



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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April 2, 2026

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**Subject: Home Based Business Zoning Amendment, Negative Declaration,
SCH No. 2026020706, Solano County**

Dear Travis Kroger:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Negative Declaration from the County of Solano (County) for the Home Business Zoning Amendment Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the ND to inform the County, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the Project, 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.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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PROJECT DESCRIPTION SUMMARY

Proponent: County of Solano

Objective: The Project involves an amendment to the Solano County Zoning Ordinance related to Home Based Business. The amendment would clarify the definitions of "home occupation" and "cottage industry," and reorganize and clarify the regulations related to home occupations (Type I and II) and cottage industries (Type I and II) to promote readability and internal consistency. The Project also proposes a new Type III Cottage industry which would accommodate property owners who have a business primarily conducted off-site, but who store business vehicles, equipment, and/or materials on their property. Accessory structures may be constructed to support the cottage industry such as barns, workshops, or storage facilities. Type III would be limited to the Exclusive Agricultural and Rural Residential zoning districts and require a conditional use permit from the County. The total area for each Type III Cottage industry (including parking and storage) would encompass up to 10,000 square feet (0.23 acres), and any individual accessory structure would encompass up to 1,500 square feet (0.034 acres). A total of 8 business vehicles and 1 trailer per vehicle would be allowed, with up to 3 vehicles over the 14,001 to 26,000-pound gross vehicle weight rating. It is assumed up to 10 percent of the Rural Residential uses could apply for a Type III Cottage industry use permit. This would result in approximately 257 Type III Cottage industry permits, countywide. In addition, up to ten percent of Exclusive Agricultural could apply for a Type III cottage industry permit.

Location: The Project will occur in Solano County, State of California, with an approximate centroid of 38.269531° Latitude, -121.985432° Longitude.

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, either during construction or over the life of the Project.² **The Project has the potential to impact California tiger salamander (*Ambystoma californiense*, CTS), giant garter snake (*Thamnophis gigas*, GGS), Swainson's hawk (*Buteo swainsoni*, SWHA), and tricolored blackbird (*Agelaius tricolor*, TRBL), all CESA listed as threatened species, burrowing owl (*Athene cunicularia*, BUOW) a candidate species for CESA listing, and Mason's lilaeopsis (*Lilaeopsis masonii*), an NPPA listed as a rare species, as further described below.** 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

² "Take" means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (Fish & G. Code, § 86).

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impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

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 may 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 notification requirements. **There are several streams throughout the Project area that could be impacted by the Project, as further described below.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) 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 (MBTA).

California Fully Protected Species

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

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or

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- 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).

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

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in Attachment A, CDFW concludes that a Mitigated Negative Declaration (MND) is appropriate for the Project.

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,

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 United States Fish and Wildlife Service (USFWS)?

COMMENT 1: California Tiger Salamander, Giant Garter Snake, Swainson's Hawk, Burrowing Owl, Tricolored Blackbird, and other Special-Status Species - Environmental Setting and Related Impact Shortcomings

Issue, specific impacts, why they may occur and be potentially significant: The ND concluded the Project would have no impacts to biological resources because it would occur on already established agricultural and rural residential areas, however the Project area appears to be predominantly grasslands and other agricultural lands which provide or may provide habitat for CTS, GGS, SWHA, BUOW, TRBL, and other special-status wildlife species; see Solano County Parcel Viewer, <https://solanocountygis.com/portal/apps/webappviewer/index.html?id=b2a40316824143fc9f361d5d81c51a7a> and associated Solano County Unincorporated Zoning layer overlaid on the 2025 Aerial – Countywide layer. The Project description indicates that Rural Residential uses could apply for a Type III cottage industry including up to 0.23 acres of impacts for parking and storage which could include accessory structures such as

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barns, workshops, or storage facilities. **The ND estimates there would be 257 Type III cottage industry permits countywide, which extrapolates to 59 acres of potential impacts. Additionally, up to 10 percent of Exclusive Agricultural could apply for a Type III cottage industry permit, although the associated acreage of potential impacts is unclear. However, based on the extensive area of Solano County designated as Exclusive Agriculture, the Project could result in impacts to hundreds of acres or more.** Impacts to habitat for special-status species such as CTS would be considered significant without appropriate mitigation, and the Project could result in take of CTS and other CESA or NPPA listed species, or candidates for listing, described above, which would require an ITP from CDFW. Therefore, the ND has inadequately evaluated potential impacts to the above CESA listed or candidate species and other special-status species such as California Rare Plant Rank (CRPR) plant species, California Species of Special Concern (SSC), and federally listed species. Potentially significant impacts to CTS, GGS, SWHA, BUOW, TRBL are outlined below, however such impacts to other special-status species could also occur.

