March 2026 | Final Environmental Impact Report
State Clearinghouse No. 2024101291

# GENERAL PLAN UPDATE FINAL EIR

for City of Rio Vista

*Prepared for:*

**City of Rio Vista**
Krystine Ball, Public Works Program Manager
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*Prepared by:*

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PLACEWORKS

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# 1. Introduction

## 1.1 INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code Sections 21000 et seq.) and CEQA Guidelines (California Code of Regulations Sections 15000 et seq.).

According to the CEQA Guidelines, Section 15132, the FEIR shall consist of:

(a) The Draft Environmental Impact Report (DEIR) or a revision of the draft;

(b) Comments and recommendations received on the DEIR either verbatim or in summary;

(c) A list of persons, organizations, and public agencies comments on the DEIR;

(d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process; and

(e) Any other information added by the Lead Agency.

This document contains responses to comments received on the DEIR for the Rio Vista General Plan Update during the public review period, which began August 14, 2025, and closed September 29, 2025. During the initial public review period, the City experienced temporary access issues affecting links to the DEIR and Notice of Availability on the City's website. These issues were subsequently resolved, and to ensure the public had full opportunity to review and comment on the DEIR, the City extended the public comment period by an additional 30 days. The extended public review period closed on November 5, 2025. This document has been prepared in accordance with CEQA and the CEQA Guidelines and represents the independent judgment of the Lead Agency. This document and the circulated DEIR comprise the FEIR, in accordance with CEQA Guidelines, Section 15132.

No changes to the General Plan or DEIR were made as a result of public or agency comments.

## 1.2 FORMAT OF THE FEIR

This document is organized as follows:

***Section 1, Introduction.*** This section describes CEQA requirements and content of this FEIR.

***Section 2, Response to Comments.*** This section provides a list of agencies and interested individuals commenting on the DEIR, copies of comment letters received during the public review period, and responses to written comments. To facilitate review of the responses, each comment letter has been reproduced and assigned a number (A1 through A8 for letters received from agencies and organizations). Individual comments

have been numbered for each letter, and the letter is followed by responses with references to the corresponding comment number.

***Section 3, Revisions to the DEIR.*** This section identifies revisions to the DEIR resulting from comments received by agencies and interested persons during the public review period as described in Section 2, or from corrections made by the City of Rio Vista staff. These revisions would not change the findings made in the DEIR.

The responses to comments contain clarifications and additional information that support the conclusions of the DEIR. Additionally, the responses to comments contain revisions that will be added to the text of the FEIR. The City has determined that none of this material constitutes significant new information, as defined under CEQA Guidelines Section 15088.5. None of this new material indicates that the project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in CEQA Guidelines Section 15088.5.

## 1.3 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of DEIRs should be "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible.…CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines Section 15204(c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence." CEQA Guidelines Section 15204(d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." Section 15204 (e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with CEQA, Public Resources Code Section 21092.5, copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the EIR. The responses will be forwarded with copies of this FEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on DEIRs.

# 2. Response to Comments

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Rio Vista) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the DEIR and prepare written responses.

This section provides all written responses received on the DEIR and the City's responses to each comment.

Comment letters and specific comments are given letters and numbers for reference purposes. Where sections of the DEIR are excerpted in this document, the sections are shown indented. Changes to the DEIR text are shown in <u>underlined text</u> for additions and ~~strikeout~~ for deletions.

The following is a list of agencies that submitted comments on the DEIR during the public review period. No comments were received from individual members of the public.

| Number Reference | Commenting Person/Agency | Date of Comment |
|---|---|---|
| A1 | Department of Toxic Substances Control | 8/20/2025 |
| A2 | Federal Emergency Management Agency | 9/16/2025 |
| A3 | Delta Stewardship Council | 9/25/2025 |
| A4 | California Department of Transportation | 9/29/2025 |
| A5 | Delta Protection Commission | 9/29/2025 |
| A6 | Solano Local Agency Formation Commission | 9/29/2025 |
| A7 | California Department of Fish and Wildlife | 10/8/2025 |
| A8 | Federal Emergency Management Agency | 10/20/2025 |

# 2. Response to Comments

LETTER A1 – Department of Toxic Substances Control (3 pages)

Department of Toxic Substances Control

*Yana Garcia*
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

*Gavin Newsom*
Governor

**SENT VIA ELECTRONIC MAIL**

August 20, 2025

Krystine Ball
Public Works Program Manager
City of Rio Vista
One Main Street
Rio Vista, CA 94571
kball@ci.rio.vista.ca.us

RE: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF RIO VISTA 2045 GENERAL PLAN UPDATE DATED AUGUST 15, 2025, STATE CLEARINGHOUSE NUMBER 2024101291

Dear Krystine Ball,

The Department of Toxic Substances Control (DTSC) reviewed the Draft Environmental Impact Report (DEIR) for the City of Rio Vista 2045 General Plan Update. The 2045 General Plan Update is an update to the City of Rio Vista's adopted General Plan. The General Plan Update includes comprehensive updates to the required elements under the State Planning and Zoning Law, as well as other optional elements that the City has elected to include in its General Plan. The updated plan consolidates goals and policies in order to guide development and conservation in Rio Vista through 2045. DTSC recommends and requests consideration of the following comments: A1-1

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet

approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the DTSC's Human and Ecological Risk Office (HERO) webpage for the most recent guidance and screening levels.

A1-1

2. All imported soil/fill material should be tested to assess any contaminants of concern meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual. Additionally, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil/fill material, there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

A1-2

DTSC would like to thank you for the opportunity to comment on the DEIR for the City of Rio Vista 2045 General Plan Update. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our CEQA Review email for additional guidance.

A1-3

Sincerely,

Tamara Purvis

Tamara Purvis
Associate Environmental Planner
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Tamara.Purvis@dtsc.ca.gov

# 2. Response to Comments

Krystine Ball
August 20, 2025
Page 3

cc: (via email)

Governor's Office of Land Use and Climate Innovation
State Clearinghouse
state.clearinghouse@lci.ca.gov

Mark Teague
Managing Principal
PlaceWorks / Consulting Firm.
mteague@placeworks.com

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

Scott Wiley
Associate Governmental Program Analyst
HWMP - Permitting Division – CEQA Unit
Department of Toxic Substances Control
Scott.Wiley@dtsc.ca.gov

**A1. Response to Comments from Department of Toxic Substances Control, dated August 20, 2025.**

A1-1 The Department of Toxic Substances Control (DTSC) notes that agricultural lands converted to residential use may contain contaminants such as pesticides, organochlorine pesticides (including DDT, toxaphene, and dieldrin), arsenic, and petroleum hydrocarbons associated with historic agricultural activities and related structures. DTSC recommends that future development projects evaluate potential residual contamination, conduct appropriate sampling, and implement remedial actions if concentrations exceed applicable thresholds, consistent with DTSC Human and Ecological Risk Office (HERO) guidance.

As noted in the DEIR on page 5.2-6, the City has not designated agricultural land use zoning districts within city limits; however, limited agricultural activities have occurred within the city, including grazing and grain cultivation. Additionally, though the proposed project would allow for a variety of land uses, the use, transport, and disposal of hazardous materials would be required to comply with existing regulations, including those of the California Department of Toxic Substances Control. As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A1-2 DTSC recommends that any imported soil or fill material used for future development be tested to ensure contaminants of concern meet applicable screening levels consistent with DTSC's Preliminary Endangerment Assessment Guidance Manual. DTSC also advises consultation of its Clean Imported Fill Material Fact Sheet and documentation of soil origins, including sampling based on the source and prior land use, to ensure imported soils are suitable for the intended use and do not introduce contamination.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A1-3 DTSC thanks the City for the opportunity to review and comment on the DEIR and expresses appreciation for the City's efforts to protect public health and the environment. DTSC notes that it is available to provide clarification or additional guidance regarding its comments if needed.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

# 2. Response to Comments

LETTER A2 – Federal Emergency Management Agency (2 pages)

**U.S. Department of Homeland Security**
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

September 16, 2025

Krystine Ball, Public Works Program Manager
City of Rio Vista Planning Department
One Main Street
Rio Vista, California 94571

Dear Ms. Ball:

This is in response to your request for comments regarding Notice of Availability (NOA) for Environmental Impact Report – City of Rio Vista Proposed General Plan Draft Environmental Impact Report (DEIR), Solano County, California.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Solano (Community Number 060631), Maps revised August 8, 2016 and City of Rio Vista (Community Number . To locate FIRMs online, visit the Map Service Center (MSC) at https://msc.fema.gov. Please note that Rio Vista, Solano County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65. A2-1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways. A2-2

www.fema.gov

- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms.

A2-2

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Rio Vista floodplain manager can be reached by calling Krystine Ball, Public Works Program, at (707) 374-6451. The Solano County floodplain manager can be reached by calling Works Department, at (805) 788-2713. John Millea, Building Official, Solano County, at (707) 784-6786.

A2-3

If you have any questions or concerns, please do not hesitate to contact Gabriel Riggle, Emergency Management Specialist, at gabriel.riggle@fema.dhs.gov of the Mitigation staff.

Sincerely,

Xing Liu, Branch Chief
Floodplain Management and Insurance Branch

cc:
Krystine Ball, Public Works Program Manager, City of Rio Vista, CA
John Millea, Building Official, Solano County
Alex Acosta, State of California, Department of Water Resources, North Central Region Office
Anntonette Duncan, DWR NFIP Coordinator, State of California, Sacramento Headquarters Office
Gabriel Riggle, Emergency Management Specialist, DHS/FEMA Region IX
Jakob Crockett, Acting Environmental Regional Officer, DHS/FEMA Region IX

# 2. Response to Comments

**A2. Response to Comments Federal Emergency Management Agency, dated September 16, 2025**

A2-1 The Federal Emergency Management Agency (FEMA) acknowledges receipt of the Notice of Availability for the DEIR and recommends review of the current effective Flood Insurance Rate Maps (FIRMs) for Solano County and the City of Rio Vista, available through FEMA's Map Service Center. FEMA notes that Rio Vista participates in the National Flood Insurance Program and references the minimum floodplain management requirements in Title 44 of the Code of Federal Regulations (CFR) Sections 59 through 65.

As discussed in Section 5.10, *Hydrology and Water Quality*, flood hazards and applicable regulatory requirements are addressed. As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A2-2 FEMA summarizes the National Flood Insurance Program (NFIP) floodplain management requirements applicable within riverine floodplains, including that buildings in designated flood zones must be elevated so the lowest floor is at or above the Base Flood Elevation. FEMA also states that development within regulatory floodways must not result in any increase in base flood elevations, and that hydrologic and hydraulic analysis demonstrating no rise is required prior to development. Additionally, FEMA notes that communities participating in the NFIP must submit updated technical data to FEMA for revision of Flood Insurance Rate Maps within six months of changes to Special Flood Hazard Areas.

As discussed in Section 5.10, *Hydrology and Water Quality*, flood hazards and applicable federal, state, and local regulatory requirements, including compliance with the NFIP and Rio Vista Municipal Code Chapter 15.16 (Flood Hazard Protection), are addressed in the DEIR. As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A2-3 FEMA notes that many communities participating in the NFIP adopt floodplain management standards that are more restrictive than federal minimum requirements. FEMA advises contacting local floodplain managers for information on applicable local requirements and provides contact information for the City of Rio Vista and Solano County floodplain management staff.

As discussed in Section 5.10, *Hydrology and Water Quality*, development in the City of Rio Vista is required to comply with Rio Vista Municipal Code Chapter 15.16 (Flood Hazard Protection) and applicable NFIP requirements. As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

LETTER A3 – Delta Stewardship Council (7 pages)

Delta Stewardship Council
A CALIFORNIA STATE AGENCY

715 P Street, 15-300
Sacramento, CA 95814

916.445.5511
DELTACOUNCIL.CA.GOV

CHAIR
Julie Lee

VICE CHAIR
Gayle Miller

MEMBERS
Diane Burgis
Ben Hueso
Maria Mehranian
Ann Patterson
Daniel Zingale

EXECUTIVE OFFICER
Jessica R. Pearson

September 25, 2025

Krystine Ball
Public Works Program Manager
City of Rio Vista Planning Department
One Main Street
Rio Vista, CA 94571

Delivered via email: kball@ci.rio.vista.ca.us

**RE: Comments on the Draft Environmental Impact Report for the Rio Vista General Plan Update 2045, SCH# 2024101291**

Dear Krystine Ball:

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (Draft EIR) for the Rio Vista General Plan Update 2045 (General Plan Update). The Delta Stewardship Council (Council) recognizes the objectives of the General Plan Update, to establish the City of Rio Vista's (City) overall approach to development, transportation, and environmental quality. This letter constitutes the Council's first instance commenting on the City of Rio Vista General Plan.

A3-1

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009. (Wat. Code, § 85000 et seq.; Delta Reform Act) The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Wat. Code, § 85054.)

1

# 2. Response to Comments



The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place.

The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh. (Wat. Code, § 85300.) The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, title 23, sections 5001 et seq. Through the Delta Reform Act, the Council was granted specific regulatory and appellate authority over certain actions of State or local public agencies that take place in whole or in part in the Delta. (Wat. Code, §§ 85210, 85225, 85225.10.) A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Wat. Code, § 85225.)

A3-1

## COVERED ACTION DETERMINATION AND CERTIFICATION OF CONSISTENCY WITH THE DELTA PLAN

Based on the project location and scope, as provided in the Draft EIR, the General Plan Update appears to meet the definition of a covered action. Water Code section 85057.5, subdivision (a), states that a covered action is a plan, program, or project, as defined pursuant to Public Resources Code section 21065 that meets all of the following conditions:

> *(1) Will occur, in whole or in part, within the boundaries of the Delta or Suisun Marsh.* Portions of the General Plan Planning Area located north and east of Airport Road are located within the primary zone of the Delta. Thus, the General Plan Update would occur in part within the boundaries of the Delta.
> *(2) Will be carried out, approved, or funded by a State or a local public agency.* The General Plan Update would be approved and carried out by the City, a local public agency.

A3-2

*(3) Is covered by one of the provisions of the Delta Plan.* The General Plan Update's potentially applicable Delta Plan regulatory policies are described below.
*(4) Will have a significant impact on achievement of one or both of the coequal goals or the implementation of government-sponsored flood control programs to reduce risks to people, property, and State interests in the Delta.* The General Plan Update may have a significant positive impact on achievement of the coequal goal to protect, restore, and enhance the Delta ecosystem and the implementation of government-sponsored flood control programs in the Delta.

A3-2

The State or local public agency approving, funding, or carrying out a covered action must file a Certification of Consistency with the Council prior to project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001, subd. (o)(3).)

## COMMENTS REGARDING DELTA PLAN POLICIES AND POTENTIAL CONSISTENCY CERTIFICATION

Please refer to this letter's Attachment A, which contains a number of recommended revisions to the Draft EIR to better characterize the Council and the Delta Plan.

The following section describes the Delta Plan regulatory policies that may apply to the General Plan Update based on the Draft EIR. This information could be used to support a future Certification of Consistency for the project.

### *General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan*

A3-3

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002.) specifies what must be addressed in a Certification of Consistency for a covered action. The following is a subset of policy requirements that a covered action is required to fulfill to be considered consistent with the Delta Plan:

#### *Mitigation Measures*

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002, subd. (b)(2).) requires covered actions not exempt from the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.; CEQA) to include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended June 23, 2022, unless the measures are within the exclusive jurisdiction of an agency other than the agency that files the

# 2. Response to Comments



Certification of Consistency, or substitute mitigation measures that the agency finds are equally or more effective. These mitigation measures are identified in Appendix O of the Delta Plan and are available at: https://www.deltacouncil.ca.gov/pdf/delta-plan/2025-06-19-appendix-o-mitigation-monitoring-and-reporting-program.pdf

The Draft EIR identifies potentially significant impacts to Cultural Resources and Tribal Cultural Resources and Geology, Soils, and Mineral Resources that require mitigation. The City should review Appendix O and ensure all applicable feasible mitigation measures are included or identify substitute mitigation measures that the City finds are equally or more effective.

A3-3

*Best Available Science*

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002, subd. (b)(3).) states that covered actions must document use of best available science as relevant to the purpose and nature of the project. The Council has defined best available science as "the best scientific information and data for informing management and policy decisions." (Cal. Code Regs, tit. 23, § 5001, subd. (g).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A of the Delta Plan regulatory policies and are available at: https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf.

*Delta as Place Policy 1: Locate New Urban Development Wisely*

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010.) places certain limits on new urban development within the Delta and Suisun Marsh. As it applies to the General Plan Update, DP P1 states that new residential, commercial, and industrial development must be limited to areas that city or county general plans designate for residential, commercial, and industrial development in cities or their spheres of influence as of the date of the Delta Plan's adoption on May 16, 2013

A3-4

The City acknowledges Policy DP P1 under the Delta Plan heading in the Land Use and Planning section of the Draft EIR. Council staff's review of the General Plan Update's proposed Land Use Diagram indicates that portions of the City within the Delta encompassing and surrounding the Rio Vista Airport and portions of the City within the Delta located between State Route 84 and the Sacramento River were designated for development as Public/Quasi-Public Facilities or Industrial uses in the City of Rio Vista General Plan effective in 2013 and remain so designated in the

General Plan Update. No additional area within the Delta is designated for new residential, commercial, or industrial development.

A3-4

## CLOSING COMMENTS

The Council invites the City to engage Council staff in early consultation prior to submittal of a Certification of Consistency to discuss consistency with the Delta Plan.

