



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



September 6, 2024

Jim Bermudez, Development Services Director
City of Suisun City
701 Civic Center Boulevard
Suisun City, CA 94585
JBermudez@Suisun.com

Subject: Suisun Logistics Center Project, Draft Environmental Impact Report,
SCH No. 2021010044, Solano County

Dear Mr. Bermudez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a draft Environmental Impact Report (EIR) from the City of Suisun City (City) for the Suisun Logistics Center Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously provided comments in response to the Notice of Preparation of the EIR in a letter dated January 29, 2021.

CDFW is submitting comments on the draft EIR to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project. CDFW previously provided comments in response to the Notice of Preparation for the Project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA) or Native Plant Protection Act, the Lake and Streambed Alteration Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Buzz Oates Construction, Inc.

Objective: Rezone and annex the approximately 167-acre Project site into the City of Suisun City. Develop approximately 120 acres of land for warehouse and logistic uses,

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.

Jim Bermudez
City of Suisun City
September 6, 2024
Page 2

including six warehouse buildings ranging from 145,397 to 644,782 square feet and appurtenant facilities. Preserve approximately 47 acres as open space and manage this land to protect existing habitat and partially mitigate development impacts.

Location: The proposed Project is in unincorporated land in Solano County, southeast of and immediately adjacent to Suisun City; Assessor's parcel Number 0174-190-140. The Project is adjacent to and northeast of, but not included within, the Suisun Marsh Management Area as described in the Suisun Marsh Protection Plan and the Suisun Marsh Preservation Act of 1977. The approximate centroid of the proposed Project is at 38.239380°N, -121.983088°W (NAD 83).

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 under CESA either during construction or over the life of the Project. **The Project has potential to impact California tiger salamander (*Ambystoma californiense*), Swainson's hawk (*Buteo swainsoni*), and tricolored blackbird (*Agelaius tricolor*), all CESA listed as threatened species, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

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

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 LSA Notification requirements. **As described in the draft EIR (pages 3.3-70), the Project would likely impact streams**

Jim Bermudez
City of Suisun City
September 6, 2024
Page 3

and hydrologically connected wetlands, therefore an LSA Notification would likely be required. Thank you for including a mitigation measure requiring the Project to obtain a permit (i.e., LSA Agreement) from CDFW for the above-described impacts. CDFW 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.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below and also included in **Attachment 1** to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

I. Environmental Setting and Mitigation Measure Related Impact Shortcomings

MANDATORY FINDINGS OF SIGNIFICANCE Does the Project have the potential to threaten to eliminate a plant or animal community, or substantially reduce the number or restrict range of a rare or endangered plant or animal?

And,

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

COMMENT 1: California Tiger Salamander

Issue: The draft EIR does not thoroughly evaluate the potential for California tiger salamander to occur on the Project site, therefore the draft EIR does not adequately describe the environmental setting.

Jim Bermudez
City of Suisun City
September 6, 2024
Page 4

Specific impacts, why they may occur and be potentially significant: The draft EIR describes that the Project site supports low quality California tiger salamander upland habitat within dispersal distance of potential California tiger salamander breeding habitat, and then describes several reasons why California tiger salamander would not occur on the Project site, including limited amount of burrows and lack of California ground squirrel (*Otospermophilus beecheyi*) burrows, disking, presence of California tiger salamander predators, and presence of obstacles to California tiger salamander movement such as ditches, roads, and urban development (EIR pages 3.3-35, 3.3-36, 3.3-37). While these issues may reduce California tiger salamander habitat quality, they do not preclude the presence of California tiger salamander on the Project site. Per the *Interim Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander*, “significant physical barriers include high-density residential or urban development and Interstate Highways, while features such as golf courses, disked fields, and most paved roads are not considered barriers” (page 7).² California tiger salamander may use pocket gopher (*Thomomys bottae*) burrows and soil cracks as refugia, and may also disperse overland across the Project site. CDFW concludes that the Project site may support California tiger salamander for the following reasons:

- 1) The Project site supports upland habitat for California tiger salamander;
- 2) The Project site is within dispersal distance of potential California tiger salamander breeding habitat; and
- 3) Full barriers to dispersal are absent between potential California tiger salamander breeding habitat and the Project site.

Therefore, the Project may impact California tiger salamander due to loss of upland habitat and direct mortality during construction. California tiger salamander is a threatened species pursuant to CEQA Guidelines section 15380 because it is listed as threatened under CESA. Therefore, if California tiger salamander are present on or directly adjacent to the Project site where they would be impacted, the Project may substantially reduce the number or restrict the range of California tiger salamander, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Note that the California Department of Transportation (Caltrans) recently obtained ITP No. 2081-2024-012-03 from CDFW for California tiger salamander for the State Route 12 Major Pavement Rehabilitation Project in the vicinity of the Suisun Logistics Center Project.