California tiger salamander: There are multiple recorded CTS occurrences within and in close proximity to the Project area according to the California Natural Diversity Database (CNDDDB) (including unprocessed records), and the Project area appears to occur in suitable upland CTS habitat. A portion of the Project area is also within potential core CTS breeding habitat according to the CTS 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. Additionally, based on aerial imagery and the CARI Streams and Wetland layers, part 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).

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.

The Project could 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. CTS is a CESA listed as threatened species, and the Central California distinct population segment is also federally listed as threatened. Thus, CTS is considered threatened under CEQA pursuant to CEQA Guidelines section 15380.

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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).

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

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

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

The Project has the potential to impact GGS through habitat loss, which would potentially reduce the number of snakes and restrict the amount of habitat left to utilize.

GGS is CESA and federal ESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if GGS

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are present on or adjacent to the Project area or if habitat is disturbed or removed, the Project may substantially reduce the number or restrict the range of a threatened species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Swainson's Hawk and burrowing owl: There are CNDDDB documented SWHA nests within the Project area. The Project has the potential to impact nesting SWHA through removal of nest trees or auditory or visual disturbances above ambient levels within 0.5 miles of Project activities. Direct or indirect disturbances from Project activities may result in Swainson's hawk nest abandonment, loss of nests, and loss of eggs or reduced health and vigor and loss of young.

There are CNDDDB documented BUOW occurrences within the Project area. The Project may impact nesting or wintering BUOW utilizing burrows or burrow surrogates on or within up to 500 meters (1,640 feet) of the Project area. The Project could result in BUOW 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. BUOW 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 BUOW 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 BUOW Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of BUOW 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 BUOW range over time, BUOW has experienced population declines in regions of California and threats to BUOW, coupled with long-term population declines, suggest a high degree and immediacy of threat to BUOW in California (CDFW 2024).

The Project appears to overlap with native or non-native grassland habitat, which is likely used by SWHA and BUOW for foraging. The Project also overlaps with agricultural lands that appear to support crops that are valuable foraging habitat for SWHA, such as alfalfa, according to the California Department of Water Resource's Land Use Viewer available at <https://gis.water.ca.gov/app/CADWRLandUseViewer/?page=home>. The MND should evaluate potential SWHA and BUOW foraging habitat loss. The Project site is within the Draft Solano HCP Valley Floor Grassland Conservation Area, which should be mitigated at a minimum 1:1 ratio according to the Draft Solano HCP Mitigation Measure SH 2 for

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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/>), and 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/>), unless otherwise required by an ITP for SWHA. In 2016, CDFW released a Status Review for SWHA in California and recommended the species retain its status as threatened under CESA (CDFW 2016). The review cites the **primary threat** to SWHA continues to be habitat loss, **especially the loss of suitable foraging habitat**. The study cites concerns regarding impacts to SWHA from urban development, reduction in grasslands, and orchard and vineyard cultivation, all of which are prominent impacts in Solano County, where the Project is proposed.

SWHA 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 SWHA 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).

If BUOW are wintering or nesting on or within 500 meters of the Project area, or if foraging habitat is removed, Project impacts to BUOW would be *potentially significant*.

Tricolored blackbird: There are CNDDDB documented occurrences of TRBL within the Project area. TRBL utilizes grassland and wetland habitats for nesting and foraging, and it appears that there is suitable habitat within the Project area. The Project has the potential to impact nesting TRBL through direct nest impacts or auditory or visual disturbances above ambient levels. Project activities that occur between February 15 and August 31 could disturb nesting TRBL 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. Additionally, loss of adequate foraging habitat (pasture, wetlands, alfalfa and grain crops) could lead to nest site abandonment. The MND should evaluate potential TRBL foraging habitat loss within approximately three miles of nesting habitat, which may require mitigation and preservation.

The statewide TRBL 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). TRBL 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 TRBL nest is disturbed, or if foraging habitat it removed 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).

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Mason's Lilaepsis and other special-status plants: There are CNDDDB documented occurrences of Mason's lilaepsis and other special-status plants within the Project area. The Project has potential to impact Mason's lilaepsis and other special-status plants. Mason's lilaepsis is an NPPA listed as rare species and therefore is considered a rare species pursuant to Section 15380 of the CEQA Guidelines. Mason's lilaepsis is threatened by erosion, bank and channel-stabilization, flood-control projects, widening of Delta channels for water transport, dredging and dumping of spoils, boat wake overwash, recreation (e.g., fishing trails), and in some areas, by water hyacinth (see *Species Accounts of Rare, Threatened, and Endangered Plants from 2004 Status Report* at <https://wildlife.ca.gov/Conservation/Plants/Info>). Impacts to Mason's lilaepsis could substantially reduce the species' population or restrict its range, which would be considered a *mandatory finding of significance* pursuant to Section 15065, subdivision (a) of the CEQA Guidelines. Therefore, if Mason's lilaepsis is present in the Project area and would be directly or indirectly impacted by the Project, then Project impacts to Mason's lilaepsis would be *potentially significant*.

