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State of California – Natural Resources Agency
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GAVIN NEWSOM, Governor
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December 8, 2025

Jim Bermudez, Deputy City Manager
City of Suisun City
701 Civic Center Boulevard
Suisun City, CA 94585
SuisunExpansion@suisun.com

Subject: Suisun Expansion Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2025110452, City of Suisun City, Solano County

Dear Jim Bermudez:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the Suisun Expansion Project (Project).

CDFW is providing City of Suisun City (Lead Agency), with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (Cal. Code Regs., tit. 14, § 15082, subd. (b), and recommended mitigation measures, as further described below and in **Attachment 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 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), 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.

PROJECT DESCRIPTION SUMMARY

The Project is located east of the City of Suisun City (City), and directly south and southeast of Travis Air Force Base, County of Solano, State of California; with an approximate centroid of Latitude 38.21287° and Longitude -121.812150°. The Project would expand the boundaries of the City through annexation of 22,873 acres (35.7 square miles) of unincorporated Solano County land. California Forever (applicant) submitted an application to the City proposing the annexation of lands into the City, and

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requested City approval of an Area Plan, Specific Plan, Vesting Tentative Subdivision Map (VTSM), Development Agreement, and corresponding amendments to the City's General Plan, zoning and municipal code. The Project goal is to create an employment center, with a focus on advanced manufacturing, that can attract the leading companies in the world to Solano County, supported by a series of compact, walkable neighborhoods with a mix of housing types and accessible neighborhood services.

Within the annexation area, the Project would establish the Suisun Expansion Area Plan (Area Plan) and the Suisun Expansion Specific Plan (Specific Plan). The 7,136-acre Area Plan would maintain the zoning designations in the currently applicable Solano County code, including the 1,410-acre existing Lambie Industrial Park authorized under Solano County's Manufacturing Zone, and establish a 5,726-acre protection zone around Travis Air Force Base (Travis AFB) that prohibits changes to uses that are not supportive of the mission and ongoing operation of Travis AFB.

The Specific Plan establishes the General Plan designation and zoning to guide development of a new 15,737-acre community in the City. Following annexation, Suisun City would be expanded from approximately 4 miles to 30 square miles (excluding 5,726 acres in the Travis AFB Protection Zone where development is restricted to protect operations at Travis AFB). The Specific Plan would authorize land uses for industrial, commercial, residential, parks, and institutional uses within the Specific Plan boundary, and would include supporting utility and transportation infrastructure within the Specific Plan boundary (on-site infrastructure) and outside the Specific Plan boundary (External Specific Plan Improvements).

The CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) require that the EIR incorporate a full project description, including reasonably foreseeable future phases of the Project, that contains sufficient information to evaluate and review the Project's environmental impact (CEQA Guidelines, §§ 15124 & 15378). Please include a complete description of the following Project components in the Project description:

- Land use changes resulting from, for example, rezoning certain areas.
- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.
- Area and plans for any proposed buildings/structures, ground disturbing activities, fencing, paving, stationary machinery, landscaping, and stormwater systems.
- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.

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- Construction schedule, activities, equipment, and crew sizes.

REGULATORY REQUIREMENTS

California Endangered Species Act and Native Plant Protection Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed or candidate species under CESA or NPPA either during construction or over the life of the Project. **The Project has the potential to impact:**

- **California tiger salamander** (*Ambystoma californiense*), **Swainson's hawk** (*Buteo swainsoni*), and **tricolored blackbird** (*Agelaius tricolor*), which are CESA listed as threatened species,

- **Boggs Lake hedge-hyssop** (*Gratiola heterosepala*), **Colusa grass** (*Neostapfia colusana*), and **Crampton's tuctoria** (*Tuctoria mucronate*), which are CESA listed as endangered species,

- **Burrowing owl** (*Athene cunicularia*), which is candidate species under CESA,

- **Other CESA listed and candidate species** listed in **Attachment 2**, and

- **Mason's lilaeopsis** (*Lilaeopsis masonii*), which is an NPPA listed as a rare species.

Potential impacts to the above species are 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. Please be advised that CDFW cannot issue an ITP if the issuance would jeopardize the continued existence of the species.

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.

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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 several streams throughout the Project area that could be impacted. CDFW recommends including a mitigation measure in the EIR requiring the Project to submit an LSA Notification for impacts to streams or associated riparian habitat and comply with the LSA Agreement, if issued.** 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 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.

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, and 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code § 2081.15). Project proponents should consult with CDFW early in the Project planning

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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.**

ENVIRONMENTAL SETTING

The EIR should provide sufficient information regarding the environmental setting ("baseline") to understand the Project's, and its alternative's (if applicable), potentially significant impacts on the environment (CEQA Guidelines, §§ 15125 & 15360).