More information on covered actions, early consultation, and the Certification of Consistency process can be found on the Council website at: https://coveredactions.deltacouncil.ca.gov. Council staff are available to discuss issues outlined in this letter as the City proceeds in the next stages of its General Plan Update and approval processes. Please contact Eva Bush at (916) 284-1619 or eva.bush@deltacouncil.ca.gov with any questions.

A3-5

Sincerely,

Jeff Henderson
Deputy Executive Officer

# 2. Response to Comments

## Attachment 1

Deletions are in ~~strikethrough~~, additions in underline.

**5. Environmental Analysis**

***Biological Resources*** *(Pg. 5.4-11, second paragraph)*

**Regional**

Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act.)

The Delta Reform Act directs the Delta Stewardship Council (Council) to review and provide timely advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan (Wat. Code sect. 85212.) The Delta Plan contains regulatory policies that guides~~~~ local land use decisions on development projects subject to approval by Delta counties (Contra Costa, Sacramento, San Joaquin, Yolo, and Solano). Per the Delta Plan, should cities propose to expand into the Delta primary zone, or acquire land in the primary zone for utility or infrastructure facility development, those actions are to be carried out in conformity with the Delta Reform Act ~~Protection Act~~. General plans and projects in the Delta counties must be consistent with the Delta Plan and file a certification of consistency with ~~are subject to review by~~ the Council. ~~Commission.~~ The Council ~~Commission also~~ comments on CEQA projects in the ~~secondary zone that have the potential to impact the primary zone~~ Legal Delta and Suisun Marsh, that may be "covered actions" and require submission of a certification of consistency. If a project in the primary zone is challenged as inconsistent with the Delta Plan, the project can be appealed to the Council. ~~Commission for resolution~~.

A3-6

***Land Use and Planning Heading*** *(Pg. 5.11-3)*

*Delta Plan*

The Delta Plan, adopted by the Delta Stewardship Council on May 16, 2013, is a comprehensive long-term management plan for the Sacramento-San Joaquin ~~River~~ Delta. The Delta Plan includes rules and recommendations that support the State's

A3-7

goals for the Delta to: (1) improve water supply; (2) protect and restore a vibrant and healthy Delta ecosystem; and (3) preserve, protect, and enhance the unique agricultural, cultural, and recreational characteristic of the Delta. The ~~14~~ 15 regulatory policies in the Delta Plan are enforceable through regulatory authority in the Delta Reform Act, enacted as part of SB X7. The City of Rio Vista is a part of the Delta Community (DSC 2019). A3-7

***Public Service and Recreation*** *(Pg. 5.14-25)*

*Regional Regulation*

***Delta Plan***

The Delta Plan, adopted by the Delta Stewardship Council in 2013 and amended in 2019 and 2022, is a comprehensive long-term management plan for the Sacramento-San Joaquin ~~River~~ Delta. The Delta Plan includes rules regulations and recommendations that support the State's goals for the Delta to: (1) improve water supply; (2) protect and restore a vibrant and healthy Delta ecosystem; and (3) preserve, protect, and enhance the unique agricultural, cultural, and recreational characteristic of the Delta. The ~~14~~ 15 regulatory policies in the Delta Plan are enforceable through regulatory authority in the Delta Reform Act, enacted as part of SB-X7 (DSC 2019). A3-8

# 2. Response to Comments

**A3. Response to Comments from Delta Stewardship Council, dated September 25, 2025.**

A3-1 The Delta Stewardship Council thanks the City for the opportunity to review the DEIR and acknowledges the General Plan Update's purpose in establishing long-term policies for development, transportation, and environmental quality. The Council explains that it is an independent State agency created by the Sacramento-San Joaquin Delta Reform Act of 2009 (Water Code Sections 85000 et seq.) and is charged with furthering the State's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Delta ecosystem (Water Code Section 85054), in a manner that protects and enhances the Delta's cultural, recreational, natural resource, and agricultural values. The Council notes that it adopted the Delta Plan pursuant to Water Code Section 85300, which includes regulatory policies codified at Title 23 California Code of Regulations (CCR) Section 5001 et seq., and that it has regulatory and appellate authority over certain actions of State or local agencies in whole or in part within the Delta (Water Code Sections 85210, 85225, 85225.10). The Council further explains that State or local agencies undertaking a covered action must file a Certification of Consistency demonstrating consistency with the Delta Plan prior to project implementation (Water Code Section 85225).

The City acknowledges the Council's introductory comments and appreciates the Council's participation in the environmental review process and its role in implementing the Delta Reform Act and Delta Plan. The City also acknowledges the Council's regulatory authority over covered actions in the Delta and the requirement for Certification of Consistency for such actions.

Because this comment provides background and acknowledgement and does not identify any inadequacies in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A3-2 The Delta Stewardship Council states that, based on the General Plan Update's location and scope, the project appears to meet the definition of a "covered action" under Water Code Section 85057.5. The Council explains that portions of the Planning Area north and east of Airport Road are within the primary zone of the Delta and therefore occur, in part, within the Delta's boundaries. The Council notes that the General Plan Update would be carried out by a local public agency (the City) and that it may be subject to certain provisions of the Delta Plan. The Council further states that the General Plan Update may have a significant positive impact on achieving the Delta's coequal goals or implementing government-sponsored flood-control programs and reminds the City that any State or local public agency approving, funding, or carrying out a covered action must file a Certification of Consistency with the Council prior to implementation.

The City acknowledges the Council's determination that the General Plan Update may constitute a covered action under the Delta Reform Act and appreciates the Council's guidance regarding the Certification of Consistency process. The City recognizes that portions of the Planning Area are within the primary zone of the Delta and that future actions implementing the General Plan in this area may be subject to the Council's regulatory jurisdiction and consistency requirements under the Delta Plan.

The General Plan Update EIR provides a program-level analysis of environmental effects associated with implementation of the City's long-term planning framework. The requirement to file a Certification of Consistency pertains to subsequent implementing actions that qualify as covered actions under the Delta Plan and will be addressed by the City, as appropriate, prior to undertaking any such action in the Delta.

Because this comment provides regulatory guidance and does not identify an inadequacy in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A3-3 The Delta Stewardship Council requests that the City review Attachment A to its comment letter, which includes recommended revisions to the Draft EIR to more accurately characterize the Council and the Delta Plan. The Council explains that the following Delta Plan regulatory policies may apply to the General Plan Update and could inform a future Certification of Consistency. The Council cites Delta Plan Policy G P1 (23 CCR 5002), which specifies findings required to establish consistency with the Delta Plan.

Under Policy G P1(b)(2), covered actions subject to CEQA must include all feasible mitigation measures adopted in the Delta Plan or substitute measures that are equally or more effective. The Council references Appendix O of the Delta Plan (Mitigation Monitoring and Reporting Program) and notes that the DEIR identifies potentially significant impacts related to cultural and tribal cultural resources, as well as geology and soils, that require mitigation. The Council recommends that the City review Appendix O and ensure all applicable feasible measures are incorporated or substituted appropriately.

Under Policy G P1(b)(3), covered actions must document use of best-available science as relevant to the purpose and nature of the project, consistent with the criteria in Appendix 1A of the Delta Plan. The Council provides a link to Appendix 1A and encourages the City to consider these guidelines when preparing future documentation.

The City acknowledges the Council's comments regarding Delta Plan regulatory policies and appreciates the detailed guidance provided to support potential future Certification of Consistency review. The City recognizes that portions of the General Plan Planning Area are within the Delta and that future implementing actions may be considered covered actions subject to Delta Plan consistency requirements.

# 2. Response to Comments

The General Plan Update EIR provides a program-level analysis of potential environmental impacts consistent with CEQA Guidelines Section 15168. The mitigation measures identified in the DEIR address potential significant impacts based on the best-available information at the time of preparation. Consistency with Delta Plan Policy G P1(b)(2) and (b)(3), including incorporation of applicable feasible mitigation measures from Appendix O and documentation of best-available science, will be evaluated as part of any future Certification of Consistency determination for specific implementing actions occurring in the Delta.

Because this comment provides regulatory guidance intended to inform future Delta Plan consistency review and does not identify deficiencies in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A3-4 The Delta Stewardship Council references Delta Plan Policy DP P1, *Locate New Urban Development Wisely* (23 CCR 5010), which places limits on new urban development in the Delta and Suisun Marsh. The Council notes that Policy DP P1 requires that new residential, commercial, and industrial development be limited to areas designated for such uses in City or County General Plans or their spheres of influence as of May 16, 2013, the date of the Delta Plan's adoption.

The City acknowledges the Council's comments regarding Delta Plan Policy DP P1 and appreciates confirmation that the General Plan Update remains consistent with Delta Plan limitations on new urban development in the Delta.

Section 5.11, *Land Use and Planning*, pages 5.11-13 through 5.11-17, of the DEIR evaluates consistency of the General Plan Update with applicable State and regional land use plans, including the Delta Plan. The General Plan Update does not designate new residential, commercial, or industrial development areas in the Delta beyond those identified in the City's 2013 General Plan and therefore remains consistent with Delta Plan Policy DP P1.

Because the DEIR addresses land use consistency at a program level and the comment confirms consistency with Delta Plan Policy DP P1, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A3-5 The Delta Stewardship Council invites the City to engage in early consultation with Council staff prior to submitting any Certification of Consistency to discuss Delta Plan consistency. The Council provides a website for information on covered actions, early consultation, and the Certification of Consistency process, and offers staff availability for further discussion.

The City appreciates the Council's offer of early consultation and will coordinate with Council staff, as appropriate, prior to submitting any Certification of Consistency for implementing actions that qualify as covered actions in the Delta.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A3-6 The Delta Stewardship Council offers suggested revisions regarding the Delta Reform Act.

Commenter's recommendations have been incorporated into the EIR via the revisions to Section 5.4.1.1, *Regulatory Background*. These revisions provide additional clarification and context and do not alter the impact analysis or conclusions. See Section 3.2, *DEIR Revisions in Response to Written Comments,* in the FEIR.

A3-7 The Delta Stewardship Council offers suggested revisions regarding the Delta Plan.

Commenter's recommendations have been incorporated into the EIR via the revisions to Section 5.11.1.1, *Regulatory Background*. These revisions provide additional clarification and context and do not alter the impact analysis or conclusions. See Section 3.2, *DEIR Revisions in Response to Written Comments,* in the FEIR.

A3-8 The Delta Stewardship Council offers suggested revisions regarding the Delta Plan.

Commenter's recommendations have been incorporated into the EIR via the revisions to Section 5.14.5.1, *Environmental Setting*. These revisions provide additional clarification and context and do not alter the impact analysis or conclusions. See Section 3.2, *DEIR Revisions in Response to Written Comments,* in the FEIR.

# 2. Response to Comments

LETTER A4 – California Department of Transportation (2 pages)

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

**California Department of Transportation**

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

September 29, 2025

SCH #: 2024101291
GTS #: 04-SOL-2024-00428
GTS ID: 34480
Co/Rt/Pm: SOL/VAR/VAR

Krystine Ball, Public Works Program Manager
City of Rio Vista
One Main Street
Rio Vista, CA 94571

**Re: City of Rio Vista 2045 General Plan Update – Draft Environmental Impact Report (DEIR)**

Dear Krystine Ball:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the City of Rio Vista 2045 General Plan Update. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the August 2025 DEIR.

Please note this correspondence does not indicate an official position or approval by Caltrans on this project and is for informational purposes only. A4-1

**Project Understanding**
The 2045 General Plan Update is an update to the City of Rio Vista's adopted General Plan, which includes comprehensive updates to the required elements under the State Planning and Zoning Law, as well as other optional elements that the City has elected to include in its General Plan. State Route (SR) 12 and 84 run through the City of Rio Vista.

**Travel Demand Analysis**
The project vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Land Use and Climate Innovation's (LCI) Technical Advisory. Per the DEIR, this project is found to have significant and unavoidable VMT impact. A4-2

"Provide a safe and reliable transportation network that serves all people and respects the environment."

Caltrans encourages the City to require future project applicants to develop and implement an effective Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If a project does not achieve VMT reduction goals, the reports should also include next steps to take to achieve those targets.

Please also consider exploring the following options to help further reduce the VMT impact if the implementation of applicable TDM measures is insufficient to mitigate the project VMT impact to a less-than-significant level: VMT based Transportation Impact Fee programs, VMT Mitigation Exchanges, and VMT Mitigation Banks. Please note that Caltrans has funded several local/regional agencies to study the feasibility of a variety of VMT mitigation programs through the Sustainable Transportation Planning Grant program (*link*). Caltrans welcomes potential opportunities to work with the City. A4-2

The City may also consider encouraging fair share contributions from future development projects to multimodal projects that promote mode shift and reduce single-occupancy vehicle travel to mitigate VMT impacts. Caltrans suggests the City revisit Plan Bay Area 2050+ (*link*)and the Caltrans State Highway Operation and Protection Program (SHOPP) Project Book (*link*), when updates are available, for any new projects in the vicinity that may help reduce VMT.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment."

# 2. Response to Comments

**A4. Response to Comments from the California Department of Transportation, dated September 29, 2025.**

A4-1 Caltrans thanks the City for the opportunity to review the DEIR and notes that its Local Development Review Program evaluates land use projects for consistency with State transportation priorities. Caltrans states that the correspondence does not constitute an official position or approval and is provided for informational purposes. Caltrans summarizes its understanding of the project as an update to the City's General Plan, including required and optional elements, and notes that State Routes 12 and 84 traverse the City of Rio Vista.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A4-2 Caltrans states that the project's vehicle-miles traveled (VMT) analysis and significance determination are consistent with the Office of Land Use and Climate Innovation's Technical Advisory and acknowledges that the DEIR identifies a significant and unavoidable VMT impact. Caltrans encourages the City to require future project applicants to implement effective Transportation Demand Management (TDM) programs with annual monitoring, and to consider additional VMT-reducing strategies, such as VMT-based transportation impact fees, VMT mitigation exchanges, and VMT mitigation banks. Caltrans also notes its funding of regional studies on VMT mitigation programs and expresses interest in future collaboration. Additionally, Caltrans suggests that the City consider fair-share contributions to multimodal projects and reference future updates to Plan Bay Area 2050+ and the Caltrans SHOPP Project Book when identifying programs to help reduce VMT. Caltrans provides contact information for questions and early coordination.

As noted on pages 5.15-30 and 5.15–31 of the DEIR, the City has identified 20 potential VMT reduction measures from the California Air Pollution Control Officers Association Handbook (CAPCOA Handbook) that could be incorporated by future developments. Additionally, the DEIR notes that additional strategies may be developed as technology changes to lessen VMT impacts. While this comment suggests additional VMT reduction strategies, this comment does not describe any inadequacies of the DEIR, so no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

LETTER A5 – Delta Protection Commission (3 pages)

**DELTA PROTECTION COMMISSION**
*Diane Burgis, Chair (Contra Costa County Board of Supervisors)*
2101 Stone Blvd., Suite 200, West Sacramento, CA 95691
(916) 375-4800 | delta.ca.gov

September 29, 2025

Krystine Ball
Public Works Program Manager
City of Rio Vista
One Main Street
Rio Vista, CA 94296-0001

Re: Rio Vista 2045 General Plan Update and Draft Environmental Impact Report

Dear Ms. Ball:

Thank you for providing the Delta Protection Commission (Commission) the opportunity to review the Rio Vista 2045 General Plan Update (Project). The Project includes comprehensive updates to the required elements under the State Planning and Zoning Law, as well as other optional elements that the City has elected to include in its General Plan. The updated plan consolidates goals and policies to guide development and conservation in Rio Vista through 2045.

The Commission is a state agency charged with ensuring orderly, balanced conservation and development of Delta land resources and improved flood protection. Proposed local government-approved projects within the primary zone of the Legal Delta must be consistent with the Commission's Land Use and Resource Management Plan (LURMP) (California Public Resources Code Sections 29700-29780). The Commission also provides comments on proposed projects in the secondary zone that have the potential to affect the resources of the primary zone. The City includes area within the primary zone of the Legal Delta.

A5-1

The Project appears to be consistent with the LURMP, particularly given the inclusion of Policy LU-8:

> Continue to allow grazing in the Open Space/Natural Resources Land Use designation, in the Delta Primary Zone north of Airport Road, to the extent it is compatible with other land uses in the zone and adjacent land uses.

A5-2

# 2. Response to Comments

This policy provides consistency with Public Resources Code Section 29763.5(k), which states that a general plan will not result in any increased requirements or restrictions upon agricultural practices in the primary zone. We appreciate the general plan's support for biological diversity, cultural heritage, energy and water conservation, flood protection, open space, recreation, and water quality.

A5-3

Thank you for the opportunity to provide input. Please contact Blake Roberts, Program Manager, at (530) 650-6572 for any questions regarding the comments provided.