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

Cumulative impacts to fish and wildlife: Based on the potentially large area of habitat for the above CESA listed species, NPPA listed species, and other special-status species that could be impacted by the Project, impacts to these species 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 CTS, GGS, SWHA, BUOW, TRBL, Mason's lilaepsis, and other special-status species to less-than-significant and comply with CESA, NPPA, and Fish and Game Code section 3503.5, **CDFW recommends conducting an adequate analysis of potential impacts to these species in a revised initial study that accurately reflects the environmental setting including the special-status species and habitats that are or may be present, evaluates impacts to these species and their habitats, and includes mitigation measures to reduce impacts to less-than-significant, as required by CEQA (CEQA Guidelines, tit.14, 15063, subd. (d)). Examples of mitigation measures that should be included in the revised initial study are below, however additional mitigation measures are likely necessary to address other special-status species that may be impacted, and the below measures can likely be refined with an adequate analysis as described above.**

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Mitigation Measure BIO-1 (California Tiger Salamander): Prior to construction within CTS habitat as determined by a qualified biologist, the Project shall obtain a CESA ITP from CDFW for CTS and comply with the ITP, including any habitat compensation requirements (<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.

Mitigation Measure BIO-2 (Giant Garter Snake Habitat Assessment): A qualified biologist shall conduct a habitat assessment of Project areas in advance of Project activities to determine if the Project area or its vicinity contains suitable habitat for GGS. No more than 30 days prior to ground-disturbing activities, a qualified biologist with GGS experience shall survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and crevices be flagged and avoided by a minimum 50-foot no-disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take of the species.

Mitigation Measure BIO-2.1 (Giant Garter Snake Habitat Buffer): If potential aquatic habitat for GGS has been identified in or within 200 feet of the Project area by the qualified biologist, a qualified biologist shall be present on-site to monitor all project activities.

Mitigation Measure BIO-2.2 (Giant Garter Snake Observation): If a snake species of any kind is observed within the Project site, then all Project activities shall halt, and work shall not continue until the snake species is identified by a qualified biologist. If GGS is discovered at any time within the Project site and staging areas, then all Project activities shall halt until CDFW has been notified and the Project proponent can demonstrate compliance with CESA to CDFW's satisfaction. CDFW reserves the right to provide additional GGS protection measures in the event of a GGS detection.

Mitigation Measure BIO-2.3 (Giant Garter Snake Take Prohibition): If "take" of GGS or any other species listed under CESA cannot be avoided either during Project activities or over the life of the Project, the Project shall obtain a CESA ITP. The take permit will likely include mitigation measures recommended in this letter and may include additional measures.

Mitigation Measure BIO-2.4 (Giant Garter Snake Environmentally Sensitive Area Establishment): The Project shall establish Environmentally Sensitive Areas in the Project area to minimize the disturbance of GGS habitat from construction-related activities. The Project shall erect Environmentally Sensitive Areas fencing as directed by the qualified biologist(s), 200 feet from the edge of potential aquatic GGS habitat. The qualified biologist(s) shall identify and flag all potential small mammal burrows within the Project Area as Environmentally Sensitive Areas. In addition, all potential GGS

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habitat that can be reasonably avoided during construction activities shall be identified as Environmentally Sensitive Areas and shall be marked by the qualified biologist(s). Environmentally Sensitive Areas will be demarked by tying high visibility poly wire to stakes placed every six feet along the Environmentally Sensitive Area boundary. The high visibility poly wire will be raised at least four feet above grade. The high visibility wire and stakes shall be marked with high visibility flagging or markers. All construction personnel shall be educated about the purpose of the Environmentally Sensitive Area areas and avoid Environmentally Sensitive Areas during all phases of construction. The Project shall avoid Environmentally Sensitive Areas when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The Project shall not use plastic mono-filament netting on the Project site for Environmentally Sensitive Area fencing, erosion control, or any other purpose to avoid entanglement of GGS. The qualified biologist shall inspect the fencing before the start of each workday and the Project shall maintain the fencing until the completion of the Project. Project shall remove all fencing material upon completion of the Project.

