

December 22nd, 2023

Mike Singh
1603 Como Drive
Manteca, Ca
95337
Via email: makhandsodhi@yahoo.com

Re: Biological Resources Summary Report for Midway Plaza Development Project, Midway Road, Vacaville California.

Dear Mr. Singh:

BPR Consulting, Inc. (BPR) has prepared this Biological Resources Summary Report to document the results of a habitat assessment in support of proposed development activities for the Midway Plaza, located on Midway Road, Vacaville, California. This letter report is intended to support future project decision making processes and provide avoidance and minimization recommendations for sensitive species that may occur within the vicinity of the project site. It's BPR's understanding that this project may be subject to CEQA and recommendations within this report may lead to required measures as part of the project approval process by the lead agency.

PROJECT LOCATION

The proposed project is located along Midway Road, east of Interstate 80. The project is located within the Allendale U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle northwest of the city of Vacaville, California. The Biological Study Area (BSA) is defined as the private property that is owned for the proposed project, plus a 50-foot visual buffer of adjacent private property in each direction to account for potential disturbance. The elevation of the BSA is between approximately 76 feet above mean sea level. The project area location is included in **Attachment A (Figures 1 and 2)**.

PROJECT DESCRIPTION

The project area consists of an approximate 10-acre development area. At this time, the proposed development would consist of a 14,5000 square foot retail building including a food court inside the structure. There will also be eight fuel stations for motorists and 10 lanes for truck fueling. There would be two separate fuel canopies for each station respectively. The development site would be served by an onsite well and the applicant would construct a domestic water tank and a tank for fire protection services. A septic leach field will also be required, as well as a 3-acre storm basin. **Attachment B (Site Plans)**.

SURVEY METHODOLOGY

Prior to conducting field surveys, BPR staff completed a background review of relevant literature pertaining to sensitive resources known to occur in the project vicinity, which included the following:

- Aerial photographs of the project site (Google Earth 1985 – 2023),
- USGS topographic map for the Allendale 7.5-minute quadrangle (National Geologic Map Database 2023),
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Weldon 7.5-minute quadrangle (CNPS 2023),

- California Department of Fish and Wildlife’s (CDFW) California Natural Diversity Database (CNDDDB) list of state and federally listed special-status species documented within the Allendale 7.5-minute quadrangle and the surrounding quadrangles (CDFW 2023),
- CNDDDB map of special-status species that have been documented within a 5-mile radius of the project site (CDFW 2023)
- United States Fish and Wildlife Service (USFWS) Critical Habitat for Threatened and Endangered Species Report (USFWS 2023a), and
- USFWS National Wetland Inventory (NWI), Wetlands Mapper (USFWS 2023b).

A list of regionally occurring special-status species was reviewed based on records reported in the scientific database queries. This species list was used to inform the field survey effort.

SWCA biologist Ben Ruiz conducted a reconnaissance-level field survey (habitat assessment, pre-construction nesting bird survey) of the project area on August 28th, 2023. The primary focus of the habitat survey was detection of the presence of potentially occurring sensitive biological resources and special-status species and their habitats.

The survey area included the entire proposed project area, and an approximate 50-foot visual buffer within private property areas that were not accessible. The surveyor assessed suitable habitat for special-status species. Surveys and habitat assessments included walking through the BSA observing vegetation communities or land cover types, and observing signs of active nests, burrows, to assess the potential for existing habitats to support sensitive plants and wildlife. No jurisdictional delineation was conducted, as there were no watercourse features included within the BSA.

RESULTS

The following summarizes the results of the field survey that was conducted within the proposed project area and provides further analysis of the data collected in the field. Discussions regarding botanical and wildlife surveys, and likelihood for special-status species occurrence are presented below.

Special-status Botanical Species

The preliminary desktop review of the pertinent literature and agency resources (e.g., CNDDDB) indicated that eight special-status botanical species are known to occur within the vicinity of the project site (see **Attachment A – Figure 4**). The habitat requirements for each of these species were compared to the type and quality of habitat documented during the field survey. It was determined that suitable habitat is absent on site for regionally occurring special-status plant species. No further discussion of rare plant species is provided as these species are not expected to occur due to the heavily disturbed site conditions.