CDFW recommends that the CEQA document prepared for the Project provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including but not limited to all rare, threatened, or endangered species (CEQA Guidelines, § 15380). The EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project area (for sensitive natural communities see: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species and sensitive natural communities that are known to occur, or have the potential to occur in or near the Project area, include but are not limited to those listed in **Attachment 2.**

Habitat descriptions and the potential for species occurrence should include information from multiple sources: aerial imagery, historical and recent survey data, field reconnaissance, scientific literature and reports, U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System, California Aquatic Resources Inventory (CARI), and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB), the California Protected Areas Database, California Conservation Easement Database, and CDFW and USFWS conservation and mitigation bank data. Based on the data and information from the habitat assessment, the EIR should adequately assess which special-status species are likely to occur on or near the Project area, and whether they could be impacted by the Project.

CDFW recommends that prior to Project implementation, surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those with a California Rare Plant Rank (http://www.cnps.org/cnps/rareplants/inventory/), must be conducted during the blooming period within the Project area and adjacent habitats that may be indirectly

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impacted by, for example, changes to hydrological conditions, and require the identification of reference populations. More than one year of surveys may be necessary based on environmental conditions. Please refer to CDFW protocols for surveying and evaluating impacts to special-status plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The EIR should discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project (CEQA Guidelines, § 15126.2). This includes evaluating and describing impacts such as:

- Land use changes that would reduce open space or agricultural land uses and increase residential or other land use involving increased development;
- Encroachments into riparian habitats, wetlands or other sensitive areas;
- Potential for impacts to special-status species;
- Loss or modification of breeding, nesting, dispersal and foraging habitat, including vegetation removal, alteration of soils and hydrology, and removal of habitat structural features (e.g., snags, roosts, burrows, vegetation overhanging banks);
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic or human presence; and
- Obstruction of movement corridors, fish passage, or access to water sources and other core habitat features related directly to Project construction or indirectly through water supply impacts to stream resources resulting from Project implementation.

The CEQA document should also identify reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to the impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact – e.g., reduction of available habitat for a special-status species – should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

Based on the comprehensive analysis of the direct, indirect, and cumulative impacts of the Project, the CEQA Guidelines direct the lead agency to consider and describe all

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feasible mitigation measures to avoid potentially significant impacts in the EIR, and/or mitigate significant impacts of the Project on the environment (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370). This includes a discussion of impact avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with CDFW, USFWS, and the National Marine Fisheries Service. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

COMMENTS AND RECOMMENDATIONS

CDFW offers the specific comments and recommendations below 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. Please be advised that the EIR should include a comprehensive evaluation of potentially significant impacts to fish and wildlife resources as described in this letter, and CDFW may provide additional or modified comments once the EIR is circulated for public review.

I. 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,

Mandatory Findings of Significance: Does the Project have the potential to have environmental effects that are individually limited but cumulatively considerable?

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 USFWS?

COMMENT 1: California Tiger Salamander

Issue, specific impacts, why they may occur and be potentially significant: There are multiple recorded California tiger salamander (CTS) occurrences within and in close proximity to the Project area according to the CNDDB (including unprocessed records) and *New Community Specific Plan 45-Day Survey Report for California Tiger Salamander*, prepared by ESA, dated July 2024 for the Project (45-day Survey Report). The Project area is adjacent to USFWS designated critical

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habitat for CTS. California Department of Transportation (Caltrans) detected CTS during the State Route 12 Major Pavement Rehabilitation (R2) Project covered under ITP No. 2081-2024-012-03, located approximately 2.7 miles west of the Project area. Caltrans detections occurred from July 23, 2025 through November 18, 2025, and documented 120 CTS adults and subadults, suggesting CTS breeding occurred in the adjacent wetland.

Additionally, based on aerial imagery and the CARI Streams and Wetland layers, most of the Project area appears to support CTS upland habitat that is within 1.3 miles of documented or potential CTS breeding habitat (1.3 miles is the estimated mobility range of CTS). It also appears to contain and be adjacent to suitable CTS breeding habitat in multiple locations. The 45-day Survey Report states on page 9, "While preservation of all occupied CTS habitat and maintenance of the current distribution of species are actions identified in the USFWS Recovery Plan for CTS, priority should be given to the northwestern portion of the site based on the value of connectivity to the Jepson Prairie population of CTS. While preservation of the large ponds on the AquaClear Farms facility may also benefit the species, development around that area would potentially disrupt connectivity between the pond and other occupied or suitable habitat or increase predation by non-native species associated with urban development (e.g., domestic cats, rats, raccoons, etc.)."

A significant portion of the Project area is also within potential core CTS breeding habitat according to the California Tiger Salamander Connectivity Modeling for the California Bay Area Linkage Network. A potential core is defined as a continuous area of suitable habitat large enough to sustain at least 50 individuals. Potential cores are likely capable of supporting CTS for several generations.