Mitigation Measure BIO-2.5 (Giant Garter Snake Exclusion Fencing): To exclude GGS from entering the Project area, the Project shall erect silt fencing between all aquatic habitat and upland habitat, one day subsequent to upland habitat disturbance. The Project shall submit the fencing design to CDFW for approval no less than 30 days prior to the proposed start of Project activities. The Project shall maintain fencing throughout all construction activities. A qualified biologist shall inspect the area prior to installation. The qualified biologist shall inspect the barrier daily and during and after storm events (rainfall exceeding 0.5 inches during a 24-hour period). The Project shall maintain and repair the barrier immediately to ensure that it is functional and without defects, that fencing material is taut, and that the bottom edge of the fencing material remains buried. The Project shall maintain vegetation within one meter on the side of the fence away from the Project Area at a maximum height of four inches.

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

The Project shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. When the Project cannot avoid burrows, burrows shall be hand excavated by the qualified biologist prior to trenching activities. GGS found during excavation shall be relocated. Following excavation, the

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qualified biologist shall block holes or burrows which appear to extend under the fencing to minimize GGS movement into the Project area.

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

Mitigation Measure BIO-2.6 (Giant Garter Snake Seasonal Work Restriction):

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

Mitigation Measure BIO-2.7 (Giant Garter Snake Dewatered Aquatic Habitat): The Project shall not dewater suitable GGS aquatic habitat (e.g., wetlands, drainages, rice fields).

Mitigation Measure BIO-2.8 (Giant Garter Snake Speed Limit and Existing Routes): Project-related personnel shall access the Project site during construction and development activities using existing routes and shall not cross GGS habitat outside of the Project site. Project-related vehicle traffic shall be restricted to established roads, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour, except on county roads and state and federal highways, in order to avoid GGS on or traversing the roads. If a GGS is found on or traversing a roadway, workers shall immediately notify the qualified biologist. Workers shall allow the animal to safely move off the road.

Mitigation Measure BIO-2.9 (Giant Garter Snake Monofilament Restriction): The Project shall not use plastic monofilament netting (erosion control matting) or similar material. The Project shall use native vegetation or other treatments including native slash, jute netting or straw wattles to protect and stabilize soils. Fiber rolls and other erosion control treatments shall be made with wildlife-friendly, biodegradable products that will not entrap or harm wildlife. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting or materials. The Project shall communicate this limitation to the contractor through use of Special Provisions included in the bid solicitation package. The Project shall bury the edge of the material in the ground to prevent GGS and other reptiles and amphibians from crawling underneath the material.

Mitigation Measure BIO-2.10 (Giant Garter Snake Habitat Restoration): The Project shall restore the temporarily impacted GGS habitat on-site to pre-construction conditions. The Project shall re-contour, if appropriate, and re-vegetate these areas with

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appropriate locally available native plant species. The restoration effort shall comply with the USFWS Guidelines for the Restoration and/or Replacement of GGS Habitat (USFWS 2007) and shall be monitored for one year.

Mitigation Measure BIO-2.11 (Giant Garter Snake Habitat Mitigation): If impacts to GGS and habitat cannot be fully avoided and minimized, then the Project shall propose compensatory mitigation to offset impacts to GGS. CDFW suggests putting a conservation easement over GGS habitat within an area of equal or greater conservation value, with written acceptance from CDFW, including a management plan, and providing an endowment to manage the easement in perpetuity.

Mitigation Measure BIO-3 (Swainson's Hawk Surveys and Avoidance): If Project activities are scheduled during the nesting season for SWHA (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology. If active SWHA 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 SWHA 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 SWHA cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

Mitigation Measure BIO-3.1 (Swainson's Hawk Foraging Habitat): A qualified biologist shall evaluate if the Project would result in loss of SWHA 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 SWHA foraging habitat, the Project shall provide SWHA foraging habitat mitigation at a

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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 SHWA foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. An ITP obtained for SHWA may require additional habitat compensation to achieve full mitigation.

Mitigation Measure BIO-4 (Burrowing Owl Surveys and Avoidance): A qualified biologist shall conduct a BUOW 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 CNDDDB and potentially other sources for any BUOW records on or within one mile of the Project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters in diameter and a depth greater than 150 centimeters), 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 BUOW sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of BUOW 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 BUOW 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 BUOW habitat is observed, four surveys shall be conducted to detect the presence of BUOW 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 BUOW nesting and wintering seasons for the duration of the Project, unless otherwise approved in writing by CDFW.

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

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If the Project cannot ensure BUOW 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) BUOW surveys of the Project area detect BUOW occupancy of burrows or burrow surrogates, or 2) There is sign of BUOW occupancy on the Project area within the past three years and habitat has not substantially changed. Occupancy means a site that is assumed occupied if at least one BUOW has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable BUOW habitat may also be indicated by BUOW sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If BUOW, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project area during BUOW 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-4.1 (Burrowing Owl Foraging Habitat): A qualified biologist shall evaluate if the Project would result in loss of BUOW 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 BUOW foraging habitat, the Project shall provide BUOW 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 BUOW foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. An ITP obtained for BUOW may require additional habitat compensation to achieve full mitigation.