Special-status Wildlife Species

The preliminary desktop review of the pertinent literature and agency resources (e.g., CNDDDB) and local biological knowledge indicated eight special-status wildlife species are known to occur within the vicinity of the project site. No federally designated critical habitat is located directly within or adjacent to the BSA. The habitat requirements for each of these species were compared to the type and quality of habitat documented during the field survey. It was determined that suitable habitat is present on site for several regionally occurring special-status wildlife species, in addition to nesting birds, including:

- American badger (*Taxidea taxus*), State Species of Concern,
- Burrowing owl (*Athene cunicularia*), State Species of Concern

- California linderella (*Linderiella occidentalis*), CNDDDB Sensitive
- Midvalley fairy shrimp (*Branchinecta mesovallensis*), CNDDDB Sensitive
- Swainson's hawk (*Buteo swainsoni*), State Threatened
- Vernal pool fairy shrimp (*Branchinecta lynchi*), Federally Threatened
- Western pond turtle (*Emys marmorata*), Federally Proposed Threatened, CDFW Species of Special Concern,
- White-tailed kite (*Elanus leucurus*), State Fully Protected

There was no direct sign of occupation by any special status species detected. There was no sign thereof, detected at the site. No scat/white-wash, prey remains, track, nests, etc. was identified in proximity to any earthen burrow or "surrogate" artificial structure such that it would directly indicate occupation by any special status species.

EXISTING SITE CONDITIONS

The existing surrounding land cover of the BSA consists entirely of ruderal annual grasslands, with industrial and agricultural land cover surrounding the BSA. It is BPR's understanding that the BSA is also routinely disturbed by disking for weed maintenance which is evident from a review of aerial imagery on Google earth. Common disturbance adapted plant species such as red-stemmed filaree and brome is prevalent throughout the BSA. Wildlife observed during the field survey included California ground squirrel (*Otospermophilus beecheyi*), Desert cottontail (*Sylvilagus audubonii*), Redtail hawk (*Buteo jamaicensis*), Mourning dove (*Zenaida macroura*), Common starling (*Sturnus vulgaris*).

IMPACTS

Special-status Botanical Species

Although the survey conducted by BPR was conducted outside of the typically blooming period for annual species, it is BPR's professional judgement that no sensitive botanical species are anticipated to occur within the BSA. The site is heavily disturbed on an annual basis and is dominated by non-native annual grassland species. As the project seeks to repair damage done to the area where trees have already fallen, the project would not result in trimming and/or disturbance within the critical root zone of any existing trees within the work zone. Nor would the project result in impacts to sensitive botanical species due to an absence of these species within the highly disturbed work area.

Special-status Wildlife Species

No sensitive wildlife species were observed during the surveys conducted by BPR. Based on the disturbed nature of the site and the scope of work, the potential to impact special-status wildlife species is considered low. However, direct and indirect impacts may occur to wildlife species with a large home range. Specifically, the proposed project may impact sensitive species such as: migratory nesting birds, including sensitive species known to occur in the region such as Western burrowing owl, American badger, White-tailed kite and Swainson's hawk. If special-status species are present at the time of construction, they may be vulnerable to initial ground disturbance activities, or construction activities. Initial ground disturbance project activities would ideally be planned to occur outside the typical avian nesting season (i.e., February 1 through August 31), in which case there is very little potential for direct

and indirect impacts to migratory nesting and special-status birds. However, if initial disturbance activities occur past February 1, construction-related activities can destroy ground nests (including burrows), remove nesting habitat, or cause disturbance that may lead to nest failure or otherwise harass nesting, resident, or transient birds. As such, avoidance and minimization measures are recommended to protect special-status wildlife and nesting birds during the project.

RECOMMENDATIONS

The following avoidance and minimization measures are recommended for the protection of the jurisdictional features and sensitive biological resources, if present, during project construction:

