



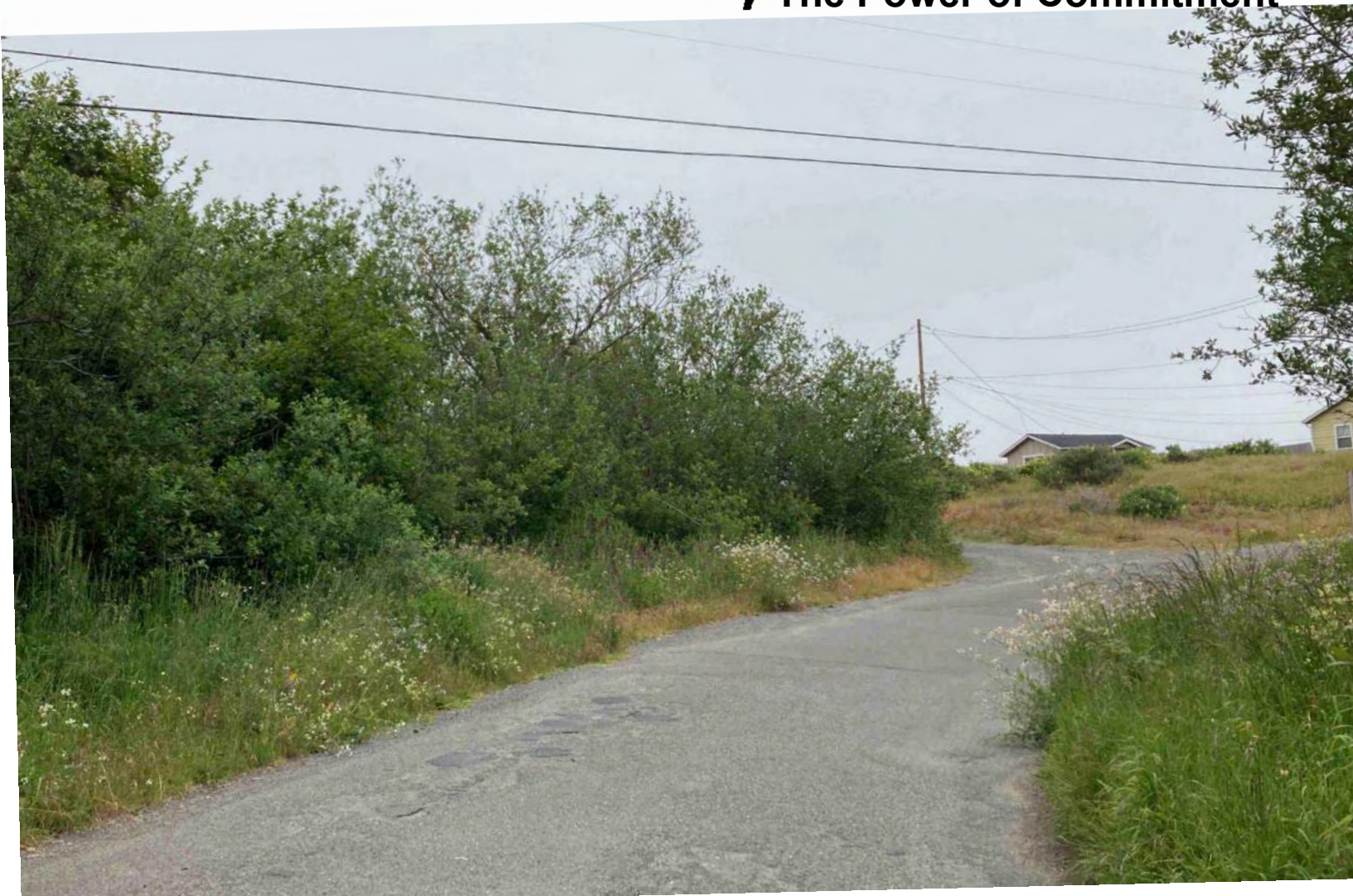
Manila Flood Reduction and Drainage Enhancement Project

Final Initial Study & Proposed Mitigated Negative Declaration – SCH No. 2023020475

Manila Community Services District

April 04, 2023

→ The Power of Commitment



Final Initial Study & Proposed Mitigated Negative Declaration – SCH No. 2023020475

Manila Community Services District Flood Reduction and Drainage Enhancement Project

Prepared for:



Manila Community Services District

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Purpose of the Final IS/MND

This Final Initial Study/Mitigated Negative Declaration (IS/MND) for the Manila Community Services District Flood Reduction and Drainage Enhancement Project consists of the Public Circulation Initial Study/Mitigated Negative Declaration, comments received during public circulation, the Manila Community Services District (MCSD; Lead Agency) responses to comments, and minor revisions to the IS/MND via errata. The Public Circulation IS/MND identified the likely environmental consequences associated with the Project, and recommended mitigation measures to reduce potentially significant impacts.

Environmental Review Process

The MCSD, serving as the California Environmental Quality Act (CEQA) Lead Agency, prepared an IS/MND for the Manila Community Services District Flood Reduction and Drainage Enhancement Project (hereafter referred to as the Project). The IS/MND was initially circulated on February 20, 2023 through March 22, 2023. However, the appendices to the IS/MND were initially not successfully uploaded to the Office of Planning and Research. The appendices were subsequently uploaded and the circulation period restarted on February 27, 2023, extending for 30 days through March 29, 2023, to allow agencies and the public the opportunity to review and comment on the document. The IS/MND was submitted to the State Clearinghouse for review by state agencies, and to agencies with jurisdiction by law over resources affected by the Project.