Mitigation Measure BIO-4.2 (Caps, Pipes, and Hoses): To prevent BUOW 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.

Mitigation Measure BIO-5 (Tricolored Blackbird Nest Avoidance): If nesting tricolored black birds are detected during nesting bird surveys described in recommended Mitigation Measure BIO-7 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 TRBL nests*, unless otherwise approved in writing by CDFW; and

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- 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; and
- If impacts to nesting TRBL 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.

Mitigation Measure BIO-6 (Special-Status Plant Surveys and Protection): Prior to the start of Project activities, a qualified biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys for wetland species shall encompass the entire wetland and not just the portion of the wetland that would be impacted, as impacts to portions of a wetland often impact the entire wetland. 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 may not commence until the Project has consulted with CDFW and obtained CDFW's written approval, which may include topsoil salvage, transplanting, or habitat compensation. The Project shall obtain and comply with a CESA ITP from CDFW for any impacts to Mason's lilaeopsis or any other CESA or NPPA listed plants, and provide habitat compensation to mitigate impacts to Mason's lilaeopsis or any other CESA or NPPA listed plant species at a minimum 3 to 1 mitigation to impact ratio, unless otherwise approved in writing by CDFW. Habitat compensation shall include placing a conservation easement over occupied habitat for the applicable species and preparing, funding, and implementing an interim and/or long-term management plan, unless otherwise approved in writing by CDFW. The habitat compensation location, conservation easement, and all associated land conservation documents including but not limited to the management plan(s) shall be submitted to

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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.

COMMENT 2: White-tailed Kite, Golden Eagle, and other Nesting Birds - Environmental Setting and Related Impact Shortcomings

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 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 MND.

Mitigation Measure BIO-7 (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 seven days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify 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 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 3: Sensitive Natural Communities, Wetlands, Riparian Habitat, and Lake and Streambed Agreement Notification, Environmental Setting and Related Impact Shortcomings

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, 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 buildings, 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. Fish and Game Code section 1602 requires 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 Measures: To reduce impacts to sensitive natural communities, wetlands, 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 MND include an assessment of potential impacts to sensitive natural communities, wetlands, and riparian habitat and the below mitigation measures.

Mitigation Measure BIO-8 (Sensitive Natural Communities, Riparian Habitat, and LSA Notification): Prior to Project construction, a qualified biologist shall assess the Project area to determine if sensitive natural communities, wetlands, or riparian habitat occurs and would be impacted by Project activities. If impacts would occur then the qualified biologist shall prepare a restoration plan to mitigate impacts to sensitive natural communities, wetlands, and riparian habitat, including a minimum 3:1 restoration to impact ratio for acres and linear feet of permanent impacts, restoration of temporary

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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. 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 1602 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 (RWQCB) and U.S. Army Corps of Engineers (USACE) 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 CNDDDB. The CNDDDB online field survey form and other methods for submitting data can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/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.


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CONCLUSION

CDFW appreciates the opportunity to comment on the ND to assist the County in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jordan Beaton, Environmental Scientist, at Jordan.Beaton@wildlife.ca.gov or (707) 980-5172; or Melanie Day, Senior Environmental Scientist (Supervisory), at Melanie.Day@wildlife.ca.gov or (707) 210-4415.

Sincerely,

DocuSigned by:

B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Land Use and Climate Innovation SCH No. 2026020706
Vincent Griego, USFWS - Vincent.Griego@fws.gov
Alicia Pisani, Water Boards - Alicia.Pisani@waterboards.ca.gov
Sara Kern, CDFW Bay Delta Region - Sara.Kern@wildlife.ca.gov