1. If project activities are expected to occur during the typical avian nesting season (i.e., February 1 – August 31), pre-activity surveys must be completed by a qualified biologist within one week prior to project initiation. Surveys for raptors shall be conducted within a 250-foot radius of the project site. If any active non-listed raptor nests are observed, these nests and nest trees shall be designated, and a no-work buffer of 250 feet shall be established until the young have fledged and are no longer reliant on the nest tree or parental care, or the nest is no longer active; reduce buffers may be appropriate and resource agencies will be contacted for further guidance. Surveys for other non-listed avian species shall be conducted within a 50-foot radius of the project site. If any active nests are observed, these nests and nest trees shall be protected with a 50-foot no-work buffer. All activity will remain outside of the designated buffers until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If work activities are deemed to not be a threat to a given nest within a buffer zone, a qualified biologist may monitor the nest during work to ensure that the nesting birds are not disturbed (e.g., showing signs of stress or changes in behavior as a result of work activity). If any active nests of listed, fully protected, or otherwise special-status species are detected during the surveys, the appropriate wildlife protection agency shall be contacted for guidance on how to proceed.
2. Prior to the start of initial ground disturbance, a biologist should conduct a pre-construction survey immediately prior to the start of initial ground disturbance within 50 feet of suitable habitat for sensitive species. If the species is discovered during surveys and monitoring, the species will be allowed to leave the area on their own volition, or hand captured and relocated to suitable habitat outside the area of impact.
3. All trash should be covered and/or taken off site to minimize the attraction of predators that may feed on special-status species.
4. The use of heavy equipment and vehicles should be limited to the proposed project limits and defined staging areas/access points. The boundaries of each work area shall be clearly defined and marked with high visibility fencing (e.g., t-posts and three strands of yellow rope). No work shall occur outside these limits.
5. After completion of the project's construction, all protective fencing/flagging used to delineate sensitive biological resources should be removed from the project area and disposed of in appropriate waste receptacles or reused.
6. All refueling and equipment maintenance should be conducted away from drainages to avoid accidental contamination.

7. Any graded areas should be restored to pre-project conditions, as feasible.
8. Erosion and sediment control measures should be on site prior to the start of project activities and kept on site at all times so they are immediately available for installation in anticipation of rain events.
9. Erosion and sediment control measures and other construction BMPs should be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance.
10. Equipment shall not be operated in flowing water and equipment shall not enter flowing water. Erosion control measures such as silt fences and fiber rolls shall be maintained on a daily basis during project activities.
11. There should be a designated staging area for vehicle fueling and storage at least 100 feet away from the drainage, in a location where fluids or accidental discharges cannot flow into waterways. A spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) shall be onsite in case spills occur.
12. All vehicles, equipment, materials, and any temporary BMPs no longer needed should be removed from the site upon completion of the project.
13. Any stockpile(s) should be kept a minimum of 100 feet from the banks of the drainage to prevent material from entering a water body. At no time shall any stockpiles, waste piles, or debris associated with this project be located within surface water, or where it can be washed back into surface water. All stockpiled debris shall be covered and surrounded with a linear sediment barrier.

CONCLUSION

Based on the results of the background review and habitat assessment, there is potential to encounter sensitive species within the project area, but the risk of take is considered low. It is the opinion of BPR Consulting that direct and indirect impacts to resources on site will be avoided and/or reduced with implementation of the recommended avoidance and minimization measures above. Please note that these measures may be incorporated in the future environmental document by the lead agency. Should you require additional support during this process, please do not hesitate to contact me at bpruiz40@yahoo.com or (661) 444-3239.

Sincerely,



Ben Ruiz
Senior Biologist
BPR Consultants, Inc.

Attachment A – Figure 1: Project Vicinity
Figure 2: Project Area
Figure 3: CNDDDB 5-mile (animals)
Figure 4: CNDDDB 5-mile (botanical)

LITERATURE CITED

California Department of Fish and Wildlife. 2023. California Natural Diversity Database: RareFind 5

Database and GIS spatial data download. Accessible with subscription at:
<http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp>.

California Native Plant Society, Rare Plant Program. 2023. Online Inventory of Rare and Endangered

Plants of California (online edition, v8-03 0.39). Available online at:
<http://www.rareplants.cnps.org/>.

Google Earth Pro V 7.1.8.3036. 1985-2023. Solano County, California. 38° 25'01, -121° 53'36

DigitalGlobe.

Jepson Flora Project (eds.). 2023. Regents of the University of California. Available online at:

<http://ucjeps.berkeley.edu/eflora/>.

United States Fish and Wildlife Service. 2023a. USFWS Threatened and Endangered Species Active

Critical Habitat Portal. Available online at: <http://crithab.fws.gov/ecp/report/table/critical-habitat.html>.

United States Fish and Wildlife Service. 2023b. National Wetland Inventory Mapper. Available online at:

<https://www.fws.gov/wetlands/Data/Mapper.html>.

United States Geological Survey. 2023. The National Map. Solano County, California. 38° 25'01, -121° 53'36. Available online at: <https://viewer.nationalmap.gov/advanced-viewer/>.