In accordance with the requirements of CEQA, the MCSD provided a Notice of Intent to Adopt a Mitigated Negative Declaration to the public, responsible agencies, trustee agencies, Humboldt County Clerk, and State Clearinghouse. The MCSD posted the ISMND on its website at <http://www.manilacsd.com> and made a hardcopy available for public review at the MCSD Office at 1901 Park St, Manila. The MCSD published a Notice of Intent to Adopt in the *Eureka Times Standard* on February 23, 2023. A second, updated Notice of Intent to Adopt was posted in the *Eureka Times Standard* on March 1, 2023. The Notice of Intent to Adopt was posted at the Humboldt County Clerk's office for a period of at least 30 days.

The MCSD will hold a board meeting online at <https://us02web.zoom.us/j/3742372467> and in person at 1611 Peninsula Drive Building A, Arcata, CA 95521 on April 18, 2023, at 6:30 p.m., to consider adoption of the Final ISMND and approval of the Project. Noticing and review periods required by CEQA have been satisfied. The ISMND was completed under the direction and supervision of the MCSD with support from their consultant team and reflects the MCSD's independent judgement and analysis of the potential environmental effects of the Project.

The contact person for the MCSD is:

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Manila Community Services District
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Comments and Responses

During the public comment period for the Draft IS/MND, the MCSD received formal comments from the California Department of Fish and Wildlife (CDFW) on March 24, 2023. Comments received from CDFW specifically addressed recommendations to avoid significant impacts to the Western Bumble Bee. These recommendations were further clarified by email with CDFW staff, and a revised mitigation measure for Western Bumble Bee was provided to CDFW for their review and approval. This mutually-agreed upon revised mitigation measure for Western Bumble Bee is provided in Section 4- Errata. The MCSD received no other formal comments from the public or other agencies.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 24, 2023

Christopher Drop, General Manager
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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) 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. 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.

Christopher Drop, General Manager
Manila Community Service District
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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.

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

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>.

Errata

The purpose of this errata is to document revisions to the IS/MND that are intended to clarify project details since it was submitted to the Office of Planning and Research State Clearinghouse. The errata include excerpts of text from the ISMND that are proposed for modification and does not include the entire ISMND. Specifically, the entire subsection that contains the text proposed for modification is copied into the errata, and newly proposed text in the errata is **underlined and bolded**, deleted text from the original ISMND is stricken with single strikethrough, and unchanged text remains in normal font. Only the subsections of the original ISMND that are proposed for modification are copied into the errata.

4.4 Biological Resources

Section a) - Special Status Invertebrates

Special Status Invertebrates

One special status invertebrate, the Western Bumble Bee (*Bombus occidentalis*), was observed in the ~~Project Area~~ **Biological Study Area** during the reconnaissance level survey. However, only limited patches of nectar plants needed for foraging are present within the BSA. Although the Project Area falls within the species pre-2002 range for the Western Bumble Bee, the range has contracted significantly in the last decade and now only includes the intermountain west and cascade regions of the US, this species is now regionally rare. The species is not federally or state listed. **The species is under review for listing at the federal level is a candidate for listing pursuant to CESA with the full protection afforded to listed species until a designation is made.** However, the Western Bumble Bee has a State Rank of 1, which indicates it is critically imperiled (Appendix E). **The area where the Western Bumble Bee was observed has since been excluded from the Project and will not be disturbed.** **However,** Thus, due to ground disturbances from the Project **and the general mobility of the species**, a potentially significant impact could occur.

Mitigation

Implementation of Mitigation Measure BIO-6 would reduce the potential impact to the special status Western Bumble Bee.

Mitigation Measure BIO-6: Protect Western Bumble Bee

~~If an occupied Western Bumble Bee nest is observed in an active construction zone, the contractor will halt construction activities surrounding the area. A biologist will observe the nest and a buffer would be established to protect the occupied nest.~~

If surveys conducted by CDFW in Manila in 2023 do not identify Western Bumble Bee, construction monitoring will not occur. However, if surveys conducted by CDFW in 2023 identify Western Bumble Bee, the following will be implemented as recommended by CDFW in areas of suitable Western Bumble Bee habitat (areas near floral resources, leaf litter, old mammal burrows, downed wood, and similar habitats):

- **CDFW will be notified at least two weeks in advance of ground disturbing activities to support CDFW-led early season scouting and any concurrent targeted surveys led by CDFW staff.**
- **If feasible, vegetation in areas with suitable Western Bumble Bee habitat shall be cleared during late winter months (January 1 through February 28).**
- **If feasible, ground-disturbing activities in areas with suitable Western Bumble Bee habitat shall be completed prior to May.**

- **If ground-disturbing activities in areas with suitable habitat for the Western Bumble Bee occur after May 1, a qualified biologist shall scout the area for Western Bumble Bee immediately prior to the initial ground disturbance, with particular attention to floral resources and nest sites (non-capture photography surveys, if feasible, based on the Rusty Patched Bumble Bee survey guidelines, species will not be physically handled).**
- **CDFW will be immediately notified of any Western Bumble Bee sightings by MCSD and their qualified biologist. If a colony is identified, disturbance near the colony will pause until suitable avoidance measures can be determined in coordination with CDFW. If an individual is identified, work will pause until the individual leaves the area of disturbance.**
- **All biological data will be submitted to CNDDDB within 30 days of any Western Bumble Bee sighting by MCSD and their qualified biologist.**

Mitigation Measure BIO-6 requires actions to halt construction if a Western Bumble Bee is observed, thereby reducing any potential impacts. With the implementation of Mitigation Measure BIO-6, potential impacts to special status invertebrates would be less than significant.