Sincerely,

Dan Ray
Dan Ray (Sep 29, 2025 13:52:22 PDT)

Dan Ray
Interim Executive Director

cc: John Vasquez, Solano County Supervisor and Commission Vice Chair

# Letter from the Delta Protection Commission

Final Audit Report 2025-09-29

| | |
|---|---|
| Created: | 2025-09-29 |
| By: | Blake Roberts (adobe.roberts@delta.ca.gov) |
| Status: | Signed |
| Transaction ID: | CBJCHBCAABAAB7uX-nltrA2K-Tc1ROexjM22e0aOhQKv |

## "Letter from the Delta Protection Commission" History

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Agreement completed.
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Adobe Acrobat Sign

# 2. Response to Comments

**A5. Response to Comments from Delta Protection Commission, dated September 29, 2025.**

A5-1 The Delta Protection Commission thanks the City for the opportunity to review the General Plan Update and notes that the project includes comprehensive updates to required and optional General Plan elements to guide development and conservation in Rio Vista through 2045. The Commission explains its role in ensuring balanced conservation and development of Delta land resources and improved flood protection and notes that projects within the primary zone of the Legal Delta must be consistent with the Commission's Land Use and Resource Management Plan. The Commission also comments on projects in the secondary zone that may affect primary zone resources and notes that the City includes areas within the primary zone of the Legal Delta.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A5-2 The Delta Protection Commission states that the General Plan Update appears to be consistent with the Land Use and Resource Management Plan, highlighting Policy LU-8, which supports continued grazing in the Delta Primary Zone north of Airport Road where compatible with surrounding land uses. The Commission notes that this policy supports consistency with Public Resources Code Section 29763.5(k), which prohibits increased restrictions on agricultural practices in the primary zone as a result of a general plan. The Commission also expresses appreciation for the General Plan's support for biological diversity, cultural heritage, energy and water conservation, flood protection, open space, recreation, and water quality.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

LETTER A6 – Solano Local Agency Formation Commission (5 pages)

**Solano Local Agency Formation Commission**
675 Texas St. Ste. 6800 • Fairfield, California 94533
(707) 439-3897
www.solanolafco.com

*Original via Mail & Copy via Email*

September 29, 2025

Krystine Ball
One Main Street
Rio Vista, CA 94571
kball@ci.rio.vista.ca.us

**Subject: Solano LAFCO Comments on the City of Rio Vista Draft General Plan Update and Draft Environmental Impact Report**

Dear Ms. Ball,

This letter is Solano LAFCO's formal comment letter on the Draft General Plan – Rio Vista 2045 and the accompanying Draft Environmental Impact Report (DEIR) ("Project"). This letter includes comments and concerns on the DEIR, but also on noticing and access issues for LAFCO and likely for the general public.

Noticing and Access Issues -

Please be aware that the Solano Local Agency Formation Commission of Solano (LAFCO) did not receive a Notice of Preparation (NOP)[1] for the DEIR, despite being a responsible agency as defined by the California Environmental Quality Act (CEQA) Guidelines Section 15381. LAFCO is responsible for reviewing applications for future requests to expand the City's sphere of influence (SOI) and any subsequent annexation proposals.

A6-1

In addition, LAFCO did not receive a Notice of Availability (NOA) for the draft Project, which is open for public comment between August 14, 2025, and September 29, 2025. LAFCO later learned that the NOA was released in March 2025. Subsequently emailed Krystine and the lead consultant from Placeworks about the oversight and requested to be on the notice list for the DEIR. The email went unanswered, and LAFCO did not receive any notice of the DEIR being published. As previously noted, LAFCO is a responsible agency under CEQA Guidelines Section 15381 and therefore should have received both the Notice of Preparation (NOP) and the NOA for the draft Project.

For the EIR, LAFCO only became aware of the Project while reading other articles from an online news article published on August 19, 2025. Upon learning that the draft project was available for public review, LAFCO attempted to acquire the DEIR from the City's website at: https://www.riovistacity.com/planning/page/2045-draft-general-plan-eir. As of the date of this letter, the City's website continues to provide the following message when attempting to access the DEIR:

[1] City of Rio Vista 2045 General Plan Update NOP of a Draft EIR published on October 30, 2024.

**Commissioners**
John Vasquez, Chair • Nancy Shopay, Vice Chair • Mitch Mashburn • Steve Bird • John Carli
**Alternate Commissioners**
Alma Hernandez • Wanda Williams • Jack Batchelor
**Staff**
Rich Seithel, Executive Officer • Christina Love, Deputy Executive Officer • Aaron Norman, Analyst II • Tyra Hays, Project Specialist • Jeffrey Lum, Project Specialist • Sam Bass, Office Administrator/Clerk • Mala Subramanian, Lead Legal Counsel

# 2. Response to Comments

*Temporarily Unavailable.*
*The website that you're trying to reach is having technical difficulties and is currently unavailable. We are aware of the issue and are working hard to fix it. Thank you for your patience.*

After attempting to access the site using several web browsers, LAFCO contacted the City on August 19, 2025 to inform it of this issue, only to be told that the website worked for City staff and that LAFCO should try another browser. This response is concerning as it has likely inhibited other responsible parties and the public from commenting on the Project. The City did follow-up on September 4, 2025, and was again informed that the website still did not, forcing LAFCO to seek and search for the DEIR by other means. (all correspondences can be made available, if necessary)

A6-1

LAFCO accessed the DEIR through the CEQAnet Web Portal (www.ceqanet.lci.ca.gov) and noted that it was not listed as a reviewing agency for either the NOP or the NOA. Given the accessibility issues with the City's website, LAFCO strongly recommends that the City resolve these issues and extend the DEIR public comment period by an additional 30 days.

DEIR Comments –

As permitted by CEQA Guidelines Section 15096, LAFCO would have provided information to help define the scope and content of the DEIR relevant to its statutory responsibilities in connection with the proposed project had we received the Project NOP. As previously noted, LAFCO is responsible for reviewing applications for future requests to expand the City's sphere of influence (SOI) and any subsequent annexation proposals. Before updating the City's proposed SOI, LAFCO must prepare a municipal service review (MSR). The following comments are those that LAFCO would have likely provided at the NOP step of the DEIR process.

A6-2

1. **Proposed SOI (1)**: The Cortese-Knox-Hertzberg Act (CKH) §56425(g) requires LAFCO to review and update a city's SOI at least every five years, as necessary. The City's current SOI (2007 SOI) was last approved in 2007 based on the 2006 MSR. Since more than five years have passed, the information used to prepare the 2007 MSR is outdated, therefore LAFCO's previous findings and determinations used to establish the City's 2007 SOI must be analyzed. Therefore, an updated MSR must be prepared that addresses all the properties proposed for inclusion in the City's SOI.

2. **Proposed SOI (2)**: As defined by CKH §56076, a sphere of influence (SOI) is "a *plan* for the probable physical boundaries and service area of a local agency, as determined by the commission" (*emphasis added.*)

   The draft General Plan designates four areas for potential inclusion in Rio Vista's proposed SOI. These areas are identified as Urban Reserve and/or Open Space/Natural Resources. For these areas to be considered for inclusion in the SOI, the City must first identify plans for their use. Without such plans, they will not be considered for incorporation into the proposed SOI. However, the City could propose these areas to be included in its "Planning Area."

   A6-3

   The City may want to consider designating its proposed Planning Area as an "Area of Concern." An Area of Concern is a geographic area beyond the sphere of influence in which land use decisions or other governmental actions of one local agency (the "Acting

Agency") impact directly or indirectly upon another local agency (the "Concerned Agency"). When LAFCO receives notice of a proposal from another agency relating to the Area of Concern, LAFCO will notify the Concerned Agency and will give great weight to its comments.

A6-3

3. **Proposed SOI (3)**: CKH §56425(b) requires that prior to a city submitting an application to change their SOI, that:

> "representatives from the city and representatives from the county shall meet to discuss the proposed new boundaries of the sphere and explore methods to reach agreement on development standards and planning and zoning requirements within the sphere to ensure that development within the sphere occurs in a manner that reflects the concerns of the affected city and is accomplished in a manner that promotes the logical and orderly development of areas within the sphere."

Evidence of the meeting and a summary of the conversation, and hopefully agreement, must be submitted to LAFCO prior to the update of the SOI. (This is *not* a tax-sharing agreement.)

A6-4

4. **CEQA Review**: Although the MSR is exempt from CEQA review, the updated SOI is not. Therefore, the Project DEIR must address and evaluate the "plan" of the SOI to enable LAFCO to make its written SOI determinations required under CKH §56425(e), as outlined below:

   a. The present and planned land uses in the SOI area, including agricultural and open-space lands.
   b. The present and probable need for public facilities and services in the area.
   c. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
   d. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
   e. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

A6-5

5. **Prime Agricultural Land (1)**: CKH §56000 et. seq. governs LAFCO decision-making. CKH establishes that one of LAFCO's primary missions is to prevent the premature conversion of prime agricultural land. CKH has its own definition of "Prime Agricultural Land." This definition is much broader than the standard often used by consultants to analyze agricultural impacts. If the EIR for the GP Update is to be useful for LAFCO decision-making, the EIR must provide information about prime agricultural lands. CKH GC §56064 defines prime agricultural land.

A6-6

6. **Prime Agricultural Land (2)**: CKH §56377 imposes a duty on LAFCO to discourage annexations that involve conversion of Prime Agricultural Land where there is adequate land for development within the existing city boundaries. For LAFCO to be able to make the findings necessary to support the annexation of Prime Agricultural Land to the City, LAFCO must have the following information:

A6-7

# 2. Response to Comments

a. A detailed vacant land inventory within the City boundaries and the proposed SOI that provides information on the zoning and probable development potential of each vacant parcel per §56425 (e)(1).

b. A professional absorption analysis based on historical growth patterns in the City which determines how quickly the vacant land within the City is likely to be developed and how soon additional land will need to be added to the City to meet growth needs per LAFCO Standard No. 8.

A6-7

7. **Open Space**: The City should provide an analysis regarding the conversion of open-space lands according to GC §56377. As defined by CKH §65560, "Open space" means any parcel or area of land or water which is substantially unimproved and devoted to an open-space use.

A6-8

8. **Public Facilities and Services:** The City should provide analysis and discussion on the present need/use and capacity of public facilities and adequacy of public services the City provides within City limits and the proposed SOI per §56425 (e)(3) [the future capacity need]. These services include but are not limited to: sewer, fire, police, water, parks and recreation, storm water, animal control, public waste, etc. The analysis should consider the growth projected in the GP and explain how the City intends to fund and expand services to serve the growth.

A6-9

9. **Disadvantaged Unincorporated Communities**: The City should provide analysis and discussion regarding the existence of any social or economic communities of interest and any disadvantaged unincorporated communities (DUC). As defined by CKH §56033.5, "Disadvantaged unincorporated community" means inhabited territory, as defined by Section 56046, or as determined by commission policy, that constitutes all or a portion of a "disadvantaged community" as defined by Section 79505.5 of the Water Code.

A6-10

10. **Job-Housing Balance**: The City should provide analysis and discussion with respect to the City's current and proposed job-housing balance ratio. The City should cite their source for the data used in calculating its projection.

A6-11

11. **Draft General Plan**: The draft General Plan identifies several unofficial, locally referenced area, such as the "North Waterfront" and the "South Waterfront." However, it is unclear where these areas are relative to the City. To increase clarity and transparency, it is recommended that the General Plan include a map identifying these areas by name.

A6-12

We encourage you to consider expanding the scope of the EIR to address LAFCO's Sphere of Influence and annexation requirements, ensuring the document supports and streamlines future annexation efforts.
Please contact LAFCO staff should you have any questions. You can reach the Executive Officer, Rich Seithel, at 707-439-3897; and the Deputy Executive Officer, Christina Love, at 707-439-3898. We look forward to working with you on this project.

A6-13

Sincerely,

Richard J. Seithel

Rich Seithel, Executive Officer
Rseithel@solanolafco.com
Enclosed: Gov. Code §56064 and §56377

**Gov Code §56064. Prime Agricultural Land**

"Prime agricultural land" means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:

a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.

b) Land that qualifies for rating 80 through 100 Storie Index Rating.

c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.

d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars ($400) per acre. (e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars ($400) per acre for three of the previous five calendar years.

**Gov Code §56377. Open-space land conversion; policies and priorities**

In reviewing and approving or disapproving proposals which could reasonably be expected to induce, facilitate, or lead to the conversion of existing open-space lands to uses other than open-space uses, the commission shall consider all of the following policies and priorities:

a) Development or use of land for other than open-space uses shall be guided away from existing prime agricultural lands in open-space use toward areas containing nonprime agricultural lands, unless that action would not promote the planned, orderly, efficient development of an area.

# 2. Response to Comments

**A6. Response to Comments from Solano Local Agency Formation Commission, dated September 29, 2025.**

A6-1 The Solano Local Agency Formation Commission (LAFCO) states that it did not receive the Notice of Preparation or the Notice of Availability for the DEIR despite being a responsible agency under CEQA Guidelines Section 15381 and therefore should have been included on the noticing list. LAFCO explains that it became aware of the DEIR through a news article and experienced difficulty accessing the DEIR through the City's website, which it reports continued to display an error message when attempting to download the document. LAFCO notes that it notified the City of these access issues and ultimately obtained the DEIR through CEQAnet. LAFCO recommends that the City address the website accessibility issues and extend the DEIR public review period by 30 days due to concerns that the issues may have impaired public and agency participation.

The City acknowledges LAFCO's comment regarding noticing and document access. The original public review period began August 14, 2025, and closed September 29, 2025. During the initial review period, the City experienced temporary access issues affecting links to the DEIR and Notice of Availability on the City's website. These issues were subsequently resolved, and to ensure the public had full opportunity to review and comment on the DEIR, the City extended the public comment period by an additional 30 days. The extended public review period closed on November 5, 2025.

As this comment does not describe any inadequacies of the DEIR's environmental analysis or conclusions, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A6-2 Solano LAFCO states that, had it received the Notice of Preparation, it would have provided input on the DEIR scope pursuant to CEQA Guidelines Section 15096. LAFCO explains its statutory role in reviewing sphere of influence (SOI) expansions and annexations and notes that, prior to any SOI amendment, it must complete a municipal service review (MSR). LAFCO also notes that the City's current SOI was last updated in 2007 based on a 2006 MSR, and because more than five years have passed, the prior MSR findings are outdated. LAFCO states that an updated MSR must be prepared addressing all properties proposed for inclusion in the City's SOI.

The City acknowledges LAFCO's comment regarding SOI and MSR requirements. The General Plan Update does not propose changes to the City's adopted SOI. Any future SOI amendment or annexation proposal would be subject to separate review and approval by LAFCO, including preparation of an updated MSR and any required CEQA review at the time such an action is proposed.

As this comment does not describe any inadequacies of the DEIR's environmental analysis or conclusions, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A6-3 Solano LAFCO notes that an SOI under the Cortese-Knox-Hertzberg Act is defined as a plan for the probable physical boundaries and service area of a local agency. LAFCO states that the Draft General Plan identifies four areas for potential future inclusion in the City's SOI, designated as Urban Reserve and/or Open Space/Natural Resources. LAFCO explains that areas cannot be considered for SOI inclusion without identified land use plans and suggests that these areas could instead be designated as part of the City's Planning Area. LAFCO further suggests that the City consider identifying a Planning Area or Area of Concern to reflect areas outside the SOI where land use decisions may affect other jurisdictions, noting that LAFCO gives great weight to comments from a Concerned Agency regarding actions in an Area of Concern.

The City acknowledges LAFCO's comments regarding SOI planning, Planning Area considerations, and potential designation of an Area of Concern. As described in the DEIR, the General Plan Update does not amend the City's adopted SOI, and any future proposal to modify the SOI would require review and approval by LAFCO, including preparation of an updated municipal service review and associated CEQA review. The City's identification of Urban Reserve and Open Space/Natural Resources areas reflects long-term planning considerations only and does not constitute a proposed SOI expansion.

As this comment does not describe any inadequacies of the DEIR's environmental analysis or conclusions, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A6-4 Solano LAFCO cites Cortese-Knox-Hertzberg Government Code Section 56425(b), which requires that representatives from a City and County meet to discuss proposed SOI boundaries and planning/zoning standards prior to the City submitting an application to change its SOI. LAFCO notes that evidence of this coordination and a summary of the discussions must be submitted to LAFCO before an SOI update is considered.

The City acknowledges LAFCO's comment regarding the statutory requirement for City-County consultation prior to consideration of any SOI amendment. As noted previously, the General Plan Update does not amend the City's adopted SOI. Any future proposal to adjust the SOI would require coordination with Solano County, as required under Government Code Section 56425(b), preparation of an updated municipal service review, and subsequent review and action by LAFCO, including any required CEQA documentation.

As this comment does not describe any inadequacies of the DEIR's environmental analysis or conclusions, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

## 2. Response to Comments

A6-5 Solano LAFCO states that while a municipal service review (MSR) is exempt from CEQA review, an updated SOI is not. LAFCO notes that the DEIR must address and evaluate the SOI "plan" to support LAFCO's required written SOI determinations pursuant to Government Code Section 56425(e), including: (a) present and planned land uses in the SOI, including agriculture and open space; (b) present and probable need for public facilities and services; (c) present capacity of public facilities and adequacy of services; (d) existence of social or economic communities of interest; and (e) present and probable need for certain public facilities in any disadvantaged unincorporated communities within the existing SOI.

The City acknowledges LAFCO's comments regarding CEQA review requirements associated with future SOI amendments and related determinations under Government Code Section 56425(e). However, the General Plan Update does not propose changes to the City's adopted SOI, nor does it establish an SOI "plan." Evaluation of the factors identified in Government Code Section 56425(e) will be conducted in coordination with LAFCO if and when an SOI amendment is proposed, including preparation of an MSR and any required CEQA analysis at that time. Therefore, analysis of an SOI update is outside the scope of this program-level General Plan EIR.

Because the General Plan Update does not include an SOI change and the comment does not identify a deficiency in the environmental impact analysis of the DEIR, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-6 Solano LAFCO states that one of its primary purposes under the Cortese-Knox-Hertzberg Act (CKH) is to prevent the premature conversion of prime agricultural land. LAFCO notes that CKH has its own definition of Prime Agricultural Land, which is broader than definitions typically used in CEQA agricultural analyses. LAFCO states that for the General Plan Update EIR to be useful for future LAFCO decision making, it should include information regarding prime agricultural land, as defined by Government Code Section 56064.