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ATTACHMENT

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
N/A	To reduce potential impacts to CTS, GGS, SWHA, BUOW, TRBL, and other special-status species to less-than-significant and comply with CESA and Fish and Game Code section 3503.5, CDFW recommends conducting an adequate analysis of potentially significant impacts to these species in a revised initial study that accurately reflects the environmental setting including the special-status species and habitats that are or may be present, evaluates impacts to these species and their habitats, and includes mitigation measures to reduce impacts to less-than-significant, as required by CEQA (CEQA Guidelines, tit.14, 15063, subd. (d)). Examples of mitigation measures that should be included in the revised initial study are below, however additional mitigation measures are likely necessary to address other special-status species that may be impacted, and the below measures can likely be refined with an adequate analysis as described above.	During Preparation of Initial Study	Lead Agency
BIO-1	<i>California Tiger Salamander:</i> Prior to construction within CTS habitat as determined by a qualified biologist, 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	<i>Giant Garter Snake Habitat Assessment:</i> A qualified biologist shall conduct a habitat assessment of Project areas in advance of Project activities to determine if the Project area or its vicinity contains suitable habitat for GGS. No more than 30 days prior to ground-disturbing activities, a qualified biologist with GGS experience shall survey the work area and a minimum 50-foot radius of the work area for burrows and crevices in which GGS could be present. It is advised that all potentially suitable burrows and crevices be flagged and avoided by a	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	minimum 50-foot no-disturbance buffer. If a 50-foot radius buffer isn't feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take of the species.		
BIO-2.1	<i>Giant Garter Snake Habitat Buffer:</i> If potential aquatic habitat for GGS has been identified in or within 200 feet of the Project area by the qualified biologist, a qualified biologist shall be present on-site to monitor all project activities.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
BIO-2.2	<i>Giant Garter Snake Observation:</i> If a snake species of any kind is observed within the Project site, then all Project activities shall halt, and work shall not continue until the snake species is identified by a qualified biologist. If GGS is discovered at any time within the Project site and staging areas, then all Project activities shall halt until CDFW has been notified and the Project proponent can demonstrate compliance with CESA to CDFW's satisfaction. CDFW reserves the right to provide additional GGS protection measures in the event of a GGS detection.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
BIO-2.3	<i>Giant Garter Snake Take Prohibition:</i> If "take" of GGS or any other species listed under CESA cannot be avoided either during Project activities or over the life of the Project, the Project shall obtain a CESA ITP. The take permit will likely include mitigation measures recommended in this letter and may include additional measures.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
BIO-2.4	<i>Giant Garter Snake Environmentally Sensitive Area Establishment:</i> The Project shall establish Environmentally Sensitive Areas in the Project area to minimize the disturbance of GGS habitat from construction-related activities. The Project shall erect Environmentally Sensitive Areas fencing as directed by the qualified biologist(s), 200 feet from the edge of potential aquatic GGS habitat. The qualified biologist(s) shall identify and flag all potential small mammal burrows within the Project Area as Environmentally Sensitive Areas. In addition, all potential GGS habitat that can be reasonably avoided during construction activities shall be identified as Environmentally Sensitive Areas and shall be marked by the qualified biologist(s). Environmentally Sensitive Areas will be demarked by tying high visibility poly wire to stakes placed every six feet along the Environmentally Sensitive Area boundary. The high visibility poly wire will be raised at least four feet above	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	<p>grade. The high visibility wire and stakes shall be marked with high visibility flagging or markers. All construction personnel shall be educated about the purpose of the Environmentally Sensitive Areas areas and avoid Environmentally Sensitive Areas during all phases of construction. The Project shall avoid Environmentally Sensitive Areas when siting all staging areas, spoils disposal areas, borrow pits, and construction equipment access routes. The Project shall not use plastic mono-filament netting on the Project site for Environmentally Sensitive Areas fencing, erosion control, or any other purpose to avoid entanglement of GGS. The qualified biologist shall inspect the fencing before the start of each workday and the Project shall maintain the fencing until the completion of the Project. Project shall remove all fencing material upon completion of the Project.</p>		
<p>BIO-2.5</p>	<p><i>Giant Garter Snake Exclusion Fencing:</i> To exclude GGS from entering the Project area, the Project shall erect silt fencing between all aquatic habitat and upland habitat, one day subsequent to upland habitat disturbance. The Project shall submit the fencing design to CDFW for approval no less than 30 days prior to the proposed start of Project activities. The Project shall maintain fencing throughout all construction activities. A qualified biologist shall inspect the area prior to installation. The qualified biologist shall inspect the barrier daily and during and after storm events (rainfall exceeding 0.5 inches during a 24-hour period). The Project shall maintain and repair the barrier immediately to ensure that it is functional and without defects, that fencing material is taut, and that the bottom edge of the fencing material remains buried. The Project shall maintain vegetation within one meter on the side of the fence away from the Project Area at a maximum height of four inches.</p> <p>Fencing shall consist of taught silt fencing supported by wooden stakes on the Project side only. Fencing shall be buried a minimum of six inches below ground and soil shall be compacted against both sides of the fence for its entire length to prevent animals from passing under the fence. Fencing shall extend 12 to 18 inches above the ground. At any access opening in the fence, the fence shall turn 180 degrees away from the access point for a length of approximately 10 feet and at a minimum width of one foot from the original fence.</p> <p>The Project shall avoid damage to small mammal burrows to the maximum extent possible during installation of the exclusion fencing. When the Project</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	<p>cannot avoid burrows, burrows shall be hand excavated by the qualified biologist prior to trenching activities. Giant garter snake found during excavation shall be relocated. Following excavation, the qualified biologist shall block holes or burrows which appear to extend under the fencing to minimize giant garter snake movement into the Project area.</p> <p>The Project shall remove fencing and all fencing materials upon completion of construction.</p>		
BIO-2.6	<p><i>Giant Garter Snake Seasonal Work Restriction:</i> The Project shall conduct all construction activity within GGS upland and aquatic habitat, including activity within 200 feet of aquatic habitat, between May 1 and October 1. This is the active period for GGS and direct impacts are lessened because snakes are actively moving and avoiding danger. More danger is posed to snakes during their inactive period, because they are occupying underground burrows or crevices and are more susceptible to direct impacts, especially during excavation.</p>	For Duration of Construction	Project Applicant
BIO-2.7	<p><i>Giant Garter Snake Dewatered Aquatic Habitat:</i> The Project shall not dewater suitable GGS aquatic habitat (e.g., wetlands, drainages, rice fields).</p>	For Duration of Construction	Project Applicant
BIO-2.8	<p><i>Giant Garter Snake Speed Limit and Existing Routes:</i> Project-related personnel shall access the Project site during construction and development activities using existing routes and shall not cross GGS habitat outside of the Project site. Project-related vehicle traffic shall be restricted to established roads, staging, and parking areas. Vehicle speeds shall not exceed 20 miles per hour, except on county roads and state and federal highways, in order to avoid GGS on or traversing the roads. If a GGS is found on or traversing a roadway, workers shall immediately notify the qualified biologist. Workers shall allow the animal to safely move off the road.</p>	For Duration of Construction	Project Applicant
BIO-2.9	<p><i>Giant Garter Snake Monofilament Restriction:</i> The Project shall not use plastic monofilament netting (erosion control matting) or similar material. The Project shall use native vegetation or other treatments including native slash, jute netting or straw wattles to protect and stabilize soils. Fiber rolls and other erosion control treatments shall be made with wildlife-friendly, biodegradable products that will not entrap or harm wildlife. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting or materials. The Project shall communicate this limitation to the contractor through</p>	For Duration of Construction	Project Applicant