² Available at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83915&inline>

Jim Bermudez
City of Suisun City
September 6, 2024
Page 5

Additionally, the draft EIR indicates that ongoing disking has occurred at the Project site. Please be advised that disking may result in unauthorized take of California tiger salamander. To comply with CESA and the federal Endangered Species Act, CDFW recommends halting any disking or other ground-disturbing activity on the Project site unless an ITP is obtained from CDFW and federal authorization is obtained from USFWS.

Recommended Mitigation Measure: To reduce potential for impacts to California tiger salamander to less-than-significant and comply with CESA, CDFW recommends adding Mitigation Measure BIO-1k below to the draft EIR.

Mitigation Measure MM-BIO-1k (California Tiger Salamander): Prior to Project construction, the Project shall obtain an ITP from CDFW and appropriate federal take coverage from USFWS authorizing impacts to California tiger salamander and shall comply with the ITP and federal authorization.

COMMENT 2: Swainson's hawk

Issue: The draft EIR Mitigation Measure (MM) BIO-1g does not adequately mitigate potential impacts to Swainson's hawk to less-than-significant.

Specific impacts, why they may occur and be potentially significant: MM BIO-1g indicates that the Project will implement protocol level surveys for Swainson's hawk in conformance with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (Swainson's Hawk Tech. Advisory Committee [TAC] 2000), however it then includes survey methodology that is inconsistent with the protocol survey methodology. Specifically, MM BIO-1g states that surveys may only occur during one survey period, whereas the protocol survey methodology requires surveys during at least two specific survey periods. Additionally, BIO-1g only requires a 0.25-mile buffer around any active Swainson's hawk nest, however the species may be disturbed within 0.5 miles. If appropriate surveys and buffer distances are not implemented, the Project has the potential to impact nesting Swainson's hawk through auditory or visual disturbances above ambient levels, which may result in Swainson's hawk nest abandonment and loss of eggs or reduced health and vigor and loss of young.

Additionally, BIO-1g requires a 0.5:1 compensatory mitigation ratio to mitigate loss of 127.87 acres of Swainson's hawk foraging habitat, which is inconsistent with the Draft Solano Multispecies Habitat Conservation Plan (Draft Solano HCP). 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 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->

Jim Bermudez
City of Suisun City
September 6, 2024
Page 6

[plan/](#)). In 2016, CDFW released a Status Review for Swainson's hawk in California and recommended the species retain its status as threatened under CESA (CDFW 2016). The review cites the primary threat to Swainson's hawk continues to be habitat loss, especially the loss of suitable foraging habitat. The study cites concerns regarding impacts to Swainson's hawk from urban development, reduction in grasslands, and orchard and vineyard cultivation, all of which are prominent impacts in Solano County, where the Project is proposed.

Based on the foregoing, if Swainson's hawk are nesting within 0.5 miles of the Project site during construction and if foraging habitat for the species will be removed, the Project may substantially reduce the number or restrict the range of Swainson's hawk, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: To reduce potential impacts to Swainson's hawk to less-than-significant and comply with CESA, CDFW recommends replacing MM BIO-1g with the below Mitigation Measure.

MM BIO-1g (Swainson's Hawk): If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>), prepare a report documenting the survey results, and obtain CDFW's written approval of the report. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

Jim Bermudez
City of Suisun City
September 6, 2024
Page 7

Consistent with the Draft Solano HCP, prior to Project construction, the Project shall provide Swainson's hawk foraging habitat mitigation at a 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 Swainson's hawk foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW.

COMMENT 3: Pappose tarplant and Contra Costa goldfields

Issue: According to the draft EIR, the Project would remove between approximately 4,280,464 pappose tarplant (*Centromadia parryi*) plants occupying approximately 29.9 acres and preserve approximately 14 acres of habitat occupied by approximately 1,916,215 pappose tarplant plants on a 45-acre open space area. The draft EIR concludes that the Project's adverse impacts to pappose tarplant would be significant and unavoidable due to uncertainty regarding whether mitigation banks would have pappose tarplant credits available for purchase or if mitigation banks would be willing to accept pappose tarplant seeds (ES-3). However, it is unclear why this significant impact is unavoidable, as likely feasible potential mitigation options include the Project proponent purchasing appropriate lands that currently support pappose tarplant and conducting restoration efforts on those lands.

Additionally, MMs BIO-1a and BIO-1b do not specify what will occur if performance standards are not achieved for pappose tarplant and Contra Costa goldfields (*Lasthenia conjugens*) as part of associated mitigation and monitoring plans, which could result in unmitigated impacts.