The City acknowledges LAFCO's comment regarding its statutory mandate to evaluate conversion of prime agricultural lands under the CKH Act and that Government Code Section 56064 defines Prime Agricultural Land for purposes of LAFCO determinations. As discussed in Section 5.2, *Agriculture and Forestry Resources*, of the DEIR, agricultural resources are evaluated consistent with CEQA requirements, including review of Important Farmland classifications identified by the California Department of Conservation. The General Plan Update does not propose amendments to the City's adopted SOI, nor does it include annexations or land use entitlements that would authorize conversion of agricultural land. Any future proposal to modify the SOI or annex land for urban development would undergo separate review and require LAFCO findings

under CKH, including evaluation of prime agricultural land consistent with Government Code Section 56064 at that time.

Because the General Plan Update does not include an SOI change or authorize land use conversions, and the comment does not identify deficiencies in the DEIR's CEQA analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-7 Solano LAFCO states that Government Code Section 56377 imposes a duty on LAFCO to discourage annexations that would convert Prime Agricultural Land when adequate land is available within existing city boundaries. LAFCO notes that, to make the findings necessary to support annexation of Prime Agricultural Land, it must have: (a) a detailed vacant land inventory within the City and proposed SOI, including zoning and development potential; and (b) a professional absorption analysis based on historical growth patterns to demonstrate when additional land outside the city would be needed to meet growth demands.

The City acknowledges LAFCO's comment regarding the requirements under Government Code Section 56377 and related information needed to support future annexation decisions. As discussed in Section 5.2, *Agriculture and Forestry Resources*, of the DEIR, agricultural resources and potential farmland conversion are evaluated consistent with CEQA requirements. The General Plan Update does **not** amend the City's adopted SOI and does not authorize annexation or development of lands outside current City boundaries. Preparation of a detailed vacant land inventory and absorption analysis to support annexation findings will occur as part of any future proposal to amend the SOI or annex territory, consistent with LAFCO standards and the CKH Act.

Because the General Plan Update does not include an SOI change or annexation proposal, and the comment does not identify deficiencies in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-8 Solano LAFCO states that the City should provide an analysis regarding conversion of open space lands pursuant to Government Code Section 56377. LAFCO notes that "open space" is defined in Government Code Section 65560 as land or water substantially unimproved and devoted to an open space use.

The City acknowledges LAFCO's comment regarding evaluation of open space conversion under Government Code Section 56377. Section 5.2, *Agriculture and Forestry Resources*, and Section 5.4, *Biological Resources*, of the DEIR evaluate potential program-level impacts to agricultural lands and natural open space resources, including riparian habitat and wetlands. The General Plan Update does not amend the City's SOI and does not authorize annexation or land use entitlements that would convert open space areas outside current City boundaries. Any future proposal to modify the SOI or annex land, including

any potential conversion of open space areas, would be subject to separate review and approval by LAFCO under the CKH Act, including evaluation of Government Code Section 56377 findings at that time.

Because the General Plan Update does not include an SOI amendment or annexation proposal, and the comment does not identify a deficiency in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-9 Solano LAFCO states that the City should provide analysis and discussion regarding the present need, use, and capacity of public facilities and services within City limits and the proposed SOI, pursuant to Government Code Section 56425(e)(3). LAFCO notes that these services include sewer, fire, police, water, parks and recreation, stormwater, animal control, and solid waste, and that the analysis should consider projected growth under the General Plan and explain how the City intends to fund and expand services to accommodate that growth.

The City acknowledges LAFCO's comment regarding evaluation of public facilities and service capacity in the context of future SOI amendments. Section 5.14, *Public Services and Recreation*, and Section 5.16, *Utilities and Service Systems*, of the DEIR evaluate potential program-level effects on public facilities and utility infrastructure associated with projected growth under the General Plan, including the ability of service providers to meet future demand and requirements for future development to fund and implement needed improvements. The General Plan Update does **not** amend the City's SOI and does not authorize annexation or extension of public services outside existing City boundaries. Any future proposal to modify the SOI or annex territory would require separate review and approval by LAFCO, including preparation of an updated municipal service review and analysis of public facility and service capacity consistent with Government Code Section 56425(e)(3).

Because the General Plan Update does not include an SOI amendment or annexation proposal, and the comment does not identify a deficiency in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-10 Solano LAFCO states that the City should provide analysis and discussion regarding the existence of any social or economic communities of interest and any disadvantaged unincorporated communities (DUCs). LAFCO cites Government Code Section 56033.5, which defines a "disadvantaged unincorporated community" as inhabited territory that constitutes all or a portion of a disadvantaged community, as defined by Water Code Section 79505.5. Solano LAFCO states that the City should provide analysis and discussion regarding the existence of any social or economic communities of interest and any DUCs. LAFCO cites Government Code Section 56033.5, which defines a

"disadvantaged unincorporated community" as inhabited territory that constitutes all or a portion of a disadvantaged community, as defined by Water Code Section 79505.5.

The City acknowledges LAFCO's comment regarding identification of disadvantaged unincorporated communities in the context of future SOI and annexation proceedings. The requirement to identify and evaluate DUCs is established under the Cortese-Knox-Hertzberg Local Government Reorganization Act and applies to LAFCO actions such as municipal service reviews and SOI amendments (Government Code Section 56425(e)), not CEQA. The General Plan Update does not include a change to the City's SOI or propose annexation, and CEQA does not require analysis of DUCs where there is no physical environmental effect. Any future proposal to modify the SOI or annex territory would undergo separate review and approval by LAFCO, including DUC evaluation consistent with CKH requirements at that time.

Because this comment pertains to LAFCO procedural requirements rather than CEQA analysis and does not identify a deficiency in the DEIR's environmental evaluation, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-11 Solano LAFCO requests that the City provide analysis and discussion regarding the City's current and projected job-housing balance ratio and cite the source of data used to calculate the projection.

Section 5.13, *Population and Housing*, pages 5.13-12 through 5.13-15 of the DEIR, evaluates existing and projected population, employment, and housing under the General Plan, including calculation of the City's jobs-housing ratio (see Table 5.13-7, *Comparison of 2040 ABAG and Proposed General Plan Buildout Projections*). Data used in this analysis are sourced from ABAG (2018) and the City of Rio Vista (2024). The General Plan Update does not propose amendments to the City's SOI or authorize annexation; any future proposal to modify City boundaries would be subject to separate LAFCO review, including evaluation of growth, land use, and service provision factors.

Because the DEIR already evaluates job-housing balance at a program level consistent with CEQA requirements, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-12 Solano LAFCO notes that the Draft General Plan references informal geographic areas, such as the North Waterfront and South Waterfront, but it is unclear where these areas are located. LAFCO recommends that the General Plan include a map identifying these areas by name to provide clarity and transparency to the public and agencies.

As described in Chapter 3, *Project Description*, and shown in Figure 3-2, *Proposed Land Use in Rio Vista*, the DEIR includes mapping that illustrates these referenced geographic areas in relation to the city. In addition, these areas are also illustrated in Figure 2-2, *Land Use*

*Diagram*, and Figure 2-3, *Core Area Land Use Diagram*, in Chapter 2, *Land Use and Community Character*, of the General Plan. These terms are intended to provide descriptive context for long-range planning discussion and are supported by the land use mapping contained in both the General Plan and DEIR.

Because this comment pertains to General Plan nomenclature and does not identify a deficiency in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A6-13 Solano LAFCO encourages the City to consider expanding the scope of the EIR to address LAFCO's SOI and annexation requirements to help support and streamline future annexation efforts. LAFCO also offers its staff as a resource for coordination and expresses interest in continued collaboration on the project.

The City acknowledges LAFCO's recommendation to expand the scope of the EIR to address SOI and annexation considerations. As previously mentioned, the General Plan Update does not include a change to the City's adopted SOI and does not propose annexation of unincorporated areas. Accordingly, consistent with CEQA's program-level scope for General Plans, the DEIR evaluates the potential environmental effects of buildout under the General Plan and does not include analysis of future discretionary SOI amendments or annexation actions, which would be subject to separate LAFCO and CEQA review when proposed. The City appreciates LAFCO's interest in coordination and will continue to work with LAFCO on future boundary and service planning efforts.

Because this comment does not identify a deficiency in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

LETTER A7 – California Department of Fish and Wildlife (32 pages)

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
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*GAVIN NEWSOM, Governor*
*CHARLTON H. BONHAM, Director*

October 8, 2025

Krystine Ball, Public Works Program Manager
City of Rio Vista
One Main Street
Rio Vista, CA 94571
KBall@ci.rio.vista.ca.us

Subject: City of Rio Vista 2045 General Plan Update, Draft Program Environmental Impact Report, SCH No. 2024101291, City of Rio Vista, Solano County

Dear Krystine Ball:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Program Environmental Impact Report (EIR) from the City of Rio Vista (City) for the City of Rio Vista 2045 General Plan Update (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1] CDFW previously submitted comments in response to the Notice of Preparation of the draft program EIR in a letter dated December 11, 2024.

The draft program EIR concludes that impacts to biological resources would be less-than-significant and mitigation measures are unnecessary based on the Project's Open Space and Resource Conservation Element's policies and compliance with several natural resource protection laws. However, 1) the policies are non-specific, such as "Protect open space areas of natural resource and scenic value, including wetlands, riparian corridors, floodplains, woodlands, and hillsides", and therefore provide no assurance that impacts to fish and wildlife resources would be reduced to less-than-significant, 2) absent enforceable mitigation measures, there is no assurance that the Project including future development would comply with natural resource protection laws, and 3) natural resource protection laws do not cover several special-status species and sensitive habitats, such as California Rare Plant Rank species. Therefore, the Project would likely result in significant impacts to biological resources unless enforceable mitigation measures are included in the draft program EIR, pursuant to CDFW's recommendations in our Notice of Preparation (NOP) response letter, which are restated below. A7-1

**CDFW ROLE**

CDFW is a **Trustee Agency** with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact fish, plant, and wildlife A7-2

[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.

*Conserving California's Wildlife Since 1870*

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resources (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15386). CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as a permit pursuant to the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA), the Lake and Streambed Alteration (LSA) Program, and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our authority, CDFW has the following concerns, comments, and recommendations regarding the Project. A7-2

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** City of Rio Vista

**Objective:** The Project is a comprehensive update of the 2001 Rio Vista General Plan to conform with new State laws related to community health, environmental justice, climate adaptation, resiliency, and mobility, and to bring long-term growth and fiscal projections into alignment with current economic conditions and State mandates. The Project establishes the community's long-term vision for the future, including where people in Rio Vista will live, work, shop, and recreate. It serves as guidance for all zoning and land use decisions within the City. The Project will shape future housing, support job growth, foster healthy and resilient neighborhoods, protect and manage natural resources, ensure community safety, and promote social and economic equity.

The Project contains a land use diagram, which guides the seven elements required by State law: Land Use, Open Space, Transportation, Housing, Conservation, Safety, and Noise. These elements can be combined or presented in any order that best fits the community. The Project will have all the elements required by State law, in addition to optional elements that the City has elected to include. A7-3

The Project would amend the General Plan land use diagram, shown on Figure 3-1, *Existing Land Use Diagram* ( draft program EIR page 3-7). The land use diagram changes would occur throughout the City. The Project would redesignate a total of 773 acres. Figure 3-2, *Proposed Land Use in Rio Vista* ( draft program EIR page 3-8), shows the proposed land use designations in the City. The Project also includes changes to the titles of some of the land use designations, Table 3-1, *Proposed General Plan 2045 and Land Use Designation Acres* and Table 3-2, *Existing General Plan 2020 and Land Use Designation Acres* (draft program EIR page 3-5 and 3-6) which show the summary of proposed and existing land use designations and acreages, respectively.

**Location:** City of Rio Vista, County of Solano, with an approximate centroid of Latitude 38.179104° and Longitude -121.707006°.

**REGULATORY REQUIREMENTS**

**California Endangered Species Act and Native Plant Protection Act** A7-4

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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 either during construction or over the life of the Project. **The Project has the potential to impact Swainson's hawk (*Buteo swainsoni*), bank swallow (*Riparia riparia*), giant garter snake (*Thamnophis gigas*), and longfin smelt (*Spirinchus thaleichthys*), which are CESA listed as threatened species, and other CESA listed as threatened or endangered fish species; Mason's lilaeopsis (*Lilaeopsis masonii*), an NPPA listed as a rare species; and burrowing owl (*Athene cunicularia*) and white sturgeon (*Acipenser transmontanus*), both candidate species for CESA listing, 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. A7-4

**Lake and Streambed Alteration**

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., is required for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will 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 LSA Notification requirements. **There are multiple streams throughout the Project area that could be impacted. If stream impacts would not be avoided, an LSA Notification may be required, as further described below**. CDFW, as a Responsible Agency under CEQA, 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.

**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

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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 (MBTA).

**California Fully Protected Species**

Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

A7-4

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code § 2081.15). Project proponents should consult with CDFW early in the project planning process. **The Project has the potential to impact golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*), which are both California fully protected species.**

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below and in **Attachment 1** 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.

**I. Program Environmental Impact Report**

The draft program EIR is a program EIR. While program EIRs have a necessarily broad scope, CDFW recommends providing as much information related to anticipated future activities as possible. CDFW recognizes that, pursuant to CEQA Guidelines section 15152, subdivision (c), if a Lead Agency is using the tiering process in connection with an EIR or large-scale planning approval, the development of detailed, site-specific information may not be feasible and can be deferred, in many instances, until such time as the Lead Agency prepares a future environmental document. This future environmental document would cover a project of a more limited geographical scale and is appropriate if the deferred information does not prevent adequate identification of

A7-5

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significant effects of the planning approval at hand. The CEQA Guidelines section 15168, subdivision (c)(4) states, "Where the later activities involve site-specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the program EIR." Based on CEQA Guidelines section 15183.3 and associated Appendix N Checklist, and consistent with other program EIRs, CDFW recommends creating a procedure or checklist for evaluating subsequent project impacts on biological resources to determine if they are within the scope of the program EIR or if an additional environmental document is warranted. This checklist should be included as an attachment to the program EIR. Future analysis should include all special-status species and sensitive habitat including but not limited to species considered rare, threatened, or endangered species pursuant to CEQA Guidelines, section 15380. A7-5

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the program EIR conclusion. For subsequent project activities that may affect sensitive biological resources, a site-specific analysis should be prepared by a qualified biologist to provide the necessary supporting information. In addition, the checklist should cite the specific portions of the Program EIR, including page and section references, containing the analysis of the subsequent project activities' significant effects and indicate whether it incorporates all applicable mitigation measures from the program EIR.

**II. Mitigation Measures and Related Impact Shortcomings**

**Mandatory Findings of Significance: Does the Project have the potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?**

**And,**

**Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?** A7-6

**COMMENT 1:** Swainson's Hawk

**Issue, specific impacts, why they may occur and be potentially significant:** The draft program EIR does not include mitigation measures to protect Swainson's hawk. There are California Natural Diversity Database (CNDDB) documented Swainson's hawk nests within the Project area and within 0.5 miles of it, the distance at which the species may be disturbed. The Project has the potential to impact nesting Swainson's hawk through auditory or visual disturbances above ambient levels

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within 0.5 miles of Project activities. Direct or indirect disturbances from Project activities may result in Swainson's hawk nest abandonment, loss of nests, and loss of eggs or reduced health and vigor and loss of young.

The Project appears to overlap with native or non-native grassland habitat, which is likely used by Swainson's hawk for foraging. The draft program EIR should evaluate potential Swainson's hawk foraging habitat loss. The Project site is within the Draft Solano Habitat Conservation Plan (HCP) Valley Floor Grassland Conservation Area, which should be mitigated at a minimum 1:1 ratio according to the Draft Solano HCP Mitigation Measure SH 2 for Swainson's hawk (see Section 6.4.8 and Figure 4-21 of the draft Solano HCP at: https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/), unless otherwise required by an ITP for SWHA. In 2016, CDFW released a Status Review for Swainson's hawk in California and recommended the species retain its status as threatened under CESA (CDFW 2016). The review cites the primary threat to Swainson's hawk continues to be habitat loss, especially the loss of suitable foraging habitat. The study cites concerns regarding impacts to Swainson's hawk from urban development, reduction in grasslands, and orchard and vineyard cultivation, all of which are prominent impacts in Solano County, where the Project is proposed.

A7-6

Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active Swainson's hawk nest is disturbed by the Project or if foraging habitat is removed, the Project may result in a substantial reduction in the number of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

**Recommended Mitigation Measures:** To reduce potential impacts to Swainson's hawk to less-than-significant and comply with CESA and Fish and Game Code section 3503 et seq., CDFW recommends including the below mitigation measures in the draft program EIR.

*Mitigation Measure BIO-1 (Swainson's Hawk Pre-Construction Survey)*: 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* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall 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

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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, unless otherwise approved by CDFW in writing, 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 experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence. A7-6

*Mitigation Measure BIO-2 (Swainson's Hawk Foraging Habitat)*: A qualified biologist shall evaluate if the Project would result in loss of Swainson's hawk foraging habitat, and if so shall quantify the loss in acres. Consistent with the Draft Solano HCP, prior to Project construction, if the Project would result in loss of Swainson's hawk foraging habitat, the Project shall provide Swainson's hawk foraging habitat mitigation at a 1:1 ratio, unless otherwise require by an ITP for Swainson's hawk, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of Swainson's hawk foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW.