ATTACHMENT A

Figures





Figure 1 – Project Location



Figure 2 – Project Area

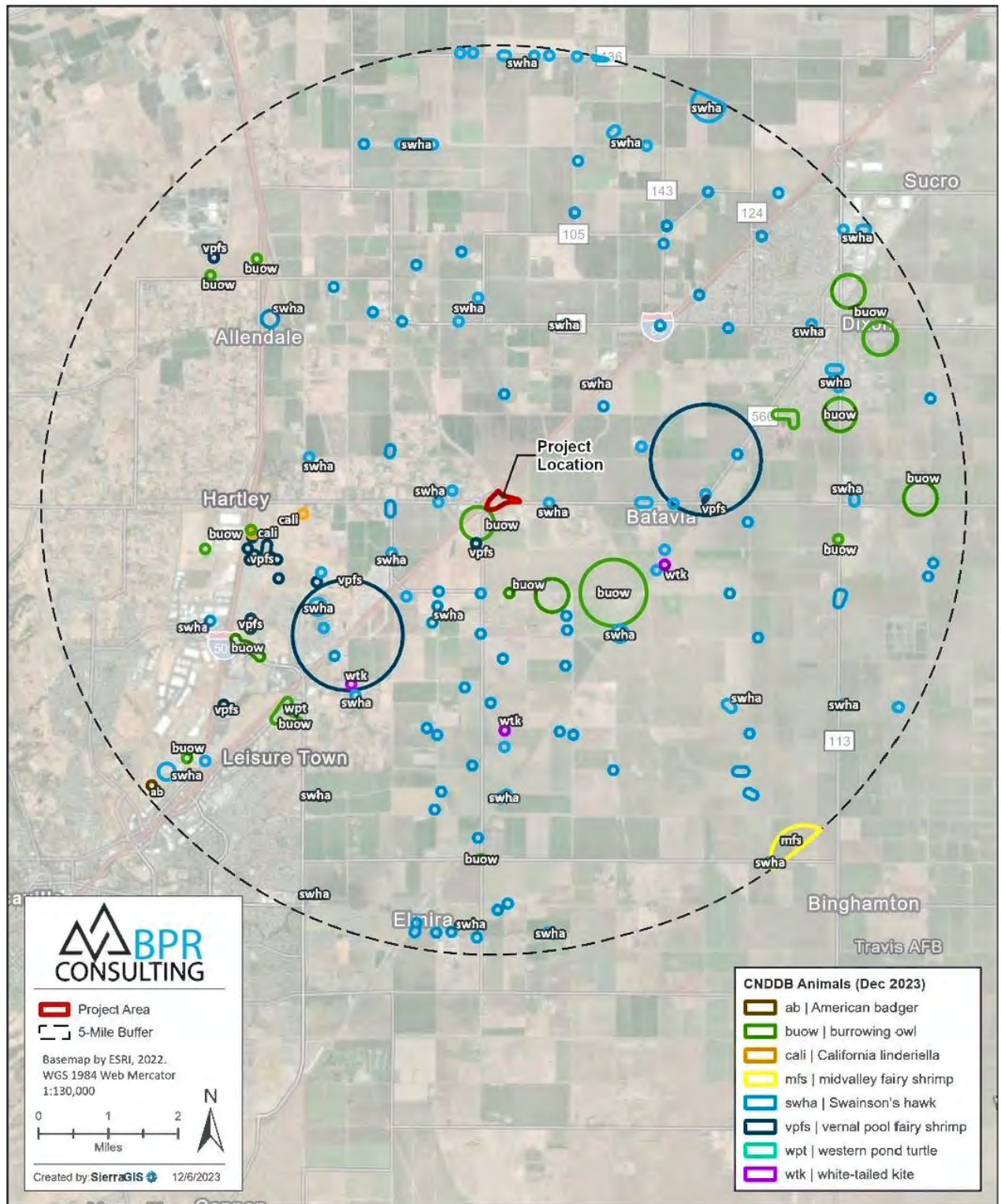


Figure 3 – CNDDDB 5-mile (Animals)

