



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



May 27, 2025

John Ford
Director
Humboldt County Planning and Building Department
3015 H Street
Eureka, CA 95501

**SUBJECT: MCKINLEYVILLE TOWN CENTER ZONING AMENDMENT
(SCH# [2024031111](#))**

Dear John Ford:

On April 9, 2025, the California Department of Fish and Wildlife (CDFW) received the Draft Environmental Impact Report (DEIR) from the Humboldt County Planning and Building Department (County; Lead Agency) for the McKinleyville Town Center Zoning Amendment (Project). CDFW appreciates the opportunity to provide feedback and understands the Lead Agency will accept comments through May 27, 2025.

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 & G. Code, §§ 1801 & 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; Pub. Resources Code, §21000 et seq.). These comments are intended to minimize Project impacts on public trust resources.

Project Description

The Project is located in the unincorporated community of McKinleyville in Humboldt County, California. The 134-acre Project site currently consists of developed and vacant parcels and includes residential and commercial development as well as more extensive undeveloped land to the west, including several acres of wetland. The intent is to develop the area with a mix of commercial, civic, and residential uses, public gathering spaces, open space, and wetland preservation. The Town Center will be designed to support both vehicle and non-vehicular traffic. To guide future development, the County

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John Ford, Director
Humboldt County Planning and Building Department
May 27, 2025
Page 2

proposes to rezone the entire Town Center site to Mixed Use-Urban (MU1) and adopt Q-Zone (Q) combining regulations that would modify the principal zoning standards and regulations. Portions of the site would be developed according to the principal zoning classification (MU1), and other areas would adhere to three overlay classifications created by the Q-Zone: 1) Residential Multiple Family (R-3), 2) Public Facilities (PF1), and Streamside Management Areas and Wetlands (WR). The rezoning actions would establish a development capacity of up to 2,650 multi-family residential units, 632,800 square feet of retail and commercial uses, and up to 271,200 square feet of office uses. The area designated WR would be reserved for wetland conservation, restoration, and mitigation associated with future development elsewhere in the Town Center. The County is also considering an amendment to the McKinleyville Community Plan that would modify the definition of a wetland within the Town Center site, requiring all three wetland parameters (hydrology, soil, and vegetation) to be present rather than just one.

Biological Significance

The Project site contains functional wildlife habitat in an urban landscape, offering refuge, foraging opportunities, and breeding habitat to a variety of native wildlife. Extensive wetlands also provide ecosystem services, such as groundwater recharge and sediment filtration. The site's wetlands, grasslands, and scattered trees may support several special status species, including western bumble bee (*Bombus occidentalis*; state candidate), northern red-legged frog (*Rana aurora*; CDFW Species of Special Concern [SSC]), Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula*; California Rare Plant Rank [CRPR] 1B.2), and Harlequin lotus (*Hosackia gracilis*; CRPR 4.2) among others. In addition to wetlands, the Project site may also contain Sensitive Natural Communities (SNCs).

Comments and Recommendations

CDFW would like to offer the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to CEQA (Pub. Resources Code, §21000 et seq.).

Western Bumble Bee

As mentioned in the DEIR, western bumble bee 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). Due to range

John Ford, Director
Humboldt County Planning and Building Department
May 27, 2025
Page 3

contractions, populations are currently restricted to higher elevations in the Sierra Nevada, with a few observations in northern California (Xerces Society et al. 2018, Xerces Society et al. 2025). Although there have been no recent sightings on the coast, there are historical occurrences of western bumble bee in McKinleyville (CDFW 2025), and the Project site contains suitable foraging and nesting habitat. Vegetation removal and ground disturbance have the potential to adversely impact the species and its habitat through loss of floral resources, burrow collapse, nest abandonment, and direct mortality.

Although the DEIR acknowledges the potential for significant impacts to western bumble bee and incorporates a mitigation measure to avoid or minimize impacts, the measure should be revised for clarity and efficacy. The proposed survey method may fail to detect species presence because it hinges on identifying nests, which are notoriously difficult to find, even for experienced biologists (Licznar and Colla 2019). Conducting several surveys during the colony active period (March through August in coastal Humboldt County) would increase the probability of detection. Non-lethal photo vouchers, as described in the [California Bumble Bee Atlas Point Surveys](#) or the USFWS [Survey Protocols for Rusty Patched Bumble Bee](#), are considered the most efficient and accurate means of identifying bumble bees without causing unnecessary harm. However, capture is a form of *take* and would require additional authorization from CDFW (Fish & G. Code §§ 1002, 1002.5, 1003, & 2081 subd. (a)). The Project proponent may prefer to assume presence and implement avoidance measures rather than conducting focused surveys. CDFW recommends revising Mitigation Measure 6-3 to include seasonal avoidance and outline alternative approaches (**Recommendation 1**):