**COMMENT 2:** Mason's Lilaeopsis and other Special-Status Plants

**Issue, specific impacts and why they may occur and be significant:** The draft program EIR does not include mitigation measures to protect Mason's lilaeopsis and other special-status plants. There are CNDDB documented occurrences of Mason's lilaeopsis within the Project area. The Project has potential to impact Mason's lilaeopsis and other special-status plants. Mason's lilaeopsis is an NPPA listed as rare species and therefore is considered a rare species pursuant to Section 15380 of the CEQA Guidelines. Mason's lilaeopsis is threatened by erosion, bank and channel-stabilization, flood-control projects, widening of Delta channels for water transport, dredging and dumping of spoils, boat wake overwash, recreation (e.g., fishing trails), and in some areas, by water hyacinth (see *Species Accounts of Rare, Threatened, and Endangered Plants from 2004 Status Report* at https://wildlife.ca.gov/Conservation/Plants/Info). Impacts to Mason's lilaeopsis could A7-7

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substantially reduce the species' population or restrict its range, which would be considered a Mandatory Finding of Significance pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if Mason's lilaeopsis is present in the Project area and would be directly or indirectly impacted by the Project, then Project impacts to Mason's lilaeopsis would be potentially significant.

Impacts to other special-status plant species may result in local population declines or extirpation of a species. Insufficient detection or mitigation may result in prolonged temporal or permanent impacts to a special-status plant species' range, distribution, and population in the State. Therefore, if other special-status plants occur on or adjacent to the Project site where they may be directly or indirectly impacted, impacts to other special-status plants would be potentially significant.

**Recommended Mitigation Measure:** To reduce impacts to Mason's lilaeopsis and other special-status plants to less-than-significant and comply with NPPA, CDFW recommends including the below mitigation measure in the draft program EIR.

A7-7

*Mitigation Measure BIO-3 (Special-Status Plant Surveys and Protection):* Prior to the start of Project activities, a qualified biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys shall include visiting reference population unless otherwise approved in writing by CDFW. Surveys and associated reporting shall be conducted according to *CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline). The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If full avoidance is not possible, Project activities may not commence until the Project has consulted with CDFW and obtained CDFW's written approval, which may include topsoil salvage, transplanting, or habitat compensation. The Project shall obtain and comply with a CESA ITP from CDFW for any impacts to Mason's lilaeopsis or any other CESA or NPPA listed plants and provide habitat compensation to mitigate impacts to Mason's lilaeopsis or any other CESA or NPPA listed plant species at a minimum three to one mitigation to impact ratio, unless otherwise approved in writing by CDFW. Habitat compensation shall include placing

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a conservation easement over occupied habitat for the applicable species and preparing, funding, and implementing an interim and/or long-term management plan, unless otherwise approved in writing by CDFW. The habitat compensation location, conservation easement, and all associated land conservation documents including but not limited to the management plan(s) shall be submitted to CDFW for review and the Project shall obtain CDFW's written approval of these documents, unless otherwise approved in writing by CDFW. The conservation easement shall be recorded and management plan(s) funding shall be completed prior to Project construction, unless otherwise approved in writing by CDFW. A7-7

**COMMENT 3:** Burrowing Owl

**Issue, specific impacts, why they may occur and be potentially significant:** The draft program EIR does not include mitigation measures to protect burrowing owl. There are CNDDB documented burrowing owl occurrences within the Project area and within 500 meters (1,640 feet) of it, the distance at which the species may be disturbed. The Project may impact nesting or wintering burrowing owls utilizing burrows or burrow surrogates on or within up to 500 meters of the Project site. The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, and permanent wintering (i.e., non-nesting) or nesting habitat loss. Burrowing owl is a candidate species for CESA listed as threatened because the species' population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrels resulting in a loss of suitable burrows required by burrowing owls for nesting, protection from predators, and shelter (Shuford and Gardali 2008; *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012); personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owls have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (*Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012); personal communication, Esther Burkett, May 13, 2022). Information indicates a decline in burrowing owl range over time, burrowing owl has experienced population declines in regions of California and threats to burrowing owl, coupled with long-term population declines, suggest a high degree and immediacy of threat to burrowing owl in California (CDFW 2024). Based on the foregoing, if burrowing owls are wintering or nesting on or within 500 meters of the Project site, Project impacts to burrowing owl would be potentially significant. A7-8

**Recommended Mitigation Measures:** To reduce potential impacts to burrowing owl to less-than-significant and comply with CESA and Fish and Game Code section

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3503 et seq., CDFW recommends including the below mitigation measures in the draft program EIR.

*Mitigation Measure BIO-4 (Burrowing Owl Surveys):* A qualified biologist shall conduct a burrowing owl habitat assessment within 1,640 feet of the Project area pursuant to the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds), unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology. The habitat assessment shall focus on searching the CNDDB and potentially other sources for any burrowing owl records on or within at least one mile of the Project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters [cm] in diameter and a depth greater than 150 cm), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. An additional survey shall be conducted within 24 hours prior to ground disturbance. The results of the habitat assessment shall be emailed to the CDFW contact below, or if unavailable another CDFW representative, and the Project shall obtain CDFW's written approval of the habitat assessment prior to starting Project activities. A7-8

If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report. The site visits shall be spread evenly throughout the breeding or non-breeding season. The Project shall obtain CDFW's written approval of the survey results prior to starting Project activities. In addition, a take avoidance survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report.

If burrowing owl is detected, the Project shall immediately notify CDFW. The Project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no Project activities shall occur, unless otherwise approved in writing by CDFW. A qualified biologist shall monitor any detected owl to ensure it is not disturbed.

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If the Project cannot ensure burrowing owl and their burrows are fully avoided, the Project shall consult with CDFW and obtain a take authorization or otherwise demonstrate compliance with CESA. Take is likely to occur and the Project shall obtain an ITP if: 1) burrowing owl surveys of the Project site detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project site within the past three years and habitat has not had any substantial change. Occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by burrowing owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If burrowing owl, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project site during burrowing owl surveys, but not on the Project site, the Project shall consult with CDFW to determine if avoidance is feasible or an ITP is warranted and shall obtain an ITP if deemed necessary by CDFW. A7-8

*Mitigation Measure BIO-5 (Caps, Pipes, and Hoses):* To prevent burrowing owls from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.

**COMMENT 4:** Bank Swallow

**Issue, specific impacts, why they may occur and be potentially significant:** The draft program EIR does not include mitigation measures to protect bank swallow. There is CNDDB documented occurrence of bank swallow within three miles of the Project area. The Project has the potential to impact nesting or adult bank swallows through direct removal of habitat, and auditory or visual disturbances above ambient levels. Disturbances from Project activities may result in nest abandonment and loss of eggs or reduced health and vigor and loss of young. Nesting birds are also protected by Fish and Game Code section 3500 et seq. and the federal MBTA A7-9

**Recommended Mitigation Measure:** To reduce potential impacts to bank swallow to less-than-significant and comply with CESA and Fish and Game Code section 3503 et seq., CDFW recommends including the below mitigation measure in the draft program EIR.

*Mitigation Measure MM-BIO-6 (Bank Swallow Avoidance*): For Projects impacting streams, at least 30 days before commencement of Project activities, a qualified biologist shall provide an assessment of if stream banks with greater than 70 percent

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slope are present within disturbance distance for the species, provide justification for the proposed disturbance distance, and obtain approval in writing from CDFW. If stream banks with greater than 70 percent slope are identified within the disturbance distance, they shall be surveyed specifically for bank swallow burrows and nests one week before the start of Project activities and again immediately prior to the start of Project activities. If active bank swallow burrows or nests are found, consultation with CDFW shall be required before commencement of Project activities. If there is a lapse in Project activities of more than seven days, surveys shall be repeated. If impacts to bank swallows cannot be avoided, an ITP may be required by CDFW. A7-9

**COMMENT 5:** CESA Listed and Candidate and other Special-Status Fish

**Issue, specific impacts, why they may occur and be potentially significant:** The draft program EIR does not include mitigation measures to protect CESA listed, candidate, and other special-status fish species. The Project area covers or is adjacent to riverine habitat that support special-status fishes including Delta smelt (*Hypomesus transpacificus*), CESA listed as endangered and federally listed as threatened; longfin smelt, CESA listed as threatened and federally listed as endangered; and white sturgeon, CESA candidate species, and other special-status fish. Note that Project activities can remotely impact special-status fishes (e.g. pollutants introduced upstream from fish habitat, artificial lighting at night). The above fish species are CESA and federal Endangered Species Act (ESA) listed or candidate species and therefore are considered to be threatened or endangered species pursuant to CEQA Guidelines section 15380. Therefore, if these fish would be impacted by the Project, the Project could result in a substantial reduction in the species' population, which would be a mandatory finding of significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1). CDFW recommends that the draft program EIR to include an assessment of special-status fishes and aquatic life including but not limited to the above fish species. A7-10

**Recommended Mitigation Measure:** To reduce impacts to CESA listed, candidate, and other special-status fish to less-than-significant and comply with CESA, CDFW recommends including the below mitigation measure in the draft program EIR.

*Mitigation Measure MM-BIO-7 (Special Status Fish Protection):* In water work shall be avoided where special-status fish such as Delta smelt, longfin smelt, and white sturgeon may occur, as determined by a qualified biologist based on a review of CNDDB and consultation with CDFW. If take of the above fish species or any CESA listed or candidate aquatic listed species cannot be avoided, the Project shall obtain a CESA ITP from CDFW prior to commencing Project activities and shall comply with the ITP. The Project shall also consult with the USFWS or National Marine Fisheries Service for any impacts to federally listed fish.

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**COMMENT 6:** White-Tailed Kite, Golden Eagle, and other Nesting Birds

**Issue, specific impacts, why they may occur and be potentially significant:** The draft program EIR does not include mitigation measures to protect white-tailed kite, golden eagle, and other nesting birds. The Project may impact nesting birds such as white-tailed kite and golden eagle, which are California fully protected species. Nesting birds are also protected by Fish and Game Code section 3500 et seq. and the federal MBTA. Golden Eagle is also protected by the federal Bald and Golden Eagle Protection Act.

**Recommended Mitigation Measure:** To reduce potential impacts to white-tailed kite and other nesting birds to less-than-significant, CDFW recommends including the below mitigation measure in the draft program EIR.

*Mitigation Measure MM-BIO-8 (Nesting Bird Surveys)*: If construction, grading, vegetation removal, or other Project-related activities are scheduled during the avian nesting season, February 1 to August 31, a qualified biologist shall conduct a survey for active bird nests within seven days prior to the beginning of Project-related activities. The survey shall consist of including the entire project site and a minimum 500-foot buffer or the distance necessary as determined by a qualified biologist. If a lapse in Project-related work of seven days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify the CDFW and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

A7-11

The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.

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**COMMENT 7:** Giant Garter Snake

**Issue, specific impacts, why they may occur and be potentially significant:** The draft program EIR does not include mitigation measures to protect giant garter snake. The Project is in the range of giant garter snake and contains giant garter snake habitat. The giant garter snake is a highly aquatic snake endemic to the Central Valley of California. The species became threatened several decades ago primarily due to habitat loss from agriculture (Hansen and Brode 1980). The species relies on wetland habitats that have been destroyed, fragmented, or degraded by urbanization and agricultural development such as natural wetlands like marshes, sloughs, ponds, small lakes, and small streams. Giant garter snake persist in some agricultural areas, particularly in rice-growing regions where summer water and prey are abundant on the landscape during the species' active season. The snake is in artificial waterways and agricultural wetlands like irrigation and drainage canals, rice fields, and adjacent uplands. Giant garter snake typically estivate and overwinter in cracks and burrows. Additionally, giant garter snake are threatened by invasive predatory fish and bullfrogs as well as pesticides, herbicides, fertilizers, and heavy metals, which not only impact giant garter snake directly, but also cause declines in their native prey (e.g., Sierran treefrogs and Sacramento blackfish). Water diversions, dams, canal and levee maintenance, and rodent abatement also threaten the species. A7-12

Giant garter snake has specific seasonal habitat requirements. During summer months, giant garter snake requires aquatic habitat for foraging and adjacent upland areas with emergent vegetation for basking (USFWS 2017). During periods of inactivity, giant garter snake requires burrows in upland habitat as refugia for summer shelter and cracks and burrows in uplands for winter estivation (Hansen et al. 2015).

Currently, giant garter snake is isolated to only nine disjunct populations. At the time of the species listing in 1993 under the federal ESA, USFWS (USFWS 2017) recognized 13 populations. Since then, two populations have been determined extirpated (USFWS 2017). In addition, giant garter snake are also susceptible to roads, vehicular traffic, and non-native species impacts (USFWS 2017). Road use can result in snake mortality as they congregate on roads due to the increased temperature that creates a heat island on and near the road for thermoregulation (Trombulak and Frissell 2000). Reptile diversity has been shown to decline relative to the density of roads (Findlay and Houlahan 1997).

The Project has the potential to impact giant garter snake through habitat loss by urbanization and prey reduction, which would potentially reduce the number of snakes and restrict the amount of habitat left to utilize. Additionally, trash and lighting may attract or make giant garter snake more visible to native predators (e.g.,

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raccoons). Plastic erosion control or bird netting can entangle and kills snakes as well (Kapfer and Paloski 2011).

Giant garter snake is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if giant garter snake aquatic or upland habitat is disturbed by the Project or if habitat is removed, the Project may result in a substantial reduction in the number and range of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

**Recommended Mitigation Measure:** To reduce potential impacts to giant garter snake to less-than-significant and comply with CESA, CDFW recommends including the below mitigation measures in the draft program EIR.

*Mitigation Measure MM-BIO-9 (Giant Garter Snake Habitat Assessment)*: A qualified biologist shall conduct a habitat assessment of Project areas in advance of Project activities to determine if the Project area or its vicinity contains suitable habitat for giant garter snake and shall provide the habitat assessment to CDFW and obtain CDFW's written approval of it. If suitable habitat is present, no more than 30 days prior to ground-disturbing activities, a qualified biologist shall survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which giant garter snake could be present. All potentially suitable burrows and crevices shall be flagged and avoided by a minimum 50-foot no-disturbance buffer. If a 50-foot radius buffer isn't feasible, the Project shall consult with CDFW to discuss how to implement the Project and avoid take of the species or whether and ITP is necessary.

A7-12

*Mitigation Measure MM-BIO-10 (Giant Garter Snake Habitat Buffer)*: If potential aquatic habitat for giant garter snake has been identified in or within 200 feet of the Project area by the qualified biologist, a qualified biologist shall be present on-site to monitor all Project activities.

*Mitigation Measure MM-BIO-11 (Giant Garter Snake Observation)*: If a snake species of any kind is observed within the Project site, then all Project activities shall halt, and work shall not continue until the snake species is identified by a qualified biologist. If giant garter snake is discovered at any time within the Project site and staging areas, then all Project activities shall halt until CDFW has been notified and the Project proponent can demonstrate compliance with CESA to CDFW's satisfaction. CDFW reserves the right to provide additional giant garter snake protection measures in the event of a giant garter snake detection.

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*Mitigation Measure MM-BIO-12 (Giant Garter Snake Take Prohibition)*: If "take" of giant garter snake or any other species listed under CESA cannot be avoided either during Project activities or over the life of the Project, the Project shall obtain a CESA permit pursuant to Fish and Game Code Section 2080 et seq. The take permit will likely include mitigation measures recommended in this letter and may include additional measures.

*Mitigation Measure MM-BIO-13 (Giant Garter Snake Environmentally Sensitive Area Establishment)*: The Project shall establish Environmentally Sensitive Areas in the Project area to minimize the disturbance of giant garter snake habitat from construction-related activities. The Project shall erect environmentally sensitive area fencing as directed by the Designated Biologist(s), 200 feet from the edge of potential aquatic giant garter snake habitat. The Designated Biologist(s) shall identify and flag all potential small mammal burrows within the Project Area as environmentally sensitive areas. In addition, all potential giant garter snake habitat that can be reasonably avoided during construction activities shall be identified as environmentally sensitive areas and shall be marked by the Designated Biologist(s). Environmentally sensitive areas will be demarked by tying high visibility poly wire to stakes placed every six feet along the environmentally sensitive area boundary. The high visibility poly wire will be raised at least four feet above grade. The high visibility wire and stakes shall be marked with high visibility flagging or markers. All construction personnel shall be educated about the purpose of the environmentally sensitive areas and avoid environmentally sensitive areas during all phases of construction. The Project shall avoid environmentally sensitive areas when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The Project shall not use plastic mono-filament netting on the Project site for environmentally sensitive area fencing, erosion control, or any other purpose to avoid entanglement of giant garter snake. The qualified biologist shall inspect the fencing before the start of each workday and the Project shall maintain the fencing until the completion of the Project. Project shall remove all fencing material upon completion of the Project.

A7-12

*Mitigation Measure MM-BIO-14 (Giant Garter Snake Exclusion Fencing)*: To exclude giant garter snake from entering the Project area, the Project shall erect silt fencing between all aquatic habitat and upland habitat, one day subsequent to upland habitat disturbance. The Project shall submit the fencing design to CDFW for approval no less than 30 days prior to the proposed start of Project activities. The Project shall maintain fencing throughout all construction activities. A qualified biologist shall inspect the area prior to installation. The qualified biologist shall inspect the barrier daily and during and after storm events (rainfall exceeding 0.5 inches during a 24-hour period). The Project shall maintain and repair the barrier immediately to ensure that it is functional and without defects, that fencing material is taut, and that the bottom edge of the fencing material remains buried. The Project

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shall maintain vegetation within one meter on the side of the fence away from the Project Area at a maximum height of four inches.

Fencing shall consist of taught silt fencing supported by wooden stakes on the Project side only. Fencing shall be buried a minimum of six inches below ground and soil shall be compacted against both sides of the fence for its entire length to prevent animals from passing under the fence. Fencing shall extend 12 to 18 inches above the ground. At any access opening in the fence, the fence shall turn 180 degrees away from the access point for a length of approximately 10 feet and at a minimum width of one foot from the original fence.