Specific impacts, why they may occur and be potentially significant: The Project would result in the loss of approximately 4,280,464 pappose tarplant plants, a California Rare Plant Rank (CRPR) 1B.2 species, and 29.9 acres of its habitat, and 47 Contra Costa goldfields plants, federally listed as endangered and CRPR 1B.1 species, and 0.03 acres of its habitat. The draft EIR has concluded that impacts to pappose tarplant plants are significant and unavoidable, as stated above, however CDFW strongly recommends including the mitigation measures below to reduce impacts to less-than-significant. The City should not approve the Project if feasible mitigation measures can be implemented. Consideration of unavoidable significant impacts to pappose tarplant as a result of the Project should include consultation with CDFW, California's Trustee Agency for the State's fish and wildlife resources.

Additionally, if mitigation and monitoring plan performance standards are not met for pappose tarplant and Contra Costa goldfields, it is unlikely that impacts to these species would be appropriately mitigated.

Jim Bermudez
City of Suisun City
September 6, 2024
Page 8

Recommended Mitigation Measure: To reduce potential impacts to pappose tarplant and Contra Costa goldfields to less-than-significant, CDFW recommends adding the below mitigation measure to MMs BIO-1a and BIO-1b.

MMs BIO-1a and BIO-1b (Pappose Tarplant and Contra Costa Goldfields): The Project shall consult with CDFW to determine appropriate mitigation for pappose tarplant, which shall entail conserving occupied habitat for the species at a 3:1 mitigation ratio, unless otherwise approved in writing by CDFW. Habitat conservation shall include habitat enhancement or restoration, as appropriate to meet a 3:1 ratio, placing a conservation easement over the habitat, and preparing and funding implementation of an interim and long-term management plan, which are approved in writing by CDFW. Habitat conservation shall be completed prior to Project construction, unless otherwise approved in writing by CDFW. A financial security shall be provided to the City for any conservation not completed prior to Project construction, and the security amount shall be an estimate of the cost to complete conservation. If a financial security is provided, conservation shall be completed within 18 months of the start of Project construction, unless otherwise approved in writing by CDFW and the City. If the Project does not complete conservation within 18 months, the City shall use the security to complete it and shall provide documentation of completion to CDFW within an additional 12 months.

The Project shall obtain CDFW's written approval of any mitigation and monitoring plans for pappose tarplant and Contra Costa goldfields. The plans shall include a contingency plan, such as continued restoration, monitoring, and maintenance, if performance standards are not achieved.

COMMENT 4: Tricolored blackbird and burrowing owl

The draft EIR MM BIO-1h indicates that an avoidance buffer of 300 feet would be implemented for any detected tricolored blackbird nests. The survey area and buffer should be increased to a minimum of 500 feet, to reduce impacts to less-than-significant and comply with CESA.

The draft EIR MM BIO-1e indicates the survey area for burrowing owl (*Athene cunicularia*), would be 150 meters. This should be increased to up to 500 meters, commensurate with the proposed no-disturbance buffer.

II. Existing Conservation Easement as Mitigation

COMMENT 5: Existing Conservation Easement May be Inappropriate as Mitigation

Issue: Several mitigation measures refer to using an existing conservation easement (2-1, Exhibit 2-4) on the southern portion of the Project site as on-site mitigation for the Project's impacts. However, it is unclear how the existing conserved lands would

Jim Bermudez
City of Suisun City
September 6, 2024
Page 9

mitigate impacts of the future Project. Often, lands that are already conserved are not appropriate as mitigation for future projects. CDFW recommends adding information about the conservation easement to EIR such as the original purpose of the easement, if there is any funding available in an endowment for management actions or a long-term management plan, and if any resource agencies have approved the easement for mitigation for other projects or the Project. Conservation easements are generally recorded for a specific purpose, often as compensatory mitigation for a single project. It may not be appropriate to use the existing conservation easement as mitigation for this Project if it has already been used as mitigation for another project.

Finally, portions of land contained within the existing conservation easement may not be suitable for the species which it is intended to cover. For example, the southern portion of the Project site, which is within the conservation easement, is characterized as Coastal Brackish Marsh (3.3-2, Exhibit 3.3-1). Coastal Brackish Marsh is unlikely to be suitable as mitigation for Swainson's hawk foraging habitat.

Recommended Mitigation Measure: To ensure mitigation reduces impacts to several species to less-than-significant, and to create an adequate administrative record, CDFW recommends including information about the existing conservation easement in final EIR as described above, and adding MM BIO-1I to the EIR.