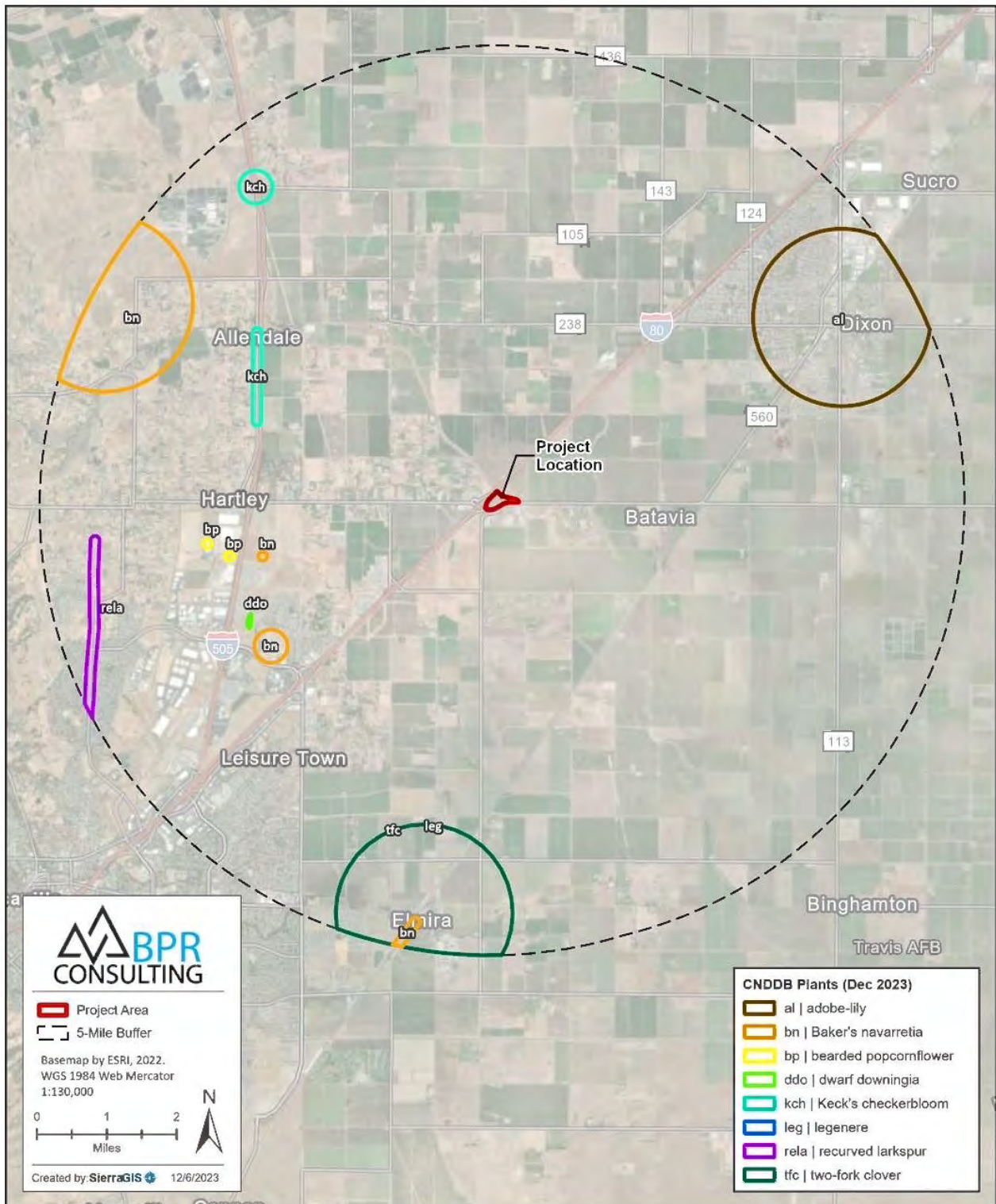
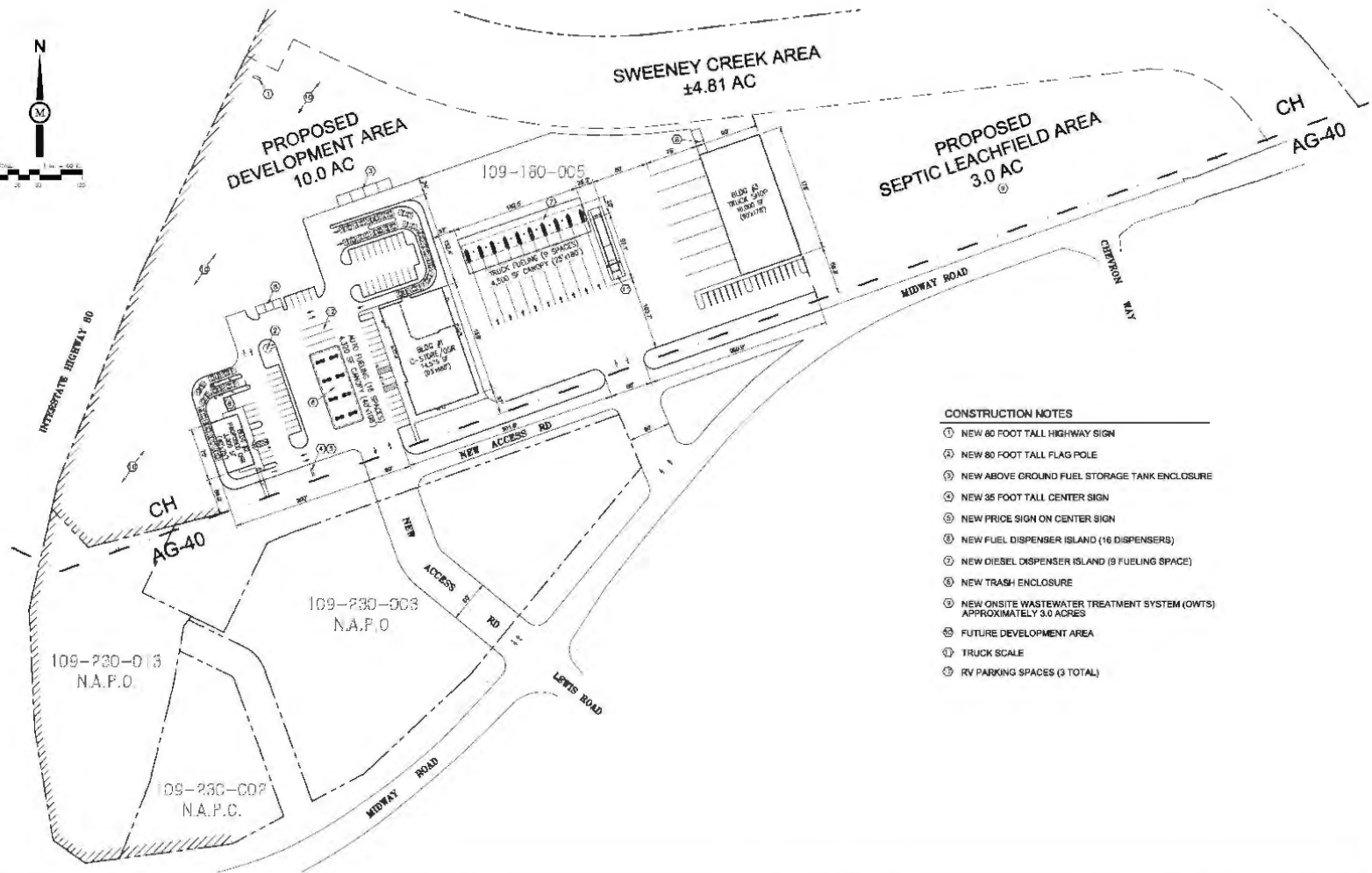