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	use of Special Provisions included in the bid solicitation package. The Project shall bury the edge of the material in the ground to prevent GGS and other reptiles and amphibians from crawling underneath the material.		
BIO-2.10	<i>Giant Garter Snake Habitat Restoration:</i> The Project shall restore the temporarily impacted GGS habitat on-site to pre-construction conditions. The Project shall re-contour, if appropriate, and re-vegetate these areas with appropriate locally available native plant species. The restoration effort shall comply with the U.S. Fish and Wildlife Service Guidelines for the Restoration and/or Replacement of GGS Habitat (USFWS 2007) and shall be monitored for one year.	Post Construction	Project Applicant
BIO-2.11	<i>Giant Garter Snake Habitat Mitigation:</i> If impacts to GGS and habitat cannot be fully avoided and minimized, then the Project shall propose compensatory mitigation to offset impacts to GGS. CDFW suggests putting a conservation easement over GGS habitat within an area of equal or greater conservation value, with written acceptance from CDFW, including a management plan, and providing an endowment to manage the easement in perpetuity.	Prior to Ground Disturbance	Project Applicant
BIO-3	<i>Swainson's Hawk Surveys and Avoidance:</i> If Project activities are scheduled during the nesting season for SWHA (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	<p>biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active SWHA 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 SWHA 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 SWHA cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.</p>		
<p>BIO-3.1</p>	<p><i>Swainson's Hawk Foraging Habitat:</i> A qualified biologist shall evaluate if the Project would result in loss of SWHA 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 SWHA foraging habitat, the Project shall provide SWHA 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 SWHA foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. An ITP obtained for SWHA may require additional habitat compensation to achieve full mitigation.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>
<p>BIO-4</p>	<p><i>Burrowing Owl Habitat Surveys and Avoidance:</i> A qualified biologist shall conduct a BUOW 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 CNDDDB and potentially other sources for any BUOW records on or within one mile of the Project area, vegetation type and height, suitable burrows (with an opening greater than 11 centimeters in diameter and a depth greater than 150 centimeters), burrow surrogates (culverts, piles of concrete rubble, piles of soil,</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	<p>burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of BUOW sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of BUOW 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 BUOW 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.</p> <p>If suitable BUOW habitat is observed, four surveys shall be conducted to detect the presence of BUOW 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. <u>Surveys shall occur during BUOW nesting and wintering seasons for the duration of the Project, unless otherwise approved in writing by CDFW.</u></p> <p>If BUOW is detected, the Project shall immediately notify CDFW. The Project shall avoid impacts to the BUOW 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.</p> <p>If the Project cannot ensure BUOW 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) BUOW surveys of the Project area detect BUOW occupancy of burrows or burrow surrogates, or 2) there is sign of BUOW 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 BUOW has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable BUOW habitat may also be indicated by BUOW sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a</p>		
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	<p>burrow entrance or perch site. If BUOW, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project area during BUOW 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.</p>		
BIO-4.1	<p><i>Burrowing Owl Foraging Habitat:</i> A qualified biologist shall evaluate if the Project would result in loss of BUOW 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 BUOW foraging habitat, the Project shall provide BUOW 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 BUOW foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. An ITP obtained for BUOW may require additional habitat compensation to achieve full mitigation.</p>	<p>For Duration of Construction</p>	<p>Project Applicant</p>
BIO-4.2	<p><i>Caps, Pipes, and Hose:</i> To prevent BUOW from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than 2 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.</p>	<p>For Duration of Construction</p>	<p>Project Applicant</p>
BIO-5	<p><i>Tricolored Blackbird Nest Avoidance:</i> If nesting tricolored black birds are detected during nesting bird surveys described in recommended Mitigation Measure BIO-7 below or otherwise, a qualified biologist shall:</p> <ul style="list-style-type: none"> • 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 TRBL 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. 	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	<ul style="list-style-type: none"> • 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 TRBL 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. 		
<p>BIO-6</p>	<p><i>Special-Status Plant Surveys and Protection:</i> Prior to the start of Project activities, a qualified biologist shall conduct a habitat assessment for special-status plants. If potential habitat for special-status plants is present, botanical surveys shall be conducted during the appropriate blooming period and conditions for all special-status plants that have the potential to occur within or near the Project where they may be directly or indirectly impacted by for example, modifications to hydrological conditions. More than one year of surveys during appropriate conditions may be necessary. Surveys for wetland species shall encompass the entire wetland and not just the portion of the wetland that would be impacted, as impacts to portions of a wetland often impact the entire wetland. Surveys shall include visiting reference population unless otherwise approved in writing by CDFW. Surveys and associated reporting shall be conducted according to CDFW's 2018 Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline). The habitat assessment and survey reports shall be submitted to CDFW prior to the start of construction. Project activities shall not proceed until CDFW has provided written approval of the habitat assessment and survey reports. If any special-status plant species are observed, the Project shall fully avoid direct and indirect impacts to all individuals and prepare and implement a CDFW-approved avoidance plan prior to Project activities. If full avoidance is not possible, Project activities may not commence until the Project has consulted with CDFW and obtained CDFW's written approval, which may include topsoil salvage, transplanting, or habitat compensation. The Project shall obtain and comply with a CESA ITP from CDFW for any impacts to Mason's lilaepsis or any other CESA or NPPA listed plants, and provide habitat compensation to mitigate impacts to Mason's lilaepsis or any other CESA or NPPA listed plant species at a minimum 3 to 1</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