The Project shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. When the Project cannot avoid burrows, burrows shall be hand excavated by the qualified biologist prior to trenching activities. Giant garter snake found during excavation shall be relocated. Following excavation, the qualified biologist shall block holes or burrows which appear to extend under the fencing to minimize giant garter snake movement into the Project area.

The Project shall remove fencing and all fencing materials upon completion of construction.

A7-12

*Mitigation Measure MM-BIO-15 (Giant Garter Snake Seasonal Work Restriction)*:

The Project shall conduct all construction activities within giant garter snake upland and aquatic habitat, including activity within 200 feet of aquatic habitat, between May 1 and October 1. This is the active period for giant garter snake and direct impacts are lessened because snakes are actively moving and avoiding danger. More danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct impacts, especially during excavation.

*Mitigation Measure MM-BIO-16 (Giant Garter Snake Dewatered Aquatic Habitat)*:

The Project shall dewater (or, in the case of rice fields, not irrigate the portion of field within the Project area) suitable giant garter snake aquatic habitat (e.g., wetlands, drainages, rice fields) prior to any construction within suitable giant garter snake aquatic habitat. The Project shall ensure the habitat remains dry for at least 15 consecutive days after April 15 and prior to excavating or filling of aquatic habitat. The Project shall limit dewatering to April 15 to October 1. The Project shall limit dewatering to the immediate Project area and shall ensure that alternative aquatic habitat is available.

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*Mitigation Measure MM-BIO-17 (Giant Garter Snake Speed Limit and Existing Routes)*: Project-related personnel shall access the Project site during construction and development activities using existing routes and shall not cross giant garter snake habitat outside of the Project site. Project-related vehicle traffic shall be restricted to established roads, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour, except on county roads and state and federal highways, in order to avoid giant garter snake on or traversing the roads. If a giant garter snake is found on or traversing a roadway, workers shall immediately notify the qualified biologist. Workers shall allow the animal to safely move off the road.

*Mitigation Measure MM-BIO-18 (Giant Garter Snake Monofilament Restriction)*: The Project shall not use plastic monofilament netting (erosion control matting) or similar material. The Project shall use native vegetation or other treatments including native slash, jute netting or straw wattles to protect and stabilize soils. Fiber rolls and other erosion control treatments shall be made with wildlife-friendly, biodegradable products that will not entrap or harm wildlife. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting or materials. The Project shall communicate this limitation to the contractor through use of Special Provisions included in the bid solicitation package. The Project shall bury the edge of the material in the ground to prevent giant garter snake and other reptiles and amphibians from crawling underneath the material.

A7-12

*Mitigation Measure MM-BIO-19 (Giant Garter Snake Habitat Restoration)*: The Project shall restore the temporarily impacted giant garter snake habitat on-site to pre-construction conditions. The Project shall re-contour, if appropriate, and re-vegetate these areas with appropriate locally available native plant species. The restoration effort shall comply with the USFWS Guidelines for the Restoration and/or Replacement of GGS Habitat (USFWS 2007) and shall be monitored for one year.

*Mitigation Measure MM-BIO-20 (Giant Garter Snake Habitat Mitigation)*: If impacts to giant garter snake cannot be fully avoided, then the Project shall provide compensatory habitat mitigation to offset impacts to the species at a 3:1 mitigation ratio, unless otherwise approved in writing by CDFW. Habitat mitigation shall include purchasing giant garter snake credits from a CDFW-approved conservation bank that CDFW determines in writing is in current good standing or placing a conservation easement over high quality giant garter snake habitat, including an interim and long-term management plan, and providing an endowment to manage the easement in perpetuity.

**III. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or USFWS?**

A7-13

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**COMMENT 8:** Sensitive Natural Communities, Wetlands, Riparian Habitat, and Lake and Streambed Alteration Notification

**Issue, specific impacts, why they may occur and be potentially significant:** The draft program EIR does not include mitigation measures to protect sensitive natural communities, wetlands, riparian habitat, and LSA Notification. The Project could result in potentially significant impacts to sensitive natural communities, wetlands, or riparian habitat. CDFW recommends that the draft program EIR include an assessment of potential impacts to sensitive natural communities, wetlands, or stream and riparian habitat.

**Recommended Mitigation Measures:** If impacts to sensitive natural communities, wetlands, or riparian habitat may occur, to reduce impacts to less-than-significant and comply with Fish and Game Code section 1600 et seq., CDFW recommends including the below mitigation measure in the draft program EIR.

*Mitigation Measure MM-BIO-21 (Habitat Restoration and Compensation, and Impacts to Streams and Riparian Areas):* The Project shall implement restoration onsite or offsite to mitigate temporary or permanent impacts to riparian habitat, sensitive natural communities, or wetlands at a minimum 1:1 (restore onsite temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres and linear feet of impacts, or provide habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan, unless otherwise approved in writing by CDFW.

A7-13

Prior to the commencement of Project activities, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat including but not limited to impacts resulting trail clearing, earth moving, and vegetation removal. If impacts to the bed, bank, channel, or riparian area of the streams cannot be avoided, the Project shall notify CDFW for potential Project impacts to the streams pursuant to Fish and Game Code section 1600 et seq. and shall comply with the Streambed Alteration Agreement (SAA), if issued. More information for the Notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA.The Project shall not commence activities with potential to impact the stream until the SAA process has been completed. Impacts to the streams and riparian habitat shall be mitigated by restoring riparian habitat at a minimum 3:1 mitigation to impact ratio in area and linear feet for permanent impacts, all temporary impact areas shall be restored, and trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An SAA, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources. Projects shall also obtain permits from the Regional Water Quality Control Board (RWQCB)

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and U.S. Army Corps of Engineers (USACE) pursuant to the Clean Water Act if applicable. A7-13

**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 CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/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 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.) A7-14

**CONCLUSION**

CDFW appreciates the opportunity to comment on the draft program EIR to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jordan Beaton, Environmental Scientist, at Jordan.Beaton@wildlife.ca.gov or (707) 980-5172; 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 Monitoring and Reporting Program

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ec: Office of Land Use and Climate Innovation (SCH No. 2024101291)
Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

**REFERENCES**

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## ATTACHMENT 1

### Draft Mitigation and Monitoring Reporting Plan

| Biological Resources (BIO) | | | |
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| **Mitigation Measure (MM)** | **Description** | **Timing** | **Responsible Party** |
| **BIO-1** | *Swainson's Hawk Pre-Construction Survey*: 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* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall 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, unless otherwise approved by CDFW in writing, 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 experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |

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| **BIO-2** | *Swainson's Hawk Foraging Habitat*: A qualified biologist shall evaluate if the Project would result in loss of Swainson's hawk foraging habitat, and if so shall quantify the loss in acres. Consistent with the Draft Solano HCP, prior to Project construction, if the Project would result in loss of Swainson's hawk foraging habitat, the Project shall provide Swainson's hawk foraging habitat mitigation at a 1:1 ratio, unless otherwise require by an ITP for Swainson's hawk, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of Swainson's hawk foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. | Prior to Ground Disturbance | Project Applicant |
| **BIO-3** | *Special-Status Plant Surveys and Protection*: Prior to the start of Project activities, a qualified biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys shall include visiting reference population unless otherwise approved in writing by CDFW. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline). The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If full avoidance is not possible, Project activities may not commence until the Project has consulted with CDFW and obtained CDFW's written approval, which may include topsoil salvage, transplanting, or habitat compensation. The Project shall obtain and comply with a CESA ITP from CDFW for any impacts to Mason's lilaeopsis or any other CESA or NPPA listed plants, and provide habitat compensation to mitigate impacts to Mason's lilaeopsis or any other CESA or NPPA listed plant species at a minimum 3 to 1 mitigation to | Prior to Ground Disturbance | Project Applicant |

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| | impact ratio, unless otherwise approved in writing by CDFW. Habitat compensation shall include placing a conservation easement over occupied habitat for the applicable species and preparing, funding, and implementing an interim and/or long-term management plan, unless otherwise approved in writing by CDFW. The habitat compensation location, conservation easement, and all associated land conservation documents including but not limited to the management plan(s) shall be submitted to CDFW for review and the Project shall obtain CDFW's written approval of these documents, unless otherwise approved in writing by CDFW. The conservation easement shall be recorded and management plan(s) funding shall be completed prior to Project construction, unless otherwise approved in writing by CDFW. | | |
| **BIO-4** | *Burrowing Owl Surveys:* A qualified biologist shall conduct a burrowing owl habitat assessment within 1,640 feet of the Project area pursuant to the California Department of Fish and Game (now CDFW) 2012 Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds), unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology. The habitat assessment shall focus on searching the CNDDB and potentially other sources for any burrowing owl records on or within at least one mile of the Project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters [cm] in diameter and a depth greater than 150 cm), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. An additional survey shall be conducted within 24 hours prior to ground disturbance. The results of the habitat assessment shall be emailed to the CDFW contact below, or if unavailable another CDFW representative, and the Project shall obtain CDFW's written approval of the habitat assessment prior to starting Project activities. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |

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| | If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report. The site visits shall be spread evenly throughout the breeding or non-breeding season. The Project shall obtain CDFW's written approval of the survey results prior to starting Project activities. In addition, a take avoidance survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report.<br><br>If burrowing owl is detected, the Project shall immediately notify CDFW. The Project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no Project activities shall occur, unless otherwise approved in writing by CDFW. A qualified biologist shall monitor any detected owl to ensure it is not disturbed.<br><br>If the Project cannot ensure burrowing owl and their burrows are fully avoided, the Project shall consult with CDFW and obtain a take authorization or otherwise demonstrate compliance with CESA. Take is likely to occur and the Project shall obtain an ITP if: 1) burrowing owl surveys of the Project site detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project site within the past three years and habitat has not had any substantial change. Occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by burrowing owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If burrowing owl, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project site during burrowing owl surveys, but not on the Project site, the Project shall consult with CDFW to determine if avoidance is feasible or an ITP is warranted and shall obtain an ITP if deemed necessary by CDFW. | | |
| **BIO-5** | *Caps, Pipes, and Hoses:* To prevent burrowing owls from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved. | For Duration of Construction | Project Applicant |

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| **BIO-6** | *Bank Swallow Avoidance*: For Projects impacting streams, at least 30 days before commencement of Project activities, a qualified biologist shall provide an assessment of if stream banks with greater than 70 percent slope are present within disturbance distance for the species, provide justification for the proposed disturbance distance, and obtain approval in writing from CDFW. If stream banks with greater than 70 percent slope are identified within the disturbance distance, they shall be surveyed specifically for bank swallow burrows and nests one week before the start of Project activities and again immediately prior to the start of Project activities. If active bank swallow burrows or nests are found, consultation with CDFW shall be required before commencement of project activities. If there is a lapse in Project activities of more than seven days, surveys shall be repeated. If impacts to bank swallows cannot be avoided, an ITP may be required by CDFW. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |
| **BIO-7** | *Special Status Fish Protection:* In water work shall be avoided where special-status fish such as Delta smelt, longfin smelt, and white sturgeon may occur, as determined by a qualified biologist based on a review of CNDDB and consultation with CDFW. If take of the above fish species or any CESA listed or candidate aquatic listed species cannot be avoided, the Project shall obtain a CESA ITP from CDFW prior to commencing Project activities and shall comply with the ITP. The Project shall also consult with the USFWS or National Marine Fisheries Service for any impacts to federally listed fish. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |
| **BIO-8** | *Nesting Bird Surveys:* If construction, grading, vegetation removal, or other Project-related activities are scheduled during the avian nesting season, February 1 to August 31, a qualified biologist shall conduct a survey for active bird nests within seven days prior to the beginning of Project-related activities. The survey shall consist of including the entire Project site and a minimum 500-foot buffer or the distance necessary as determined by a qualified biologist. If a lapse in Project-related work of seven days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify the CDFW and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |

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| | to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.<br>The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW. | | |
| **BIO-9** | *Giant Garter Snake Habitat Assessment*: A qualified biologist shall conduct a habitat assessment of Project areas in advance of Project activities to determine if the Project area or its vicinity contains suitable habitat for giant garter snake and shall provide the habitat assessment to CDFW and obtain CDFW's written approval of it. If suitable habitat is present, no more than 30 days prior to ground-disturbing activities, a qualified biologist shall survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which giant garter snake could be present. All potentially suitable burrows and crevices shall be flagged and avoided by a minimum 50-foot no-disturbance buffer. If a 50-foot radius buffer isn't feasible, the Project shall consult with CDFW to discuss how to implement the Project and avoid take of the species or whether and ITP is necessary. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |
| **BIO-10** | *Giant Garter Snake Habitat Buffer*: If potential aquatic habitat for giant garter snake has been identified in or within 200 feet of the Project area by the qualified biologist, a qualified biologist shall be present on-site to monitor all project activities. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |
| **BIO-11** | *Giant Garter Snake Observation*: If a snake species of any kind is observed within the Project site, then all Project activities shall halt, and work shall not continue until the snake species is identified by a qualified biologist. If giant garter snake is discovered at any time within the Project site and staging areas, then all Project activities shall halt until CDFW has been notified and the Project proponent can demonstrate compliance with CESA to CDFW's satisfaction. CDFW reserves the right to provide additional | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |

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| | giant garter snake protection measures in the event of a giant garter snake detection. | | |
| **BIO-12** | *Giant Garter Snake Take Prohibition*: If "take" of giant garter snake or any other species listed under CESA cannot be avoided either during Project activities or over the life of the Project, the Project shall obtain a CESA permit pursuant to Fish and Game Code Section 2080 et seq. The take permit will likely include mitigation measures recommended in this letter and may include additional measures. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |
| **BIO-13** | *Giant Garter Snake Environmentally Sensitive Area Establishment:* The Project shall establish Environmentally Sensitive Areas (ESAs) in the Project area to minimize the disturbance of giant garter snake habitat from construction-related activities. The Project shall erect ESA fencing as directed by the Designated Biologist(s), 200 feet from the edge of potential aquatic giant garter snake habitat. The Designated Biologist(s) shall identify and flag all potential small mammal burrows within the Project Area as ESAs. In addition, all potential giant garter snake habitat that can be reasonably avoided during construction activities shall be identified as ESAs and shall be marked by the Designated Biologist(s). ESAs will be demarked by tying high visibility poly wire to stakes placed every six feet along the ESA boundary. The high visibility poly wire will be raised at least four feet above grade. The high visibility wire and stakes shall be marked with high visibility flagging or markers. All construction personnel shall be educated about the purpose of the ESA areas and avoid ESAs during all phases of construction. The Project shall avoid ESAs when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The Project shall not use plastic mono-filament netting on the Project site for ESA fencing, erosion control, or any other purpose to avoid entanglement of giant garter snake. The qualified biologist shall inspect the fencing before the start of each workday and the Project shall maintain the fencing until the completion of the Project. Project shall remove all fencing material upon completion of the Project. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |
| **BIO-14** | *Giant Garter Snake Exclusion Fencing:* To exclude giant garter snake from entering the Project area, the Project shall erect silt fencing between all aquatic habitat and upland habitat, one day subsequent to upland habitat disturbance. The Project shall submit the fencing design to CDFW for approval no less than 30 days prior to the proposed start of Project activities. The Project shall maintain fencing throughout all construction activities. A | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |

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| | qualified biologist shall inspect the area prior to installation. The qualified biologist shall inspect the barrier daily and during and after storm events (rainfall exceeding 0.5 inches during a 24-hour period). The Project shall maintain and repair the barrier immediately to ensure that it is functional and without defects, that fencing material is taut, and that the bottom edge of the fencing material remains buried. The Project shall maintain vegetation within one meter on the side of the fence away from the Project Area at a maximum height of four inches.<br><br>Fencing shall consist of taught silt fencing supported by wooden stakes on the Project side only. Fencing shall be buried a minimum of six inches below ground and soil shall be compacted against both sides of the fence for its entire length to prevent animals from passing under the fence. Fencing shall extend 12 to 18 inches above the ground. At any access opening in the fence, the fence shall turn 180 degrees away from the access point for a length of approximately 10 feet and at a minimum width of one foot from the original fence.<br><br>The Project shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. When the Project cannot avoid burrows, burrows shall be hand excavated by the qualified biologist prior to trenching activities. Giant garter snake found during excavation shall be relocated. Following excavation, the qualified biologist shall block holes or burrows which appear to extend under the fencing to minimize giant garter snake movement into the Project area.<br><br>The Project shall remove fencing and all fencing materials upon completion of construction. | | |
| **BIO-15** | *Giant Garter Snake Seasonal Work Restriction*: The Project shall conduct all construction activity within giant garter snake upland and aquatic habitat, including activity within 200 feet of aquatic habitat, between May 1 and October 1. This is the active period for giant garter snake and direct impacts are lessened because snakes are actively moving and avoiding danger. More danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct impacts, especially during excavation. | For Duration of Construction | Project Applicant |
| **BIO-16** | *Giant Garter Snake Dewatered Aquatic Habitat*: The Project shall dewater (or, in the case of rice fields, not irrigate the portion of field within the Project area) suitable giant garter snake aquatic habitat (e.g., wetlands, | For Duration of Construction | Project Applicant |

