

Lincoln Square Project Initial Study/Mitigated Negative Declaration

Errata Sheet February 7, 2022

This erratum presents the staff-generated changes to the Lincoln Square Project Initial Study/Mitigated Negative Declaration (IS/MND) that have been determined to be appropriate since the release of the IS/MND for public review. Specifically, the changes presented herein are based on revisions to Section IV, Biological Resources, of the IS/MND, in response to public comment. All of the following changes have been made for clarification purposes only and do not change the conclusions of the IS/MND. Changes to the IS/MND text are presented in double-underlined format for new, added text, and ~~strikethrough~~ format for deleted text.

Pages 45 to 47 of the IS/MND are hereby revised as follows:

IV-3

If the draft Solano HCP is adopted prior to issuance of grading permits for the project, then the following mitigation shall be implemented if indirect Swainson's hawk nest impacts occur as a result of the project. According to the draft Solano HCP, an indirect effect can occur if project construction affects the nest such that active, Swainson's hawks are disturbed to a degree that causes, or is likely to cause: (a) injury to the nesting birds; (b) a decrease in productivity by substantially interfering with normal breeding, feeding, or sheltering behavior; or (c) nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior. Covered Activities within 250 feet of an active nest are presumed to have a long-term indirect effect on the nest.

Mitigation for indirect impacts to Swainson's hawk breeding habitat, including known or active nests, shall consist of the following:

- The project applicant shall preserve an active nest site through purchase of occupied nest credits from an HCP-certified mitigation bank or approved project-specific reserve. If preserved active nest sites are unavailable, project proponents will provide funding to the HCP's Interim Nest Protection Program; or*
- Pay current nest-protection impact fee (the fee schedule for the draft Solano HCP has yet to be determined) and monitor the nest tree for a minimum of two nesting seasons following completion and occupancy of the project upon approval from SCWA and Resource Agencies. If the nest remains active or is affected by a subsequent project, the fee, with applicable interest, will be returned to the applicant; or*
- Demonstrate to and receive concurrence from SCWA and the Resource Agencies that the covered activity will not substantially increase disturbance to the nest site.*

If take of Swainson's hawk cannot be avoided, the project

applicant shall obtain a California Endangered Species Act (CESA) Incidental Take Permit (ITP) from the CDFW.

Burrowing Owl Habitat Assessment, Surveys, and Avoidance

IV-4

Prior to project construction activities, a qualified biologist shall conduct a habitat assessment following Appendix C: Habitat Assessment and Reporting Details of the 2012 CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report). The habitat assessment shall extend at least 492 feet (150 meters) from the project site boundary, or more, where direct or indirect effects could potentially extend off-site (up to 500 meters or 1,640 feet) and include burrows and burrow surrogates. If the habitat assessment identifies potentially suitable burrowing owl habitat, then a qualified biologist shall conduct a take avoidance survey following the CDFW 2012 Staff Report survey methodology. The survey shall encompass the project site and a sufficient buffer zone to detect owls nearby that may be impacted, commensurate with the type of disturbance anticipated, as outlined in the CDFW 2012 Staff Report, and include burrow surrogates such as culverts, piles of concrete or rubble, and other non-natural features, in addition to burrows and mounds. Time lapses between the survey or project construction activities shall trigger subsequent surveys, as determined by a qualified biologist, including, but not limited to, a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections. Detected nesting burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report and any passive relocation plan for non-nesting owls shall be subject to CDFW review.

~~Between 14 and 30 days prior to the start of construction activities, a take avoidance survey for burrowing owls shall be conducted by a qualified biologist. The take avoidance survey shall be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (CDFW 2012). The survey area shall include all suitable habitat on and within 200 meters of project impact areas, where accessible. A written summary of the survey results shall be submitted to the City of Dixon Community Development Department before any construction permits are issued.~~

Burrowing Owl Habitat Mitigation

IV-5

If project construction activities would impact an unoccupied nesting burrowing owl burrow or burrow surrogate (i.e., a burrow known to have been used in the past three years for nesting), or an occupied burrow (where a non-nesting owl would be evicted as described above), the following habitat mitigation shall be implemented prior to project construction:

Impacts to each nesting site shall be mitigated by permanent preservation of two occupied nesting sites with appropriate foraging habitat within Solano County, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity. The same requirements shall apply for impacts to non-nesting evicted owl sites.

The project applicant may implement alternative methods for preserving habitat, with written acceptance from CDFW.

~~If project activities are undertaken during the breeding season (February 1-August 31) and active nest burrows are identified within or near project impact areas, a 200-meter disturbance-free buffer shall be established around the identified burrows prior to the start of construction activities. During the non-breeding season (September 1-January 31), resident owls occupying burrows in or near project impact areas shall be avoided through the establishment of a 50-meter disturbance-free buffer or passively relocated to alternative habitat as described below. Smaller buffer areas during the non-breeding season may be implemented with the presence of a qualified biological monitor during all activities occurring within 50 meters of occupied burrows. Buffers shall remain in place for the duration of project activities occurring within the vicinity of burrowing owl activity.~~

~~IV-6 During the non-breeding season (September 1-January 31), resident owls occupying burrows in project impact areas may be passively relocated to alternative habitat in accordance with a relocation plan prepared by a qualified biologist. In addition to the above mitigation measures, compliance with the draft Solano HCP avoidance and mitigation measures is warranted if burrowing owls move on to the site prior to construction. The draft Solano HCP avoidance and mitigation measures may be addressed concurrently with other habitat preservation and management requirements specified for other natural communities and covered species.~~

~~IV-7 Compensatory Mitigation, if Active Owl Dens are Present: If active burrowing owl dens are present and the project would impact active dens, the project applicant shall implement the following:~~

- ~~• If active owl burrows are present and the project would impact active burrows, the project applicant shall provide compensatory mitigation for the permanent loss of burrowing owl habitat consistent with the March 7, 2012, CDFW's Staff Report on Burrowing Owl Mitigation. Such mitigation may include the permanent protection of land, which is deemed to be suitable burrowing owl habitat through a conservation easement deeded to a non-profit conservation organization or public agency with a conservation mission, or the purchase of burrowing owl conservation bank credits from a CDFW-approved burrowing owl conservation bank.~~

~~If the same mitigation acreage would be utilized for multiple species (i.e., burrowing owl habitat and Swainson's hawk foraging habitat), the appropriate wildlife agency, in this case CDFW, must approve the mitigation lands and long-term management practices for the mitigation lands as suitable and compatible for all species for which the lands are to provide compensatory mitigation. Proof of CDFW's approval habitat "stacking" shall be provided to the City of Dixon Community Development Department.~~

Or,

- ~~• If the Solano HCP is adopted prior to issuance of grading permits for the project, then the applicant can comply with the burrowing owl mitigation measures in the Solano HCP.~~

The foregoing revisions represent minor clarifications/amplifications of the analyses contained within the IS/MND and do not alter the significance conclusions presented in the IS/MND.