The Project is within the Draft Solano Habitat Conservation Plan (HCP) potential range of CTS (HCP Figure 4-6). The Draft Solano HCP includes CTS habitat mitigation for impacts within this area (see Section 6.4.2.2, Mitigation Measure VPG 4, https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/). Please note that the Draft Solano HCP has not been adopted and CDFW and USFWS permitting requirements for impacts to CTS may differ.

Based on the above information, the Project would likely result in impacts to CTS and their upland or breeding habitat including but not limited to: 1) direct impacts such as the permanent and temporary habitat loss from ground disturbing activities, and 2) indirect impacts, such as increased lighting and other edge effects and hydrological modifications that alter offsite habitat, which also may result in injury or mortality of CTS. The Project would also likely result in CTS habitat fragmentation including eliminating or reducing habitat connectivity, thereby potentially isolating populations and reducing genetic diversity through genetic drift. CTS is a CESA listed as threatened species, and the Central California distinct population segment

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is also federally listed as threatened. Thus, CTS is considered threatened under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CTS are present on or adjacent to the Project area or if direct or indirect impacts to upland or breeding habitat occur as a result of the Project, the Project may substantially reduce the number or restrict the range of a threatened species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1). Additionally, based on the potentially large area of CTS habitat that would likely be removed by the Project, impacts to CTS may be "cumulatively considerable" which is also a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(3).

Recommended Mitigation Measure: To reduce impacts to CTS to less-than-significant and comply with CESA and the federal Endangered Species Act (ESA), CDFW recommends that the EIR include: 1) a thorough analysis of the potential for CTS and its habitat to occur within and adjacent to the Project area considering the information provided above, including a figure based on current aerial imagery clearly outlining the Project area and where direct or indirect impacts to potential or documented CTS upland or breeding habitat would occur, and associated acreages, and 2) the below mitigation measure.

Mitigation Measure BIO-1 (California Tiger Salamander): Prior to construction, the Project shall obtain a CESA ITP from CDFW for CTS and comply with the ITP, including any habitat compensation requirements (see: https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits). The Project shall also obtain authorization from USFWS for impacts to CTS and comply with the authorization.

ITPs often include habitat compensation requirements based on site-specific factors to fully mitigate impacts to the covered species, for example the Canon Station Project (also known as One Lake) located northwest of Travis Air Force Base obtained an ITP (No. 2081-2016-020-03) for CTS in 2018 including the permanent loss of 490.67 acres and temporary loss of 115.13 acres of CTS habitat, and habitat compensation requirements of 1,734.98 acres.

COMMENT 2: Swainson's Hawk

Issue, specific impacts, why they may occur and be potentially significant: There are 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 during nesting. The Project has the potential to impact nesting Swainson's hawk through direct nest impacts or auditory or visual disturbances above ambient levels. Direct or indirect disturbances from Project activities may result in Swainson's hawk nest

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abandonment, loss of nests, and loss of eggs or reduced health and vigor and loss of young.

The Project area overlaps with native or non-native grassland habitat, which is likely used by Swainson's hawk for foraging. The Project area is within the Draft Solano HCP Valley Floor Grassland Conservation Area and Irrigated Agriculture 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/). Please note that the Draft Solano HCP has not been adopted and CDFW permitting requirements for impacts to Swainson's hawk may differ. In 2016, CDFW released a Status Review for Swainson's hawk in California and recommended the species retain its status as threatened under the California Endangered Species Act (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.

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 or restriction in the range of a threatened species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1). Additionally, based on the potentially large area of Swainson's hawk habitat that would likely be removed by the Project, impacts to Swainson's hawk may be "cumulatively considerable" which is also a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(3).

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 that the EIR evaluate potential Swainson's hawk nest impacts and foraging habitat loss, and include the below mitigation measures.

Mitigation Measure BIO-2 (Swainson's Hawk Surveys): 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

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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 area 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. 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 commence and shall comply with the ITP.

Mitigation Measure BIO-3 (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 and submit this information to CDFW and obtain CDFW's written approval of it. 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 minimum1:1 ratio, 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. An ITP obtained for Swainson's hawk may require additional habitat compensation to achieve full mitigation.

COMMENT 3: Tricolored Blackbird

Issue, specific impacts, why they may occur and be potentially significant: There are CNDDB documented occurrences of tricolored black bird within one mile of the Project area. Tricolored blackbird utilizes grassland and wetland habitats for nesting and foraging, and it appears that there is suitable habitat within the Project area and within 500 feet of it. The Project has the potential to impact nesting tricolored blackbird through direct nest impacts or auditory or visual disturbances above ambient levels. Project activities that occur between February 15 and

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August 31 could disturb nesting tricolored blackbirds leading to reduced nest and colony success, nest abandonment, and potential loss of eggs and mortality of young. Birds may initiate nesting during intensive construction and then abandon the nest when construction intensifies.