- a) *Clear vegetation and conduct ground-disturbing activities outside the colony active period (March through August) to avoid peak flight season and discourage bumble bees from nesting in the Project area.*
- b) *If seasonal avoidance is not possible, consult with CDFW at least one year prior to subdivision approval or issuance of construction permits to evaluate potential impacts and other feasible avoidance measures. A meaningful evaluation of risk may necessitate conducting habitat assessments and/or appropriately timed surveys (as described above).*
- c) *If western bumble bee is detected and take cannot be avoided, project proponents should obtain an Incidental Take Permit (ITP).*

John Ford, Director
Humboldt County Planning and Building Department
May 27, 2025
Page 4

CDFW may only authorize take of endangered, threatened, or candidate species if specific conditions are met; most notably, impacts must be minimized and fully mitigated (Fish & G. Code, § 2081 subd. (b); see Cal. Code Regs., tit. 14, § 783.4.). CDFW therefore recommends the County refine potential minimization and mitigation measures that would be implemented if western bumble bee were detected. The DEIR currently proposes avoidance buffers, which are a practical minimization measure and would be incorporated into an ITP; however, the list of minimization measures should be expanded to include phased vegetation removal, which would retain patches of floral resources during construction (**Recommendation 2**). The current proposal to relocate or evict nests is a form of take (Fish & G. Code, § 86) and should not be considered an avoidance or minimization measure. There is also little data to suggest relocation would be successful. CDFW therefore recommends removing the reference to nest relocation or eviction and instead touching on practicable and well-established mitigation measures, such as land acquisition and habitat restoration or enhancement (**Recommendation 3**). Mitigation could potentially be accomplished within the 14-acre wetland area, where upland hummocks, wetland margins, and buffers could be planted with native pollinator-friendly species. If onsite mitigation within the protected wetland area is not feasible, a deed restriction, conservation easement, or similar instrument may be warranted to ensure the long-term ecological function of an off-site location (**Recommendation 4**).

Wetland Mitigation

CDFW appreciates the County's efforts to develop a framework for wetland mitigation, which includes dedicating a 14-acre area to wetland conservation. However, there are some minor discrepancies between the proposed Q-Zone regulations and the DEIR wetland mitigation measure, which appears to defer mitigation to individual developers. In contrast, the Q-Zone regulations require a plan for wetland mitigation prior to approval of a subdivision or the issuance of construction permits. CDFW understands the intent was to establish a comprehensive plan to avoid piecemealing wetland mitigation and any associated loss of habitat values and connectivity. To reconcile these differences and clarify objectives, CDFW recommends editing Mitigation Measure 6-6 to define responsibilities and timelines for wetland mitigation. Specifically, the County should remove terms that suggest an incremental approach (e.g., "individual project developers") and instead require a wetland mitigation and monitoring plan that addresses *all* wetlands within the Town

John Ford, Director
Humboldt County Planning and Building Department
May 27, 2025
Page 5

Center site prior to granting any entitlements or issuing development permits (**Recommendation 5**). The plan should include a deed restriction or other site protection instrument applied to the entire 14-acre wetland conservation area, as well as an outline of long-term management objectives, responsibilities and funding sources (**Recommendation 6**).

Summary of Recommendations

Revise Mitigation Measure 6-3 as follows:

- 1) Include seasonal avoidance and outline alternative approaches, as detailed above.
- 2) Expand the list of feasible minimization measures to include phased vegetation removal, which would retain patches of floral resources during construction.
- 3) Remove the reference to nest relocation or eviction and instead touch on practicable and well-established measures, such as land acquisition and habitat restoration or enhancement.
- 4) If onsite mitigation within the protected wetland area is not feasible, a deed restriction, conservation easement, or similar instrument may be warranted to ensure the long-term ecological function of an off-site location.

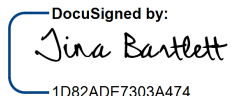
Revise Mitigation Measure 6-6 as follows:

- 5) Remove terms that suggest an incremental approach (e.g., "individual project developers") and instead require a wetland mitigation and monitoring plan that addresses *all* wetlands within the Town Center site prior to granting any entitlements or issuing development permits.
- 6) The plan should include a deed restriction or other site protection instrument applied to the entire 14-acre wetland conservation area, as well as an outline of long-term management objectives, responsibilities and funding sources.

John Ford, Director
Humboldt County Planning and Building Department
May 27, 2025
Page 6

Thank you for the opportunity to comment on this DEIR. Please contact Kathryn Rian, Environmental Scientist, with any questions or comments.

Sincerely,

DocuSigned by:

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Northern Region

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John Ford, Director
Humboldt County Planning and Building Department
May 27, 2025
Page 7

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