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| | drainages, rice fields) prior to any construction within suitable giant garter snake aquatic habitat. The Project shall ensure the habitat remains dry for at least 15 consecutive days after April 15 and prior to excavating or filling of aquatic habitat. The Project shall limit dewatering to April 15 to October 1. The Project shall limit dewatering to the immediate Project area and shall ensure that alternative aquatic habitat is available. | | |
| **BIO-17** | *Giant Garter Snake Speed Limit and Existing Routes*: Project-related personnel shall access the Project site during construction and development activities using existing routes and shall not cross giant garter snake habitat outside of the Project site. Project-related vehicle traffic shall be restricted to established roads, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour, except on county roads and state and federal highways, in order to avoid giant garter snake on or traversing the roads. If a giant garter snake is found on or traversing a roadway, workers shall immediately notify the qualified biologist. Workers shall allow the animal to safely move off the road. | For Duration of Construction | Project Applicant |
| **BIO-18** | *Giant Garter Snake Monofilament Restriction*: The Project shall not use plastic monofilament netting (erosion control matting) or similar material. The Project shall use native vegetation or other treatments including native slash, jute netting or straw wattles to protect and stabilize soils. Fiber rolls and other erosion control treatments shall be made with wildlife-friendly, biodegradable products that will not entrap or harm wildlife. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting or materials. The Project shall communicate this limitation to the contractor through use of Special Provisions included in the bid solicitation package. The Project shall bury the edge of the material in the ground to prevent giant garter snake and other reptiles and amphibians from crawling underneath the material. | For Duration of Construction | Project Applicant |
| **BIO-19** | *Giant Garter Snake Habitat Restoration*: The Project shall restore the temporarily impacted giant garter snake habitat on-site to pre-construction conditions. The Project shall re-contour, if appropriate, and re-vegetate these areas with appropriate locally available native plant species. The restoration effort shall comply with the USFWS Guidelines for the Restoration and/or Replacement of GGS Habitat (USFWS 2007) and shall be monitored for one year. | Post Construction | Project Applicant |
| **BIO-20** | *Giant Garter Snake Habitat Mitigation*: If impacts to giant garter snake cannot be fully avoided, then the Project shall provide compensatory habitat mitigation to offset | Prior to Ground Disturbance | Project Applicant |

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| | impacts to the species at a 3:1 mitigation ratio, unless otherwise approved in writing by CDFW. Habitat mitigation shall include purchasing giant garter snake credits from a CDFW-approved conservation bank that CDFW determines in writing is in current good standing, or placing a conservation easement over high quality giant garter snake habitat, including an interim and long-term management plan, and providing an endowment to manage the easement in perpetuity. | | |
| **BIO-21** | *Habitat Restoration and Compensation, and Impacts to Streams and Riparian Areas*: The Project shall implement restoration onsite or offsite to mitigate temporary or permanent impacts to riparian habitat, sensitive natural communities, or wetlands at a minimum 1:1 (restore onsite temporary impacts) or 3:1 (permanent impacts) mitigation to impact ratio for acres and linear feet of impacts, or provide habitat compensation including permanent protection of habitat at the same ratio through a conservation easement and preparing and funding implementation of a long-term management plan, unless otherwise approved in writing by CDFW.<br><br>Prior to the commencement of Project activities, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat including but not limited to impacts resulting trail clearing, earth moving, and vegetation removal. If impacts to the bed, bank, channel, or riparian area of the streams cannot be avoided, the Project shall notify CDFW for potential Project impacts to the streams pursuant to Fish and Game Code section 1600 et seq. and shall comply with the SAA, if issued. More information for the Notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA.The Project shall not commence activities with potential to impact the stream until the SAA process has been completed. Impacts to the streams and riparian habitat shall be mitigated by restoring riparian habitat at a minimum 3:1 mitigation to impact ratio in area and linear feet for permanent impacts, all temporary impact areas shall be restored, and trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An SAA, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources. Projects shall also obtain permits from the RWQCB and USACE pursuant to the Clean Water Act if applicable. | Prior to Ground Disturbance and for Duration of Construction | Project Applicant |

**A7. Response to Comments from California Department of Fish and Wildlife, dated October 8, 2025.**

A7-1 The California Department of Fish and Wildlife (CDFW) acknowledges receipt of the Notice of Availability for the DEIR for the City of Rio Vista 2045 General Plan Update and notes that it previously provided comments on the Notice of Preparation (NOP) in December 2024. CDFW summarizes that the DEIR concludes impacts to biological resources would be less than significant without mitigation, relying on General Plan policies in the Open Space and Resource Conservation Element and on compliance with State and federal natural resource protection laws. CDFW expresses concern that (1) the referenced policies are general and may not ensure protection of fish and wildlife resources, (2) without enforceable mitigation measures there is no assurance that future development would comply with such laws, and (3) several special-status species and sensitive habitats, including California Rare Plant Rank species, may not be protected under existing laws. CDFW therefore asserts that the project could result in significant impacts to biological resources unless enforceable mitigation measures are included consistent with its previous NOP recommendations.

The City acknowledges CDFW's comments and appreciates its continued participation in the environmental review process. Section 5.4, *Biological Resources*, of the DEIR, evaluates potential program-level impacts to special-status species, sensitive natural communities, wetlands, and other biological resources. The DEIR concludes that implementation of the General Plan Update, through policies in the Open Space and Resource Conservation Element and compliance with existing State and federal biological protection laws and permitting requirements, would reduce potentially significant effects.

The General Plan Update functions as a policy-level framework and does not authorize site-specific development or physical disturbance. Future development proposals will undergo project-specific environmental review and must demonstrate consistency with applicable General Plan policies as well as CDFW, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers regulatory requirements. Where future site-specific projects may result in potentially significant biological impacts, additional mitigation measures will be developed and implemented as part of those project-level reviews in consultation with the appropriate resource agencies, including CDFW.

Because the DEIR provides a program-level analysis consistent with CEQA Guidelines Section 15168 and identifies applicable biological resources policies and regulatory mechanisms would reduce potential impacts to less than significant, revisions to include additional mitigation measures at this time are not required. This comment will be forwarded to decision makers for their consideration, and the City looks forward to continued coordination with CDFW during implementation of the General Plan.

## 2. Response to Comments

A7-2 CDFW describes its role as a Trustee Agency under CEQA for commenting on projects that could affect fish, plant, and wildlife resources (Public Resources Code, Section 21000 et seq.; California Code Regulations, Title 14, Section 15386). CDFW also notes that it serves as a Responsible Agency when a project requires discretionary approvals under the California Endangered Species Act, Native Plant Protection Act, Lake and Streambed Alteration Program, or other provisions of the Fish and Game Code that protect the State's fish and wildlife trust resources. CDFW states that, pursuant to this authority, it provides the following concerns, comments, and recommendations regarding the project.

The City acknowledges CDFW's role as both a Trustee and Responsible Agency under CEQA and appreciates its continued engagement in the environmental review process. Because this portion of the comment provides background information regarding CDFW's statutory authority and does not identify any inadequacies in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A7-3 CDFW summarizes the City of Rio Vista 2045 General Plan Update as a comprehensive update to the 2001 General Plan intended to align with new State laws related to community health, environmental justice, climate adaptation, resiliency, and mobility. CDFW notes that the General Plan Update establishes the community's long-term vision for land use, housing, economic development, resource protection, and equity, serving as guidance for future zoning and land use decisions. The comment describes that the General Plan Update includes the seven State-required elements, along with optional elements selected by the City. CDFW also notes that the General Plan Update would amend the General Plan Land Use Diagram (Figure 3-1, *Existing Land Use Diagram*, and Figure 3-2, *Proposed Land Use in Rio Vista*), re-designating approximately 773 acres citywide and revising certain land use designation titles. The project location is identified as the City of Rio Vista in Solano County, with an approximate centroid of Latitude 38.179104° and Longitude -121.707006°.

The City acknowledges CDFW's summary of the General Plan Update and appreciates the accurate restatement of project objectives, components, and location. Because this portion of the comment provides a summary of the project description and does not identify any inadequacies in the DEIR's environmental analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A7-4 CDFW outlines applicable regulatory requirements that may apply to implementation of the General Plan Update. CDFW notes that an Incidental Take Permit (ITP) may be required under the California Endangered Species Act (CESA) or Native Plant Protection Act (NPPA) if the project could result in take of state-listed species, such as Swainson's hawk, bank swallow, giant garter snake, longfin smelt, Mason's lilaeopsis, burrowing owl, and white sturgeon. CDFW recommends early consultation, noting that CEQA requires

a mandatory finding of significance if a project could substantially restrict the range or reduce the population of a threatened or endangered species.

CDFW also references permitting requirements under the Lake and Streambed Alteration (LSA) Program (Fish and Game Code Section 1600 et seq.) for activities that could affect streambeds, banks, or riparian habitat. In addition, CDFW cites protections for raptors and nesting birds under Fish and Game Code Sections 3503, 3503.5, and 3513 and the Migratory Bird Treaty Act (MBTA), and notes restrictions on fully protected species (Fish and Game Code Sections 3511, 4700, 5050, 5515), including golden eagle and white-tailed kite.

The City acknowledges CDFW's summary of regulatory requirements related to State and federally protected species, nesting birds, and riparian resources. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis identifies applicable permitting and consultation requirements. The General Plan Update does not authorize site-specific development; future projects will undergo environmental review and obtain necessary permits or approvals from CDFW where impacts cannot be avoided.

Because this comment summarizes existing legal requirements and does not identify a deficiency in the DEIR's analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A7-5 CDFW acknowledges that the DEIR is a Program EIR prepared pursuant to CEQA Guidelines Section 15168 and offers recommendations to ensure adequate evaluation of future site-specific activities. CDFW recommends that the City develop a biological resources checklist or similar procedure to determine whether future implementing projects are within the scope of the Program EIR or require additional environmental review. CDFW references CEQA Guidelines Sections 15152(c), 15168(c)(4), and 15183.3 and Appendix N, stating that the checklist should identify whether additional analysis or mitigation is warranted and should reference the applicable portions of the Program EIR. CDFW also recommends that any future site-specific analysis be prepared by a qualified biologist and include all special-status species and sensitive habitats.

The City acknowledges CDFW's recommendations regarding tiering, subsequent environmental review, and use of checklists under CEQA Guidelines Sections 15152 and 15168. Section 5.4, *Biological Resources*, of the DEIR provides a program-level evaluation of potential impacts to special-status species, sensitive habitats, and other biological resources. Consistent with CEQA Guidelines Section 15168(c)(4), the City will use a subsequent project-level review process to determine whether later activities are within the scope of this Program EIR or require additional environmental documentation. That process will include biological resource evaluation by qualified professionals and incorporation of applicable mitigation measures or additional analysis, as appropriate, at the project level.

## 2. Response to Comments

Because this comment provides recommendations for future environmental review procedures and does not identify a deficiency in the DEIR's current analysis, no revisions to the DEIR are required. This comment will be forwarded to decision makers for their consideration.

A7-6 CDFW states that the DEIR does not include mitigation measures specific to Swainson's hawk (*Buteo swainsoni*), a State-threatened species, and expresses concern that project buildout could disturb active nests or remove suitable foraging habitat. CDFW references California Natural Diversity Database records of nearby nesting occurrences and notes that auditory and visual disturbance within 0.5 mile of active nests could cause nest abandonment or reproductive failure. CDFW further notes that the Planning Area overlaps the Draft Solano Habitat Conservation Plan's Valley Floor Grassland Conservation Area and recommends that any loss of foraging habitat be mitigated at a 1:1 ratio. CDFW recommends inclusion of two mitigation measures: (1) preconstruction nesting surveys and seasonal avoidance buffers consistent with CDFW's *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*, and (2) habitat mitigation through easement or mitigation bank credits for foraging habitat loss.

The City acknowledges CDFW's detailed recommendations regarding protection of Swainson's hawk and appreciates the reference to the Draft Solano Habitat Conservation Plan and survey guidance. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis identifies potential program-level impacts to special-status species, including Swainson's hawk, and concludes that implementation of General Plan policies in the Open Space and Resource Conservation Element, together with compliance with State and federal wildlife protection laws, would reduce potential impacts to less than significant. The General Plan Update is a policy document that establishes a framework for future growth and development in the city and does not directly authorize site-specific development or ground disturbance.

Future site-specific projects subject to CEQA review will be required to conduct appropriate biological surveys by qualified biologists and implement avoidance and mitigation measures consistent with CDFW guidance and regulatory requirements, including consultation and permitting under CESA, where applicable. These measures may include preconstruction nesting surveys, seasonal buffers, and foraging habitat compensation consistent with the Draft Solano Habitat Conservation Plan. Future projects will also be required to comply with applicable biological protection laws, including the federal and California Endangered Species Acts, the Migratory Bird Treaty Act, the California Fish and Game Code (Section 1600 et seq.), and the Native Plant Protection Act.

Because the DEIR evaluates potential program-level impacts to Swainson's hawk and other special-status species and establishes a framework requiring protection of biological resources through both General Plan policy and compliance with applicable regulations,

no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-7 CDFW states that the DEIR does not include mitigation measures to protect Mason's lilaeopsis *(Lilaeopsis masonii)* and other special-status plants. CDFW notes that occurrences of Mason's lilaeopsis, a rare species under the Native Plant Protection Act (NPPA), have been documented within the Planning Area and that project implementation could directly or indirectly impact this species and other special-status plants. CDFW references threats to the species, such as erosion, dredging, recreation, and vegetation competition, and states that impacts could substantially reduce the species' population or restrict its range, constituting a Mandatory Finding of Significance under CEQA Guidelines Section 15065(a). CDFW recommends inclusion of a mitigation measure requiring preconstruction habitat assessments and botanical surveys following its *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (2018), avoidance of identified populations where feasible, and consultation and permitting under CESA or NPPA if impacts cannot be avoided.

The City acknowledges CDFW's recommendations regarding protection of Mason's lilaeopsis and other special-status plant species and appreciates the reference to CDFW's 2018 plant survey protocol. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis evaluates potential program-level impacts to special-status plant species and concludes that implementation of General Plan goals and policies, together with compliance with State and federal biological protection laws, including the NPPA, CESA, and the federal Endangered Species Act, would reduce potential impacts to less than significant. The General Plan Update is a policy-level document and does not directly authorize site-specific development or ground disturbance.

Future implementing projects subject to CEQA review will be required to conduct site-specific biological assessments and botanical surveys by qualified biologists and implement avoidance and minimization measures consistent with CDFW guidance and applicable regulatory requirements. Consultation and permitting with CDFW under the NPPA or CESA would occur as appropriate if special-status plants are present and cannot be fully avoided.

Because the DEIR provides a program-level analysis of potential impacts to special-status plants and establishes a framework requiring compliance with applicable State and federal regulations, no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-8 CDFW states that the DEIR does not include mitigation measures to protect burrowing owl and notes that there are CNDDB-documented occurrences within and adjacent to the Planning Area. The comment identifies potential direct and indirect impacts to nesting and wintering burrowing owls and recommends survey and avoidance measures

consistent with CDFW's *2012 Staff Report on Burrowing Owl Mitigation* and Fish and Game Code Section 3503 et seq.

The City acknowledges CDFW's recommendations regarding protection of burrowing owl and appreciates the reference to the *2012 Staff Report on Burrowing Owl Mitigation*. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis evaluates potential program-level impacts to special-status species, including burrowing owl, and concludes that implementation of the General Plan's biological resources policies, together with compliance with State and federal wildlife protection laws, would reduce potential impacts to less than significant. The General Plan Update is a policy-level document that does not directly authorize physical development or ground-disturbing activity.

Future development projects subject to CEQA review will be required to conduct site-specific biological surveys by qualified biologists and implement avoidance and minimization measures consistent with CDFW guidance and applicable regulatory requirements. These measures may include preconstruction nesting surveys, buffer establishment, and consultation with CDFW under the California Endangered Species Act if take cannot be avoided.

Because the DEIR provides a program-level evaluation of potential impacts to burrowing owl and other special-status species and establishes a framework requiring compliance with applicable State and federal regulations, no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-9 CDFW states that the DEIR does not include mitigation measures to protect bank swallow and notes CNDDB-documented occurrences within three miles of the Planning Area. The comment identifies potential direct and indirect impacts to nesting and adult bank swallows through habitat removal or disturbance and recommends preconstruction assessments and surveys for projects near streambanks with greater than 70-percent slopes, as well as consultation with CDFW if active burrows or nests are present.

The City acknowledges CDFW's recommendations regarding protection of bank swallow and appreciates the reference to Fish and Game Code Section 3503 et seq. and the federal Migratory Bird Treaty Act. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis evaluates potential program-level impacts to special-status species, including nesting birds, and concludes that implementation of the General Plan's biological resources policies, together with compliance with State and federal wildlife protection laws, would reduce potential impacts to less than significant. The General Plan Update is a policy-level document that does not directly authorize ground-disturbing development.

Future implementing projects subject to CEQA review will be required to conduct site-specific biological surveys by qualified biologists and implement avoidance and minimization measures consistent with CDFW guidance and regulatory requirements,

including preconstruction nesting bird surveys and consultation with CDFW if active nests are found.

Because the DEIR provides a program-level evaluation of potential impacts to nesting birds, including bank swallow, and establishes a framework requiring compliance with applicable State and federal regulations, no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-10 CDFW states that the DEIR does not include mitigation measures to protect CESA-listed, candidate, and other special-status fish species and notes that the Planning Area is adjacent to riverine habitat supporting Delta smelt, longfin smelt, white sturgeon, and other special-status fish. The comment identifies potential indirect impacts from pollutants or artificial lighting and recommends inclusion of a mitigation measure requiring avoidance of in-water work, biological review, and consultation with CDFW, USFWS, or National Marine Fisheries Service (NMFS) as applicable.