The statewide tricolored blackbird population has declined between 75 percent and 90 percent over the last 25 years and remains at or near its smallest recorded size (CDFW 2018). Tricolored blackbird is a CESA listed as threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active tricolored blackbird nest is disturbed by the Project, 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 Measure: To reduce potential impacts to tricolored blackbird to less-than-significant and comply with CESA and Fish and Game Code section 3500 et seq., CDFW recommends including the below mitigation measure in the EIR.

Mitigation Measure BIO-4 (Tricolored Blackbird Nest Avoidance): If nesting tricolored black birds are detected during nesting bird surveys described in recommended Mitigation Measure BIO-9 below or otherwise, a qualified biologist shall:

- Map the location of the nest site and immediately notify CDFW,
- Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances shall be site-specific and an appropriate distance to ensure impacts are avoided, as determined by a qualified biologist, *and not-less-than 500 feet for tricolored blackbird nests*, unless otherwise approved in writing by CDFW, and
- Monitor any active nest daily and ensure that the no-disturbance buffer is maintained, unless otherwise approved in writing by CDFW.
- Construction may resume when a qualified biologist has confirmed that the birds have fledged and are no longer dependent on parental care around the nest site.
- If impacts to nesting tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence, and comply with the ITP.

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COMMENT 4: Burrowing Owl

Issue, specific impacts, why they may occur and be potentially significant: 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 area. 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).

A significant portion of the Project area is also within potential core burrowing owl breeding habitat according to the Burrowing Owl Connectivity Modeling for the California Bay Area Linkage Network. A potential core is defined as a continuous area of suitable habitat large enough to sustain at least 50 individuals. Potential cores are likely capable of supporting burrowing owl for several generations.

The Project area overlaps with native or non-native grassland habitat, which is likely used by burrowing owl for foraging. Additionally, the Project area is within the Draft Solano HCP Valley Floor Grassland Conservation Area and Irrigated Agriculture Conservation Area, which should be mitigated at a minimum 1:1 ratio according to the Draft Solano HCP Mitigation Measure BO 1 for burrowing owl (see Section 6.4.9 and Figure 4-21 of the draft Solano HCP at: https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/). Please note that the Draft Solano HCP has not been adopted and CDFW permitting requirements for impacts to burrowing owl may differ.

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Based on the foregoing, if burrowing owls are wintering or nesting on or within 500 meters of the Project area, Project impacts to burrowing owl would be *potentially significant*. Additionally, based on the potentially large area of burrowing owl habitat that would likely be removed by the Project, impacts to burrowing owl may be "cumulatively considerable" which is also a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(3).

Recommended Mitigation Measures: To reduce potential impacts to burrowing owl 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 EIR.

Mitigation Measure BIO-5 (Burrowing Owl Habitat 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 resulting in detections. The habitat assessment shall focus on searching the California Natural Diversity Database and potentially other sources for any burrowing owl records on or within one mile of the Project area, vegetation type and height, suitable burrows (with an opening of >11 cm in diameter and a depth of >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. 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.

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 survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report.

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Surveys shall occur during burrowing owl nesting and wintering seasons for the duration of the Project, unless otherwise approved in writing by CDFW.

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.

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 area detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project area 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 area during burrowing owl surveys, but not on the Project area, the Project shall consult with CDFW to determine if avoidance is feasible or an ITP is warranted, and shall obtain an ITP if take cannot be avoided and comply with the ITP.

Mitigation Measure BIO-6 (Burrowing Owl Foraging Habitat): A qualified biologist shall evaluate if the Project would result in loss of burrowing owl foraging habitat, and if so, shall quantify the loss in acres and submit this information to CDFW and obtain CDFW's written approval of it. Prior to Project construction, if the Project would result in loss of burrowing owl foraging habitat, the Project shall provide burrowing owl foraging habitat mitigation at a minimum1:1 ratio, 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 burrowing owl foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. An ITP obtained for burrowing owl may require additional habitat compensation to achieve full mitigation.

Mitigation Measure BIO-7 (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 area shall be capped or covered before the end of each work day and shall be inspected

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thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.

COMMENT 5: Boggs Lake Hedge-Hyssop, Colusa Grass, Crampton's Tuctoria Grass, Mason's Lilaeopsis and other Special-Status Plants

Issue, specific impacts and why they may occur and be significant: There are CNDDB documented occurrences of Boggs Lake hedge-hyssop, Colusa grass, Crampton's tuctoria, and Mason's lilaeopsis within 1.5 miles of the Project area. Boggs Lake hedge-hyssop, Colusa grass, and Crampton's tuctoria grass species are found in vernal pool habitats, and it appears there is suitable habitat within the Project area and adjacent to it. Mason's lilaeopsis inhabits fresh-water marsh and brackish-marsh lands, and it appears there is suitable habitat adjacent to the Project area. The Project has potential to impact the above listed species and other special-status plants through direct and indirect impacts.

