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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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***GAVIN NEWSOM, Governor***
***CHARLTON H. BONHAM, Director***

December 16, 2025

Albert Enault, Senior Planner
City of Vacaville
650 Merchant Street
Vacaville, CA 95688
Albert.Enault@cityofvacaville.com

Subject: East of Leisure Town Specific Plan Project, Notice of Preparation of a Draft Program and Project Level Environmental Impact Report, SCH No. 2025110955, Solano County

Dear Albert Enault:

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation (NOP) of a draft Program and Project Level Environmental Impact Report (EIR) for the East of Leisure Town Specific Plan Project (Project).

CDFW is providing the City of Vacaville (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)).

## 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 LOCATION AND DESCRIPTION

The Project is located in the City of Vacaville, County of Solano, State of California; at two locations, the northern at Latitude 38.366141°N, Longitude -121.926948°W, and the southern at Latitude 38.333754°N, Longitude-121.929550°W. The Project site covers 601 acres of noncontiguous land located in unincorporated Solano County and proposes to annex 508 acres of land from Solano County into the City of Vacaville for the purpose of developing a phased, comprehensive master planned community. The

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Project includes 4,219 residential units, approximately 124,600 square feet of commercial mixed-use (neighborhood serving commercial), an 11-acre elementary school, and 32.6 acres of parks. Utilities include 19 acres of stormwater detention basins, and 7.2 acres for water/wastewater infrastructure. Non-participating parcels are comprised of 93 acres with no specific development at this time. The EIR will analyze these properties at a program-level. If non-participating properties decide to develop in the future, they will need to apply for specific entitlements and additional environmental review.

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

The NOP identifies that the EIR will be a combination Program EIR and project level 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 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

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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 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.

When used appropriately, the checklist should be accompanied by enough relevant information and reasonable inferences to support a "within the scope" of the 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 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 EIR.

## REGULATORY REQUIREMENTS

### California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed or candidate species under CESA, either during construction or over the life of the Project. **The Project has the potential to impact tricolored blackbird (*Agelaius tricolor*), Swainson's hawk (*Buteo swainsoni*), and giant garter snake (*Thamnophis gigas*), which are all CESA listed as threatened species, and burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus occidentalis*), both candidate species under CESA. CDFW recommends including a mitigation measure in the EIR requiring the Project to obtain an ITP if take of CESA listed or candidate species cannot be avoided.** Issuance of a CESA 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, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration

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(FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

**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. **The Project has the potential to impact Ulatis Creek, Alamo Creek, and other streams; therefore, an LSA Notification may be warranted. 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, & 5515).

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Specified types of infrastructure projects may be eligible for an incidental take permit 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 process. **The Project has the potential to impact white-tailed kite (*Elanus leucurus*), which is a 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 site (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 or County 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 site, include but are not limited to those listed in **Attachment 1**.

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). 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 site, 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

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the blooming period within the Project area and adjacent habitats that may be indirectly 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.

**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.

**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
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Erin Chappell
Regional Manager
Bay Delta Region

**Attachment 1:** Special Status Species

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2025110955)

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## Attachment 1: Special-Status Species

| Scientific Name | Common Name | Status |
|---|---|---|
| **Birds** | | |
| *Elanus leucurus* | White-tailed kite | FP |
| *Buteo swainsoni* | Swainson's hawk | ST |
| *Agelaius tricolor* | Tricolored blackbird | ST, SSC |
| *Athene cunicularia* | Burrowing owl | SC, SSC |
| *Circus hudsonius* | Northern harrier | SSC |
| **Amphibians and Reptiles** | | |
| *Thamnophis gigas* | Giant garter snake | ST, FT |
| *Actinemysmys marmorata* | Northwestern pond turtle | SSC, FC |
| *Rana boylii* pop. 1 | Foothill yellow-legged frog | SSC |
| **Invertebrates** | | |
| *Bombus crotchii* | Crotch's bumble bee | SC |
| *Desmocerus californicus dimorphus* | Valley elderberry longhorn beetle | FT |
| **Fishes** | | |
| *Oncorhynchus mykiss irideus* pop. 11 | Steelhead - Central Valley DPS | FT, SSC |
| **Plants** | | |
| *Sidalcea keckii* | Keck's checkerbloom | FE, CRPR 1B.1 |
| *Trifolium amoenum* | Two-fork clover | FE, CRPR 1B.1 |
| *Navarretia leucocephala* ssp. *bakeri* | Bakers navarretia | CRPR 1B.1 |
| *Plagiobothrys hystriculus* | Bearded popcornflower | CRPR 1B.1 |

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| | | |
|---|---|---|
| *Legenere limosa* | Legenere | CRPR 1B.1 |
| *Atriplex cordulata* var. *cordulata* | Heartscale | CRPR 1B.2 |
| *Delphinium recurvatum* | Recurved larkspur | CRPR 1B.2 |
| *Extriplex joaquinana* | San Joaquin spearscale | CRPR 1B.2 |
| *Fritillaria pluriflora* | Adobe-lily | CRPR 1B.2 |

FP = state fully protected under Fish and Game Code; ST = state listed as threatened under CESA; SC = state candidate under CESA; SSC = state Species of Special Concern; CRPR = California Rare Plant Rank[1]; FE = federally listed as endangered under the Endangered Species Act (ESA); FT = federally listed as threatened under ESA; FC = candidate species under ESA.

[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).