITP from CDFW if impacts to Crotch bumble cannot be avoided.

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 CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the

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Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order 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 SEIR to assist UC Davis in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Alex Single, Environmental Scientist, at (707) 799-4210 or Alex.Single@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2017012008)

REFERENCES

Hatfield, R., S. Jepsen, S. F. Jordan, M. Blackburn, and A. Code. 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. Xerces Society for Invertebrate Conservation, Defenders of Wildlife, and Center for Food Safety. Sacramento, CA.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=161902&inline>

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ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

CDFW provides the following language to be incorporated into the Mitigation and Monitoring Program for the Project.

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
3.5-12a	<p><i>Mitigation Measure 3.5-12a (Crotch Bumble Bee):</i> All ground-disturbing work, including, but not limited to, staging of equipment on bare soil, grass, or other vegetation and trenching to remove underground infrastructure such as water and sewer lines, shall take place between the period of August 15 to March 15. This period has been developed using local Crotch bumble bee data and may not be applicable to other regions or projects. If ground-disturbing work must occur between March 16 and August 14, a survey for Crotch bumble bee shall be conducted prior to the start of ground-disturbing activities. The biologist conducting the survey and the survey protocol must be approved in writing by CDFW prior to the survey. The Project shall submit a survey report to CDFW within one month of survey completion and shall notify CDFW within 24 hours if Crotch bumble bee or other special-status bumble bees are detected. The Project shall obtain a CESA ITP from CDFW if impacts to Crotch bumble cannot be avoided.</p>	<p>Prior to Ground Disturbance and continuing over the course of the Project</p>	<p>Project Applicant</p>