The City acknowledges CDFW's recommendations regarding protection of special-status fish species and appreciates the references to CESA and federal ESA consultation requirements. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis evaluates potential program-level impacts to aquatic resources and concludes that implementation of the General Plan's biological resources policies, together with compliance with State and federal wildlife protection laws, would reduce potential impacts to less than significant. The General Plan Update is a policy-level document that does not directly authorize physical development or in-water construction activities.

Future development projects adjacent to or affecting aquatic habitat will be required to conduct site-specific evaluations by qualified biologists and implement avoidance and minimization measures consistent with CDFW, USFWS, and NMFS guidance and permitting requirements, including consultation under CESA and the federal ESA if take cannot be avoided.

Because the DEIR provides a program-level evaluation of potential impacts to aquatic and special-status fish species and establishes a framework requiring compliance with applicable State and federal regulations, no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-11 CDFW states that the DEIR does not include mitigation measures to protect white-tailed kite, golden eagle, and other nesting birds, noting that these species are protected under the California Fish and Game Code, the federal Migratory Bird Treaty Act (MBTA), and, for golden eagle, the Bald and Golden Eagle Protection Act. The comment recommends inclusion of a mitigation measure requiring preconstruction nesting bird surveys, establishment of species-appropriate buffers, and coordination with CDFW when active nests are present.

## 2. Response to Comments

The City acknowledges CDFW's recommendations regarding protection of nesting birds, including fully protected species such as white-tailed kite and golden eagle, and appreciates the references to the MBTA, Bald and Golden Eagle Protection Act, and Fish and Game Code requirements. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis evaluates potential program-level impacts to nesting birds and concludes that implementation of General Plan policies, together with compliance with applicable State and federal wildlife protection laws, would reduce potential impacts to less than significant. The General Plan Update is a policy-level document and does not authorize specific physical development or vegetation removal.

Future development projects will be required to comply with the MBTA, Bald and Golden Eagle Protection Act, and Fish and Game Code Section 3503 et seq., including conducting preconstruction nesting bird surveys and implementing seasonal buffers as recommended by qualified biologists.

Because the DEIR provides a program-level evaluation of potential impacts to nesting birds and establishes a framework requiring compliance with existing biological resource protections, no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-12 CDFW states that the DEIR does not include mitigation measures to protect the giant garter snake, a CESA-listed threatened species, and describes potential impacts related to habitat loss, fragmentation, prey reduction, pollution, and mortality from urbanization and road use. The comment recommends inclusion of detailed mitigation measures (MM-BIO-9 through MM-BIO-20) addressing surveys, habitat buffers, seasonal work restrictions, exclusion fencing, and compensatory mitigation.

The City acknowledges CDFW's detailed recommendations regarding protection of giant garter snake and appreciates the references to applicable CESA requirements, species ecology, and USFWS guidance. As discussed in Section 5.4, *Biological Resources*, of the DEIR, the analysis identifies potential program-level impacts to special-status species, including giant garter snake, and concludes that implementation of General Plan policies and compliance with State and federal wildlife protection laws would reduce potential impacts to less than significant. The General Plan Update is a policy-level document and does not authorize site-specific physical development.

Future projects subject to CEQA review that occur within or adjacent to aquatic or wetland habitat will be required to conduct site-specific biological assessments and implement avoidance and minimization measures consistent with CDFW and USFWS guidance, including consultation and permitting under CESA if take cannot be avoided.

Because the DEIR evaluates potential program-level impacts to giant garter snake and establishes a framework requiring compliance with applicable State and federal regulations, no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-13 CDFW states that the DEIR does not include mitigation measures to protect sensitive natural communities, wetlands, or riparian habitat and recommends inclusion of a mitigation measure requiring restoration or habitat compensation at defined ratios and compliance with Fish and Game Code Section 1600 et seq. for Lake and Streambed Alteration (LSA) Notifications and Agreements.

The City acknowledges CDFW's recommendations regarding protection of wetlands, riparian areas, and other sensitive natural communities, and appreciates the reference to Fish and Game Code Section 1600 et seq. As discussed in Section 5.4, *Biological Resources*, Impact 5.4-2 of the DEIR, the analysis evaluates potential program-level impacts to riparian habitat, wetlands, and other sensitive natural communities and concludes that implementation of General Plan policies and compliance with State and federal permitting requirements would avoid or minimize potential impacts to less than significant. The General Plan Update is a policy-level document and does not authorize specific physical development or site disturbance.

Future development projects subject to CEQA review will be required to identify potential impacts to streams, wetlands, and riparian habitat and obtain appropriate permits and approvals from CDFW, the Regional Water Quality Control Board, and the U.S. Army Corps of Engineers, as applicable.

Because the DEIR provides a program-level evaluation of potential impacts to sensitive natural communities and requires compliance with applicable State and federal regulatory processes, no additional mitigation is required at this time. This comment will be forwarded to decision makers for their consideration.

A7-14 CDFW notes that implementation of future development projects could result in impacts to fish and/or wildlife resources and requests that any special-status species or sensitive natural communities detected during project-level surveys be reported to the California Natural Diversity Database (CNDDB), consistent with Public Resources Code Section 21003(e).CDFW also notes that environmental document filing fees are required under Fish and Game Code Section 711.4 and California Code of Regulations, Title 14, Section 753.5, to defray the cost of environmental review and that payment of such fees is required for project approval to become final.

As discussed in Section 5.4, *Biological Resources*, of the DEIR, the proposed General Plan Update would result in less-than-significant impacts to fish and wildlife resources at the programmatic level. The proposed project does not authorize any specific development. Future site-specific projects subject to CEQA review will be required to evaluate potential

impacts to biological resources, report special-status species and natural communities to the CNDDB, obtain all required permits and approvals from CDFW, the Regional Water Quality Control Board, and the U.S. Army Corps of Engineers, as applicable, and pay the required CEQA filing fees at the time a Notice of Determination is filed.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

LETTER A8 – Federal Emergency Management Agency (2 pages)

**U.S. Department of Homeland Security**
FEMA Region IX
1111 Broadway, Suite 1200
Oakland, CA. 94607-4052

FEMA

October 20, 2025

Krystine Ball, Public Works Program Manager
City of Rio Vista Planning Department
One Main Street
Rio Vista, California 94571

Dear Ms. Ball:

This is in response to your request for comments regarding Notice of Availability (NOA) for Environmental Impact Report City of Rio Vista Proposed General Plan Draft Environmental Impact Report – 30 Day Extension, Rio Vista, Solano County, California.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of Solano (Community Number 060631), Maps revised August 3, 2016 and City of Rio Vista (Community Number 060371), Maps revised May 4, 2009. To locate FIRMs online, visit the Map Service Center (MSC) at https://msc.fema.gov. Please note that Rio Vista, Solano County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A8-1

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.

- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

A8-2

www.fema.gov

# 2. Response to Comments



- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms.

A8-2

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Rio Vista floodplain manager can be reached by calling Krystine Ball, Public Works Program, at (707) 374-6451. The Solano County floodplain manager can be reached by calling Works Department, at (805) 788-2713.
John Millea, Building Official, Solano County, at (707) 784-6786.

A8-3

If you have any questions or concerns, please do not hesitate to contact Gabriel Riggle, Emergency Management Specialist, at gabriel.riggle@fema.dhs.gov of the Mitigation staff.

Sincerely,

Xing Liu, Branch Chief
Floodplain Management and Insurance Branch

cc:
Krystine Ball, Public Works Program Manager, City of Rio Vista, CA
John Millea, Building Official, Solano County
Alex Acosta, State of California, Department of Water Resources, North Central Region Office
Anntonette Duncan, DWR NFIP Coordinator, State of California, Sacramento Headquarters Office
Gabriel Riggle, Emergency Management Specialist, DHS/FEMA Region IX
Jakob Crockett, Acting Environmental Regional Officer, DHS/FEMA Region IX

**A8. Response to Comments from Federal Emergency Management Agency, dated October 20, 2025.**

A8-1 The Federal Emergency Management Agency (FEMA) acknowledges receipt of the Notice of Availability for the DEIR and recommends review of the current effective Flood Insurance Rate Maps (FIRMs) for Solano County and the City of Rio Vista, available through FEMA's Map Service Center. FEMA notes that Rio Vista participates in the National Flood Insurance Program and references the minimum floodplain management requirements in Title 44 of the Code of Federal Regulations (CFR) Sections 59 through 65.

As discussed in DEIR Section 5.10, *Hydrology and Water Quality*, flood hazards and applicable regulatory requirements, including compliance with FEMA's National Flood Insurance Program and Rio Vista Municipal Code Chapter 15.16 (Flood Hazard Protection), are addressed in the impact analysis. As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A8-2 FEMA summarizes the National Flood Insurance Program floodplain management requirements applicable within riverine floodplains, including that buildings in designated flood zones must be elevated so the lowest floor is at or above the Base Flood Elevation. FEMA also states that development within regulatory floodways must not result in any increase in base flood elevations, and that hydrologic and hydraulic analysis demonstrating no-rise is required prior to development. Additionally, FEMA notes that communities participating in the NFIP must submit updated technical data to FEMA for revision of FIRMs within six months of changes to Special Flood Hazard Areas.

As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

A8-3 FEMA notes that many communities participating in the National Flood Insurance Program adopt floodplain management standards that are more restrictive than federal minimum requirements. FEMA advises contacting local floodplain managers for information on applicable local requirements and provides contact information for the City of Rio Vista and Solano County floodplain management staff.

Though this part of the comment mentions adopting more restrictive standards, as discussed in the DEIR, development in the City is required to comply with Rio Vista Municipal Code Chapter 15.16 and with FEMA's National Flood Insurance Program which are addressed in the flood hazard analysis. As this comment does not describe any inadequacies of the DEIR, no changes to the DEIR are necessary. This comment will be forwarded to decision makers for their consideration.

# 2. Response to Comments

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# 3. Revisions to the Draft EIR

## 3.1 INTRODUCTION

This section contains revisions to the DEIR based upon additional or revised information required to prepare a response to a specific comment. After review of all written comments and supporting materials, the City determined that the DEIR text required revisions; however, no revisions to the DEIR figures, analysis, or mitigation measures are necessary. The responses to comments provide clarifications and additional explanation of the analysis contained in the DEIR but do not change the findings, conclusions, or significance determinations. Changes made to the DEIR are identified here in ~~strikeout text~~ to indicate deletions and in underlined text to signify additions.

Pursuant to CEQA Guidelines Section 15088.5, none of the materials added to the FEIR constitute significant new information that would require recirculation of the DEIR. No new significant environmental impacts have been identified, nor has the severity of previously disclosed impacts increased.

## 3.2 DEIR REVISIONS IN RESPONSE TO WRITTEN COMMENTS

The following text has been revised in response to comments received on the DEIR.

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Page 5.4-11, Section 5.4, *Biological Resources*. The following changes are incorporated under Regulatory Background heading, in response to Comment A3-6, from the Delta Stewardship Council, dated September 24, 2025.

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***Sacramento-San Joaquin Delta Reform Act of 2009 (Wat. Code, § 85000 et seq.; Delta Reform Act.)***

The Delta Reform Act directs the Delta Stewardship Council (Council) to review and provide timely advice to local and regional planning agencies regarding the consistency of local and regional planning documents with the Delta Plan (Wat. Code sect. 85212.) The Delta Plan contains regulatory policies that guide~~s~~ local land use decisions on development projects subject to approval by Delta counties (Contra Costa, Sacramento, San Joaquin, Yolo, and Solano). Per the Delta Plan, should cities propose to expand into the Delta primary zone, or acquire land in the primary zone for utility or infrastructure facility development, those actions are to be carried out in conformity with the Delta Reform Act ~~Protection Act~~. General plans and projects in the Delta counties must be consistent with the Delta Plan and file a certification of consistency with ~~are subject to review by~~ the Council. ~~Commission.~~ The Council ~~Commission also~~ comments on CEQA projects in the ~~secondary zone that have the potential to impact the primary zone~~ Legal Delta and Suisun Marsh, that may be "covered actions" and require submission of a certification of consistency. If a project in the primary zone is challenged as inconsistent with the Delta Plan, the project can be appealed to the Council. ~~Commission for resolution.~~

# 3. Revisions to the Draft EIR

Page 5.11-3, Section 5.11, *Land Use and Planning*. The following changes are incorporated under Regulatory Background heading, in response to Comment A3-7, from the Delta Stewardship Council, dated September 24, 2025.

### *Delta Plan*

The Delta Plan, adopted by the Delta Stewardship Council in 2013 and amended in 2019 and 2022, is a comprehensive long-term management plan for the Sacramento-San Joaquin ~~River~~ Delta. The Delta Plan includes rules regulations and recommendations that support the State's goals for the Delta to: (1) improve water supply; (2) protect and restore a vibrant and healthy Delta ecosystem; and (3) preserve, protect, and enhance the unique agricultural, cultural, and recreational characteristics of the Delta. The ~~14~~ 15 regulatory policies in the Delta Plan are enforceable through regulatory authority in the Delta Reform Act, enacted as part of SB-X7 (DSC 2019).

Page 5.14-25, Section 5.14, *Public Service and Recreation*. The following changes are incorporated under Regulatory Background heading, in response to Comment A3-8, from the Delta Stewardship Council, dated September 24, 2025.

### *Regional Regulation*

### *Delta Plan*

The Delta Plan, adopted by the Delta Stewardship Council in 2013 and amended in 2019 and 2022, is a comprehensive long-term management plan for the Sacramento-San Joaquin ~~River~~ Delta. The Delta Plan includes rules regulations and recommendations that support the State's goals for the Delta to: (1) improve water supply; (2) protect and restore a vibrant and healthy Delta ecosystem; and (3) preserve, protect, and enhance the unique agricultural, cultural, and recreational characteristics of the Delta. The ~~14~~ 15 regulatory policies in the Delta Plan are enforceable through regulatory authority in the Delta Reform Act, enacted as part of SB-X7 (DSC 2019).

## 3.3 DEIR REVISIONS

The following revisions have been made to the Draft EIR to clarify and refine the analysis. While these revisions provide additional clarification and ensure legal accuracy, they do not identify any new significant environmental impacts, do not increase the severity of previously identified impacts, and do not introduce new feasible mitigation measures or alternatives. The impact determinations and conclusions of the Draft EIR remain unchanged. Accordingly, these revisions do not constitute significant new information requiring recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5.

Page 5.4-47, Section 5.4, *Biological Resources*. The following revisions are in Section 5.4.4, *Environmental Impacts*.

**Impact 5.4-4: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. [Thresholds B-5 and B-6]**

The proposed project would not conflict with any local policies or ordinances protecting biological resources including tree preservation policies or ordinances, or any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan. ~~Additionally,~~ The General Plan includes policies that protect biological and scenic resources, including Policy OSC-4, which seeks to protect open space areas of natural resource and scenic value, including wetlands, riparian corridors, floodplains, woodlands, and hillsides, and Policy OSC-5 encourages landowners and developers to preserve the integrity of existing terrain and natural vegetation in environmentally sensitive areas, such as drainage corridors, native riparian habitats, wetlands, and prominent hilltops. Implementation of the proposed project would be consistent with these adopted policies and would not result in the removal or degradation of protected biological resources in a manner that would conflict with their intent.

There are no habitat conservation plans, natural communities community conservation plans, or other plans that apply to the proposed project in a manner that would result in conflict. While the City is a participating member of the Solano County Habitat Conservation Plan,[1] that plan has not been adopted and therefore does not constitute an applicable regulatory framework. No impact would occur in this regard.

***Level of Significance Before Mitigation:*** Impact 5.4-4 would have no impact.

Page 5.8-32, Section 5.8, *Greenhouse Gas Emissions*. The following revisions are in Section 5.8.4, *Environmental Impacts*.

**Consistency with the City of Rio Vista Climate Action Plan (2014)**

The City of Rio Vista Climate Action Plan (CAP), adopted in 2014, identifies aspirational objectives and actions the City may take to reduce GHG emissions with the intended outcome of reducing the rate of climate change. The 2014 CAP was developed to help the City meet the then-established goal of reducing emissions to 15 percent below 2005 levels by the year 2020. Statewide GHG reduction goals now exceed the standards in place in 2014 when the CAP was adopted, and those statewide GHG standards and reduction goals would apply to future development within the city.

[1] The Solano County Habitat Conservation Plan (HCP) is an ongoing countywide planning effort and is currently in draft form. As of the time of preparation of this EIR, the HCP has not been adopted, and its final provisions, applicability, and implementation timing remain uncertain. The HCP is referenced for background and informational purposes only and is not relied upon in this EIR for purposes of impact avoidance, impact reduction, or mitigation, consistent with CEQA requirements regarding speculative future actions.

# 3. Revisions to the Draft EIR

In general, CAPs prepared during the timeframe of Rio Vista's 2014 CAP focused primarily on actions local agencies could undertake to facilitate GHG reductions. The CAP contains many educational and aspirational policies related to GHG reductions. As such, the 2014 CAP includes no proscriptive requirements to be applied to projects that result in land use changes. The CAP does include policies that direct the City to facilitate higher-density, mixed-use projects and projects that foster greater transit ridership (Rio Vista CAP Policies T-3.1(A), T-3.1(B), and T-3.2(A)).

The proposed project is supportive of and consistent with these policies of the 2014 CAP. For example, the General Plan Update promotes compact, mixed-use development and pedestrian-oriented neighborhoods (Policies LU-1, LU-6, and LU-9), encourages connectivity between residential areas and services (Policies LU-3 and MC-15), and supports multimodal transportation options and active transportation infrastructure (Policies MC-2, MC-4, and MC-14), which are consistent with the CAP's direction to facilitate higher-density development near transit and reduce reliance on single-occupant vehicle travel.