Mitigation Measure MM-BIO-1I (Conservation Easement Review): The Project shall obtain written acceptance from CDFW, the Regional Water Quality Control Board (RWQCB), USFWS, and other resource agencies if they have jurisdiction, of any existing conservation easement or proposed conservation easement intended to provide compensatory mitigation for the Project.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online 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://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of

Jim Bermudez
City of Suisun City
September 6, 2024
Page 10

environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (See Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

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

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

Sincerely,

DocuSigned by:

Erin Chappell

B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1. Draft Mitigation and Monitoring Reporting Plan

ec: Office of Planning and Research, State Clearinghouse No. 2021010044
Vincent Griego, U.S. Fish and Wildlife Service, Vincent_Griego@fws.gov

REFERENCES

California Department of Fish and Wildlife (CDFW), 2016. 5-year Status Review: Swainson's hawk (*Buteo swainsoni*). Prepared for the California Fish and Game Commission. Nongame Bird and Mammal Program 1416 Ninth Street, Sacramento, CA.

TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, Sacramento, CA.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>

Jim Bermudez
 City of Suisun City
 September 6, 2024
 Page 11

ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
BIO-1k	<i>Mitigation Measure MM-BIO-1k (California Tiger Salamander):</i> Prior to Project construction, the Project shall obtain an Incidental Take Permit from CDFW and appropriate federal take coverage from USFWS authorizing impacts to California tiger salamander and shall comply with the ITP and federal authorization.	Prior to Ground Disturbance and During the Project	Project Applicant
BIO-1g	<i>MM BIO-1g (Swainson’s Hawk):</i> If Project activities are scheduled during the nesting season for Swainson’s hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology resulting in detections. If active Swainson’s hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson’s hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson’s hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.	Prior to Ground Disturbance and During the Project	Project Applicant

Jim Bermudez
 City of Suisun City
 September 6, 2024
 Page 12

	<p>Consistent with the Draft Solano HCP, prior to Project construction, the Project shall provide Swainson’s hawk foraging habitat mitigation at a 1:1 ratio, which shall include:</p> <ol style="list-style-type: none"> 1) permanent preservation of the species’ foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of Swainson’s hawk foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW. 		
<p>BIO-1a and BIO-1b</p>	<p>Add the below mitigation measure to MMs BIO-1a and BIO-1b.</p> <p><i>MMs BIO-1a and BIO-1b (Pappose Tarplant and Contra Costa Goldfields):</i> The Project shall consult with CDFW to determine appropriate mitigation for Pappose tarplant, which shall entail conserving occupied habitat for the species at a 3:1 mitigation ratio, unless otherwise approved in writing by CDFW. Habitat conservation shall include habitat enhancement or restoration, as appropriate to meet a 3:1 ratio, placing a conservation easement over the habitat, and preparing and funding implementation of an interim and long-term management plan, which are approved in writing by CDFW. Habitat conservation shall be completed prior to Project construction, unless otherwise approved in writing by CDFW. A financial security shall be provided to the City for any conservation not completed prior to Project construction, and the security amount shall be an estimate of the cost to complete conservation. If a financial security is provided, conservation shall be completed within 18 months of the start of Project construction, unless otherwise approved in writing by CDFW and the City.</p> <p>The Project shall obtain CDFW’s written approval of any mitigation and monitoring plans for pappose tarplant and Contra Costa goldfields. The plans shall include a contingency plan, such as continued restoration, monitoring, and maintenance, if performance standards are not achieved. If the Project does not complete conservation within 18 months, the City shall use the security to complete it and shall provide documentation of completion to CDFW within an additional 12 months.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>
<p>BIO-1e and BIO-1h</p>	<p>Revise tricolored blackbird and burrowing owl mitigation measures as described below.</p> <p>The draft EIR indicates that an avoidance buffer of 300 feet would be implemented for any detected tricolored blackbird nests. The survey area and buffer should be increased to a minimum of 500 feet, to reduce impacts to less-than-significant and comply with CESA.</p>	<p>Prior to Ground Disturbance and During the Project</p>	<p>Project Applicant</p>

Jim Bermudez
City of Suisun City
September 6, 2024
Page 13

	The draft EIR indicates the survey area for burrowing owl (<i>Athene cunicularia</i>), would be 150 meters. This should be increased to up to 500 meters, commensurate with the proposed no-disturbance buffer.		
BIO-1I	<i>Mitigation Measure MM-BIO-1I (Conservation Easement Review):</i> The Project shall obtain written acceptance from CDFW, the RWQCB, USFWS, and other resource agencies if they have jurisdiction, of any existing conservation easement or proposed conservation easement intended to provide compensatory mitigation for the Project.	Prior to Ground Disturbance	Project Applicant