

**MITIGATED NEGATIVE DECLARATION
OF THE
SOLANO COUNTY DEPARTMENT OF RESOURCE MANAGEMENT**

PROJECT TITLE:

English Creek Estates – Phase 2 Application No. MS-20-06

PROJECT DESCRIPTION AND LOCATION:

Subdivide 14.81 acres into four (4) lots in the RR - 2.5-acre zone; Lot 4 – 2.5 acres, Lot 5 – 2.5 acres; Lot 6 – 2.54 acres, Lot 7 – 7.27 acres. Public water service by the Rural North Vacaville Water District and on-site sewage disposal is proposed. Access to the property is proposed via existing English Creek Lane and Wisteria Court.

The property is located at the northeast corner of Cantelow and English Hills Road (APN 0105-110-690).

FINDINGS:

The Solano County Department of Resource Management has evaluated the Initial Study which was prepared with regards to the project. The County found no potentially significant adverse environmental impacts likely to occur. The County determined that the project qualifies for a Mitigated Negative Declaration. The Initial Study of Environmental Impact, including the project description, findings and disposition, are attached.

MITIGATION MEASURES INCORPORATED INTO PROJECT DESCRIPTION:

Mitigation Measure Bio – 1: Swain Hawk Pre-construction Surveys

If Project activities are scheduled during the nesting season for Swainson's Hawks (March 1 to September 15), prior to beginning work on this 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*.³ Survey methods should 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, 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 implement a 0.5-mile construction avoidance buffer around the nest until the nest is no

longer active as determined by a qualified biologist. If take of Swainson's Hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP. CDFW Bay Delta Region staff is available to provide guidance on the ITP application process.

Mitigation Measure Bio-2: Avoidance of Avian Nests and Protected Avian Species

If construction activities are scheduled to occur during the avian breeding season (February 1- August 31), a qualified wildlife biologist shall conduct pre-construction surveys of all potential suitable nesting habitat within 500 feet of active construction areas, including trees, shrubs, grassland and wetland vegetation. The qualified wildlife biologist shall determine the timing of the preconstruction surveys based upon the time of year and habitats that are present. The qualified wildlife biologist shall conduct surveys no more than 7 days prior to construction. If a lapse in Project-related work of 7 days or longer occurs, another focused survey shall occur before Project work is reinitiated.

Mitigation Measure Bio – 3:

Prior to issuance of construction permits, a burrowing owl habitat assessment and surveys shall be conducted according to the Staff Report on Burrowing Owl Mitigation, Department of Fish and Wildlife, March 2012 (Staff Report). If habitat assessment indicates burrowing owl nesting and/or foraging habitat exists on the site, then in accordance with the Staff Report, a minimum of four survey visits should be conducted within 500 feet of the Project area during the owl breeding season which is typically between February 1 and August 31.

A minimum of three survey visits, at least three weeks apart, should be conducted during the peak nesting period, which is between April 15 and July 15, with at least one visit after June 15. Pre-construction surveys should be conducted no-less-than 14 days prior to the start of construction activities with a final survey conducted within 24-hours prior to ground disturbance.

- a. If occupied burrows are found on the Project site, a minimum of 500-meter buffer shall be maintained around the occupied burrows throughout the breeding season (February 1 through August 31). Occupied burrows outside the breeding season shall have a minimum 50-meter buffer. This buffer shall be monitored by a qualified biologist to ensure that buffer is providing sufficient protection for the owls and may be modified through coordination with CDFW.
- b. If the Project will result in the permanent loss of burrowing owl nesting and/or foraging habitat, permanent protection of suitable burrowing owl habitat shall occur. Permanent protection can be accomplished through purchase of suitable land, establishment of conservation easement or other long-term protection mechanisms. Mitigation ratios for Project impacts should be determined based on recommendations in the Staff Report, and in coordination with CDFW, but should consider owl population, natal characteristics, foraging area and quality, dispersal characteristics and other factors influencing the site.

Mitigation Measure Bio-4:

In order to ensure future buyers of the property are aware of the biological resource restrictions, the final map shall include supplemental notes regarding the restrictions pertaining to Bio – 1, 2 and 3.

Mitigation Measure TR-1:

To address any potential impacts on cultural, archeological and paleontological resources within the subject property or public road easement, and prior to any ground disturbance for road/encroachment improvement, utilities, septic system, leachfield, water wells or homesite development, the project proponent shall hire qualified archeologist to monitor construction and contract with Yocha Dehe Wintun Nation to provide cultural sensitivity training to the workers a minimum of 14 days prior to construction, and allow the Yocha Dehe Tribal Monitor access to the project site during excavation activity. If subsurface resources are encountered during project excavation, workers shall avoid altering the artifacts/cultural resource in their context.

If human remains are discovered, work in the vicinity must stop until the County coroner can determine whether the remains are those of a Native American. If they are those of a Native American, the coroner must contact the NAHC. The NAHC will identify the person(s) it believes to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the project proponent and the County for means of treatments. Treatment of Native American human remains, or artifacts shall be consistent with the Burial Protocols established by the Yocha Dehe Wintun Nation.

For the unanticipated discovery, the archeologist shall immediately notify the Solano County Resource Management Department. Solano County will work with the qualified archaeologist to determine whether the discovered resource can be avoided and, if impacts have not occurred, whether work can continue. Work shall not resume until permission is received from Solano County.

In order to ensure future buyers are aware of the potential impacts to cultural resources, the final map shall include a note regarding the potential impacts to cultural resources, requirement for on-site excavation monitoring & cultural sensitivity training by a qualified archeologist and coordination with the Yocha Dehe Tribal Monitor.

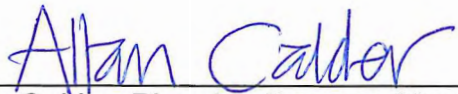
Mitigation measure Noise – 1:

Construction activity is limited to weekdays during the hours of 8 a.m. to 5 p.m., Monday through Friday; and 9 a.m. to 4 p.m. on Saturdays, and no work should occur on Sundays and Federal holidays. In order to ensure future buyers are aware of the noise restrictions,

the final map shall include a note indicating the noise restriction for construction activities.

PREPARATION:

This Mitigated Negative Declaration was prepared by the Solano County Department of Resource Management. Copies may be obtained at the address listed below or at www.solanocounty.com under Departments, Resource Management, Documents, Environmental Reports/Negative Declarations



Allan Calder, Planning Program Manager
Solano County Dept. of Resource Management
675 Texas Street, Suite 5500, Fairfield, CA 94533
(707) 784-6765