Figure 4 – CNDDDB 5-Mile (Plants)

ATTACHMENT B

Site Plans





- CONSTRUCTION NOTES**
- ① NEW 80 FOOT TALL HIGHWAY SIGN
 - ② NEW 80 FOOT TALL FLAG POLE
 - ③ NEW ABOVE GROUND FUEL STORAGE TANK ENCLOSURE
 - ④ NEW 35 FOOT TALL CENTER SIGN
 - ⑤ NEW PRICE SIGN ON CENTER SIGN
 - ⑥ NEW FUEL DISPENSER ISLAND (16 DISPENSERS)
 - ⑦ NEW DIESEL DISPENSER ISLAND (9 FUELING SPACE)
 - ⑧ NEW TRASH ENCLOSURE
 - ⑨ NEW ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) APPROXIMATELY 3.0 ACRES
 - ⑩ FUTURE DEVELOPMENT AREA
 - ⑪ TRUCK SCALE
 - ⑫ RY PARKING SPACES (3 TOTAL)



Milestone Associates Imaging, Inc.
 1000 Lincoln Road, Suite H202, Yuba City, CA 95991
 (330) 735-4700

MIDWAY PLAZA
 MIDWAY ROAD (COUNTY RD 152), VACAVILLE, CA

SITE PLAN

3