Boggs Lake hedge-hyssop, Colusa grass, and Crampton's tuctoria are primarily threatened by habitat loss and fragmentation resulting from developed or conversion of land, changes in hydrology, and habitat degradation (discing, excavation, contaminant runoff, etc.). 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).

Boggs Lake hedge-hyssop, Colusa grass, and Crampton's tuctoria are listed as endangered under CESA and Colusa grass and Crampton's tuctoria are also listed as threatened or endangered under the federal ESA, and Mason's lilaeopsis is listed as a rare under NPPA, and therefore these species are considered to be endangered, threatened, or rare species pursuant to Section 15380 of the CEQA Guidelines. Therefore, if Mason's lilaeopsis, Boggs Lake hedge-hyssop, Colusa grass, or Crampton's tuctoria are present in the Project area or adjacent to it and would be directly or indirectly impacted by the Project, the Project could substantially reduce the population or restrict the range of an endangered, threatened, or rare species, which would be considered a *mandatory finding of significance* pursuant to Section 15065, subdivision (a) of the CEQA Guidelines.

Impacts to other special-status plant species such as those in Attachment 2 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 area where they may be

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directly or indirectly impacted, impacts to other special-status plants would be *potentially significant*.

Recommended Mitigation Measure: To reduce impacts to Boggs Lake hedge-hyssop, Colusa grass, Crampton's tuctoria, and Mason's lilaeopsis and other special-status plants to less-than-significant and comply with CESA, NPPA, and the federal ESA, CDFW recommends including the below mitigation measure in the EIR.

Mitigation Measure BIO-8 (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 (or when the species is identifiable) 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 populations 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 shall not commence until the Project has consulted with CDFW and obtained CDFW's written approval, which may include but is not limited to topsoil salvage, transplanting, or habitat compensation. The Project shall obtain and comply with a CESA ITP from CDFW for any impacts to Boggs Lake hedge-hyssop, Colusa grass, Crampton's tuctoria, and Mason's lilaeopsis or any other CESA or NPPA listed plants, and provide habitat compensation as required by the ITP. The Project shall also obtain authorization from USFWS for impacts to federally listed plants and comply with the authorization. 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

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management plan(s) funding shall be completed prior to Project construction, unless otherwise approved in writing by CDFW.

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

Issue, specific impacts, why they may occur and be potentially significant: 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 Migratory Bird Treaty Act (MBTA). Golden eagle is also protected by the federal Bald and Golden Eagle Protection Act. Human activity and removal of habitat has contributed to the loss of a significant proportion of the total number of birds in the United States and Canada since the 1970s (Rosenburg et al. 2019). Nesting birds may be disturbed by habitat removal or noise and visual disturbances above ambient levels, which could result in active nest loss or abandonment or reduced health and vigor of young, resulting in *a potentially significant impact.*

Recommended Mitigation Measure: To reduce potential impacts to white-tailed kite, golden eagle, and other nesting birds to less-than-significant and comply with Fish and Game Code section 3500 et seq. and MBTA, CDFW recommends including the below mitigation measure in the EIR.

Mitigation Measure MM-BIO-9 (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 7 days prior to the beginning of Project-related activities. The survey shall cover the entire project area and a minimum 500-foot buffer or the distance necessary as determined by a qualified biologist. If a lapse in project-related work of 7 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 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.

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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.

II. Would the Project interfere substantially with the movement of any native residential or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

COMMENT 7: Wildlife Connectivity and Passage

Issue, specific impacts, why they may occur and be potentially significant: The Project would develop approximately 10,586 acres of existing largely undeveloped land that is predominately surrounded by undeveloped land, likely resulting in decreased wildlife connectivity. Infrastructure such as commercial and residential development and roads may result in habitat fragmentation, severed migration routes, reduced dispersal, reduced gene reproduction and gene flow, mortality through vehicle strikes, and reduced access to food, water, and shelter which may cause direct wildlife mortality. Additionally, CDFW's Areas of Conservation Emphasis (ACE) model designates part of the Project area as areas of Terrestrial Amphibian Irreplaceability (see https://www.wildlife.ca.gov/Data/Analysis/ACE). Further, Assembly Bill 1889 or the Room to Roam Act of 2024 requires cities to incorporate a wildlife and habitat connectivity Conservation Element upon revision of the city's general plan on or after January 1, 2028. The update must identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife, as defined, and habitat connectivity (see: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1889).

As described above, a significant portion of the Project area is within potential core CTS and burrowing owl breeding habitat according to the California Tiger Salamander and Burrowing Owl Connectivity Modeling for the California Bay Area Linkage Network.

Therefore, the Project would potentially interfere substantially with the movement of native residential or migratory fish or wildlife species or established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, which would be considered a *potentially significant* impact.