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	<p>mitigation to impact ratio, unless otherwise approved in writing by CDFW. Habitat compensation shall include placing a conservation easement over occupied habitat for the applicable species and preparing, funding, and implementing an interim and/or long-term management plan, unless otherwise approved in writing by CDFW. The habitat compensation location, conservation easement, and all associated land conservation documents including but not limited to the management plan(s) shall be submitted to CDFW for review and the Project shall obtain CDFW's written approval of these documents, unless otherwise approved in writing by CDFW. The conservation easement shall be recorded and management plan(s) funding shall be completed prior to Project construction, unless otherwise approved in writing by CDFW.</p>		
<p>BIO-7</p>	<p><i>Nesting Bird Surveys:</i> 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 seven days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify 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.</p> <p>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</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	<p>determined by the qualified biologist, unless otherwise approved in writing by CDFW.</p>		
<p>BIO-8</p>	<p><i>Sensitive Natural Communities, Riparian Habitat, and LSA Notification:</i> Prior to Project construction, a qualified biologist shall assess the Project area on a site by site basis to determine if these sensitive communities, wetlands, or riparian habitat occurs and would be impacted by Project activities, and if impacts could occur then the qualified biologist shall prepare a restoration plan to mitigate impacts to sensitive natural communities, wetlands, 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.</p> <p>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 RWQCB and USACE pursuant to the Clean Water Act</p>	<p>Prior to Ground Disturbance and for Duration of Construction</p>	<p>Project Applicant</p>

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	and Porter Cologne Water Quality Control Act, if applicable.		
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