Recommended Mitigation Measure: To reduce impacts to wildlife connectivity and passage to less-than-significant, CDFW recommends that the EIR include an

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assessment of the existing wildlife crossing structures and migration patterns of wildlife in the Project area and the below mitigation measure.

Mitigation Measure MM-BIO-10 (Wildlife Connectivity and Passage): Prior to Project construction, the Project shall prepare a wildlife connectivity and passage plan including assessing: 1) wildlife connectivity and passage needs, 2) the need for wildlife undercrossing and overcrossing structures, directional fencing, and protecting or restoring lands adjacent to those structures, and 3) wildlife passage monitoring and reporting. The Project shall obtain CDFW's written approval of the plan prior to Project construction and shall implement it.

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?

COMMENT 8: Sensitive Natural Communities, Wetlands, Riparian Habitat, and LSA Notification

Issue, specific impacts, why they may occur and be potentially significant: The Project could result in impacts to sensitive natural communities such as Valley Needlegrass Grassland, Northern Claypan Vernal Pool, Coastal and Valley Freshwater Marsh, Coastal Brackish Marsh, wetlands, or riparian habitat, which appear to occur on or adjacent to the Project area. The Project may directly impact sensitive natural communities, wetlands, or riparian through temporary or permanent habitat removal. Additionally, the Project may result in indirect impacts to adjacent sensitive natural communities, wetlands, or riparian habitat through pollution from the process of developing land and the ongoing pollution from the completed development. Construction or installation of infrastructure, such as water conveyance systems, bridges, buildings, and paved roadways, may result in impacts to streams and riparian areas, such as flow restriction, or permanent fill, which may also result in downstream impacts to fish species including listed and special-status fish listed in Attachment 2. Fish and Game Code section 1602 required notification to CDFW for impacts to streams including associated riparian habitat. Therefore, if the Project impacts sensitive natural communities, wetlands, or riparian habitat, impacts to these sensitive habitats would be *potentially significant*.

Recommended Mitigation Measure: To reduce impacts to sensitive natural communities and riparian habitat to less-than-significant and comply with Fish and Game Code section 1602 et seq., the Clean Water Act, and the Porter Cologne Water Quality Control Act, CDFW recommends that the EIR include an assessment of potential impacts to sensitive natural communities or riparian habitat and the below mitigation measure.

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Mitigation Measure MM-BIO-11 (Sensitive Natural Communities, Riparian Habitat, and LSA Notification): Prior to Project construction, a qualified biologist shall prepare a restoration plan to mitigate impacts to sensitive natural communities and riparian habitat, including a minimum 3:1 restoration to impact ratio for acres and linear feet of permanent impacts, restoration of temporary impacts, success criteria, and monitoring and maintenance, unless otherwise approved in writing by CDFW, and shall obtain CDFW's written approval of the plan. The Project shall implement the CDFW-approved plan. Alternatively, if approved by CDFW in writing, the Project may 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.

Prior to Project construction, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat and stream-connected wetlands including but not limited to impacts resulting from grading, building construction, earth moving, vegetation removal, and flow alterations and pollutants that could result in downstream impacts to fish including listed and special-status fish. If impacts to the bed, bank, channel, or riparian area, or connected wetlands, 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 LSA Agreement, 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 LSA Agreement process has been completed. Trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An LSA Agreement, 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 and Army Corps of Engineers pursuant to the Clean Water Act and Porter Cologne Water Quality Control Act, if applicable.

ENVIRONMENTAL DATA

CEQA requires that information developed in EIRs 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 CNNDB online field survey form and other methods for submitting data can be found 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://wildlife.ca.gov/Data/CNDDB/Plantsand-Animals.

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FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish & G. Code, § 711.4; Pub. Resources Code, § 21089). 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.

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 and Monitoring Reporting Plan

Attachment 2. Special-Status Species and Sensitive Natural Communities

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REFERENCES

CDFW. 2024. Petition Evaluation for Western Burrowing Owl (*Athene cunicularia hypugaea*). Report to the Fish and Game Commission. California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA.

CDFW. 2016. Status Review: Swainson's Hawk (*Buteo swainsoni*) in California, reported to the California Fish and Game Commission, five-year status report. State of California Natural Resources Agency, Sacramento, CA. https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=133622&inline

CDFW. 2012. Department of Fish and Game Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Sacramento, CA.

Rosenburg, Kenneth V.; Dokter, Adriaan M.; Blancher, Peter J.; Sauer, John R.; Smith, Adam C.; Smith, Paul A.; Stanton, Jessica C.; Panjabi, Avrind; Helft, Laura; Parr, Michael; and Marra, Peter P. 2019. Decline of the North American Avifauna. Science: 120-124.

Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Solano County Water Agency. 2014. Draft Solano Multispecies Habitat Conservation Plan. https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/

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Attachment 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	**Description**	**Timing**	**Responsible Party**
BIO-1	*California Tiger Salamander*: Prior to construction, the Project shall obtain a CESA ITP from CDFW for CTS and comply with the ITP, including any habitat compensation requirements (see: https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits). The Project shall also obtain authorization from USFWS for impacts to CTS and comply with the authorization.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
BIO-2	*Swainson's Hawk Surveys*: 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 area 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. 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,	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	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 commence and shall comply with the ITP.		
BIO-3	*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 and submit this information to CDFW and obtain CDFW's written approval of it. 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 minimum1:1 ratio, 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. An ITP obtained for Swainson's hawk may require additional habitat compensation to achieve full mitigation.	Prior to Ground Disturbance	Project Applicant
BIO-4	*Tricolored Blackbird Nest Avoidance:* If nesting tricolored black birds are detected during nesting bird surveys described in recommended Mitigation Measure BIO-9 below or otherwise, a qualified biologist shall: • Map the location of the nest site and immediately notify CDFW, • Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances shall be site-specific and an appropriate distance to ensure impacts are avoided, as determined by a qualified biologist, *and not less than 500 feet for tricolored blackbird nests*, unless otherwise approved in writing by CDFW, and • Monitor any active nest daily and ensure that the no-disturbance buffer is maintained, unless otherwise approved in writing by CDFW. • Construction may resume when a qualified biologist has confirmed that the birds have fledged and are no longer dependent on parental care around the nest site. • If impacts to nesting tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	CESA and obtain an ITP before Project activities commence, and comply with the ITP.		
BIO-5	*Burrowing Owl Habitat 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 resulting in detections. The habitat assessment shall focus on searching the California Natural Diversity Database and potentially other sources for any burrowing owl records on or within one mile of the Project area, vegetation type and height, suitable burrows (with an opening of >11 cm in diameter and a depth of >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. 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. 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 survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report. Surveys shall occur during burrowing owl nesting and wintering seasons for the duration of the Project, unless otherwise approved in writing by CDFW.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	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. 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 area detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project area 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 area during burrowing owl surveys, but not on the Project area, the Project shall consult with CDFW to determine if avoidance is feasible or an ITP is warranted, and shall obtain an ITP if take cannot be avoided and comply with the ITP.		
BIO-6	*Burrowing Owl Foraging Habitat*: A qualified biologist shall evaluate if the Project would result in loss of burrowing owl foraging habitat, and if so, shall quantify the loss in acres and submit this information to CDFW and obtain CDFW's written approval of it. Prior to Project construction, if the Project would result in loss of burrowing owl foraging habitat, the Project shall provide burrowing owl foraging habitat mitigation at a minimum 1:1 ratio, 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 burrowing owl foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. An ITP obtained for burrowing owl may require additional habitat compensation to achieve full mitigation.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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BIO-7	*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 area 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
BIO-8	*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 (or when the species is identifiable) 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 populations 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 shall not commence until the Project has consulted with CDFW and obtained CDFW's written approval, which may include but is not limited to topsoil salvage, transplanting, or habitat compensation. The Project shall obtain and comply with a CESA ITP from CDFW for any impacts to Boggs Lake hedge-hyssop, Colusa grass, Crampton's tuctoria, and Mason's lilaeopsis or any other CESA or NPPA listed plants, and provide habitat compensation as required by the ITP. The Project shall also obtain authorization from USFWS for impacts to federally listed plants and comply with the authorization. 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	Prior to Ground Disturbance	Project Applicant

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	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-9	*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 7 days prior to the beginning of Project-related activities. The survey shall cover the entire project area and a minimum 500-foot buffer or the distance necessary as determined by a qualified biologist. If a lapse in project-related work of 7 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 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. 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.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
BIO-10	*Wildlife Connectivity and Passage*: Prior to Project construction, the Project shall prepare a wildlife connectivity and passage plan including assessing: 1) wildlife connectivity and passage needs, 2) the need for wildlife undercrossing and overcrossing structures, directional fencing, and protecting or restoring lands adjacent to those	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	structures, and 3) wildlife passage monitoring and reporting. The Project shall obtain CDFW's written approval of the plan prior to Project construction and shall implement it.		
BIO-11	*Sensitive Natural Communities, Riparian Habitat, and LSA Notification*: Prior to Project construction, a qualified biologist shall prepare a restoration plan to mitigate impacts to sensitive natural communities and riparian habitat, including a minimum 3:1 restoration to impact ratio for acres and linear feet of permanent impacts, restoration of temporary impacts, success criteria, and monitoring and maintenance, unless otherwise approved in writing by CDFW, and shall obtain CDFW's written approval of the plan. The Project shall implement the CDFW-approved plan. Alternatively, if approved by CDFW in writing, the Project may 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. Prior to Project construction, the Project shall conduct a thorough assessment for potential impacts to streams and riparian habitat and stream-connected wetlands including but not limited to impacts resulting from grading, building construction, earth moving, vegetation removal, and flow alterations and pollutants that could result in downstream impacts to fish including listed and special-status fish. If impacts to the bed, bank, channel, or riparian area, or connected wetlands, 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 LSA Agreement, 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 LSA Agreement process has been completed. Trees shall be replaced at an appropriate ratio based on size and species, unless otherwise approved in writing by CDFW. An LSA Agreement, 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 and Army Corps of Engineers pursuant to the Clean Water Act and Porter Cologne Water Quality Control Act, if applicable.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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Attachment 2: Special-Status Species and Sensitive Natural Communities

Scientific Name	Common Name	Status
	Birds	
Elanus leucurus	White-tailed kite	FP
Aquila chrysaetos	Golden eagle	FP, BGEPA
Buteo swainsoni	Swainson's hawk	ST
Agelaius tricolor	Tricolored blackbird	ST, SSC
Athene cunicularia	Burrowing owl	SC, SSC
Circus hudsonius	Northern harrier	SSC
Charadrius montanus	Mountain plover	SSC
	Amphibians/ Reptiles	
Ambystoma californiense	California tiger salamander	ST, FT
Actinemys marmorata	Northwestern pond turtle	SSC, FPT
	Invertebrates	
Lepidurus packardi	Vernal pool tadpole shrimp	FE
Branchinecta conservatio	Conservancy fairy shrimp	FE
Branchinecta lynchi	Vernal pool fairy shrimp	FT
Elaphrus viridis	Delta green ground beetle	FT
	Fishes	
Spirinchus thaleichthys pop. 2	Longfin smelt	ST, FE
Hypomesus transpacificus	Delta smelt	SE, FT
Oncorhynchus tshawytscha	Central Valley spring-run Chinook salmon	FT, ST
Oncorhynchus tshawytscha	Sacramento River winter-run Chinook salmon	FE, SE
Oncorhynchus tshawytscha	Fall-run/late fall-run Chinook salmon	SSC

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Oncorhynchus mykiss irideus pop. 11	Steelhead - Central Valley DPS	FT, SSC
Acipenser transmontanus	White sturgeon	SC
Acipenser medirostris pop. 1	Green sturgeon	FT
Plants		
Neostapfia colusana	Colusa grass	SE, FT, CRPR 1B.1
Tuctoria mucronata	Crampton's tuctoria	SE, FT, CRPR 1B.1
Gratiola heterosepala	Boggs Lake hedge-hyssop	SE, CRPR 1B.2
Lilaeopsis masonii	Mason's lilaeopsis	SR, CRPR 1B.1
Sidalcea keckii	Keck's checkerbloom	FE, CRPR 1B.1
Legenere limosa	Legendre	CRPR 1B.1
Lasthenia glabrata ssp. *coulteri*	Coulter's goldfields	CRPR 1B.1
Isocoma arguta	Carquinez goldenbush	CRPR 1B.1
Plagiobothrys hystriculus	Bearded popcornflower	CRPR 1B.1
Navarretia leucocephala ssp. *bakeri*	Baker's navarretia	CRPR 1B.1
Lasthenia chrysantha	Alkali-sink goldfields	CRPR 1B.1
Astragalus tener var. *tener*	Alkali milk-vetch	CRPR 1B.2
Puccinellia simplex	California alkali grass	CRPR 1B.2
Fritillaria liliacea	Fragrant fritillary	CRPR 1B.2
Centromadia parryi ssp. *parryi*	Pappose tarplant	CRPR 1B.2
Symphyotrichum lentum	Suisun Marsh aster	CRPR 1B.2
Downingia pusilla	Dwarf downingia	CRPR 2B.2
Hibiscus lasiocarpos var. *occidentalis*	Woolly rose-mallow	CRPR 1B.2
Lathyrus jepsonii var. *jepsonii*	Delta tule pea	CRPR 1B.2

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Limosella australis	Delta mudwort	CRPR 2B.2
Sensitive Natural Communities		
Valley Needlegrass Grassland		
Northern Claypan Vernal Pool		
Coastal and Valley Freshwater Marsh		
Coastal Brackish Marsh		

FP = state fully protected under Fish and Game Code; SE = state listed as endangered under CESA; ST = state listed as threatened under CESA; SR = state listed as rare under NPPA, SC = state candidate species under CESA; BGEPA = federal Bald and Golden Eagle Protection Act; FE = federally listed as endangered under ESA; FT = federally listed as threatened under ESA; FPT = federally proposed threatened under ESA; SSC = state Species of Special Concern; CRPR = California Rare Plant Rank[1]

[1] CRPR 1B plants are considered rare, threatened, or endangered in California and elsewhere. Further information on CRPR ranks is available in CDFW's *Special Vascular Plants, Bryophytes, and Lichens List* (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109383&inline) and on the California Native Plant Society website (https://www.cnps.org/rare-plants/california-rare-plant-ranks).