# SOLANO COUNTY PLANNING COMMISSION

# RESOLUTION No. XXXX

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**WHEREAS,** the Solano County Planning Commission has considered Use Permit U-23-03 of Westervelt Ecological Services to develop the Cache Slough Mitigation Bank (Project), a private commercial mitigation bank on approximately 330-acres within unincorporated Solano County immediately northeast of the city limits of Rio Vista, at the southernmost reach of the Yolo Bypass at the confluence of Cache Slough, Sacramento River, and Steamboat Slough. The Project site is within the Exclusive Agriculture 80-acre minimum (A-80) Zoning District. APNs: 177-110-260 and 177-150-010; and

**WHEREAS**, an Initial Study and Mitigated Negative Declaration was prepared by the Department of Resource Management for the Project, and was noticed and made available for agency and public review on January 29, 2025, in accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; and

**WHEREAS,** in accordance with applicable provisions of law, the Planning Commission has reviewed the report of the Department of Resource Management and held a duly noticed public hearing on June 5, 2025, at which time the Planning Commission heard and received all relevant testimony and evidence presented orally and in writing regarding the Mitigated Negative Declaration and Use Permit U-23-03 for the Project; and

**WHEREAS**, after due consideration, the Planning Commission has made the following findings in regard to the Mitigated Negative Declaration and Use Permit U-23-03:

1. **The establishment, maintenance, or operation of the proposed use is in conformity with the Solano County General Plan with regard to traffic circulation, population density and distribution and other aspects of the General Plan**

   The use is consistent with the General Plan. The Project site is designated as Agriculture with a Resource Conservation Overlay in the General Plan, and the Project is consistent with the goals of agriculture and resource preservation by improving tidal lands for resource conservation. According to the traffic study, the proposed use would not result in a significant impact.

2. **Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

   The conditions of approval ensure that adequate roads, utility and drainage facilities will be constructed to meet the demands of the proposed project. Grading and drainage plans will be reviewed and approved by the Public Works Engineering Division.

3. **The subject use will not, under the circumstances of the particular case, constitute a nuisance or be determinantal to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of the proposed project or be detriment or injurious to property and improvement or the general welfare of the County.**

As conditioned, the project will not constitute a nuisance to surrounding properties, or be determinantal to the health, safety or welfare of County residents. Adequate conditions of approval and mitigation measures have been incorporated into the project.

**4. The subject use is consistent with the Williamson Act and the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts.**

The project is consistent with the Williamson Act and the Solano County Uniform Rules and Procedures Governing Agricultural Preserves and Land Conservation Contracts as a mitigation bank to restore tidal freshwater marsh and floodplain riparian habitats.

**5. The Department of Resource Management has prepared a Draft Initial Study and Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act for this project. The environmental documents were circulated and made available for public review and comment from January 29, 2025, to February 27, 2025. There are no significant impacts that would result from the project after implementation of the identified mitigation measures.**

**BE IT, THEREFORE, RESOLVED**, that the Planning Commission of the County of Solano does hereby adopts the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Plan prepared for the Project. The Planning Commission certifies that the Mitigated Negative Declaration has been completed, reviewed and considered along with the comments received during the public review process and finds that the Mitigated Negative Declaration reflects the independent judgement of the Planning Commission.

**BE IT FURTHER RESOLVED** that the Planning Commission approves Use Permit U-23-03, subject to the following conditions of approval:

**Administrative**

1. **Land Use.** The proposed land use shall be established and operated in accord with the Use Permit application (U-23-03) materials as approved by the Solano County Planning Commission.

   This permit authorizes construction to reestablish approximately 300-acres of tidal freshwater wetland and floodplain and associated vegetated communities by establishing a commercial private mitigation bank and associated improvements. To accomplish this design, a series of open water features, including tidal and subtidal channels, would be excavated throughout the project site. These channels would be sized to accommodate water flows associated with daily tidal fluctuations to prevent scour velocities and avoid tidal muting, including:

   - Excavate approximately 14,000 linear feet (ft) of multi-dimensional main and fringe tidal channels to support the flow and ebb of tides for full tidal excursions and exchange to provide habitat for fish, and transport nutrients to support the food web in the connected waterways.
   - Create topographic complexity by re-contouring the interior Bank habitat to promote diverse habitat assemblages associated with tidal wetlands and floodplains.
   - Design and construct a breach in the existing levee/SR 84 at the confluence of Cache Slough, Sacramento River, and Steamboat Slough that allows unobstructed tidal flow into the Bank's interior.

- Promote habitat resiliency through management and maintenance activities.

2. **Revisions or Modifications in Land Use**. No additional land uses, activities for new or buildings shall be established beyond those identified on the approved development plan dated May 29, 2024 submitted to Solano County and detailed within the project description without prior approval of a revision, amendment, or a new use permit and subsequent environmental review.

*General and Permit Term*

3. This permit shall be subject to periodic renewal every five (5) years. A renewal may be granted if said request is received prior to the permit renewal date, which will first occur on May 15, 2030, and the use is found to be in compliance with the permit terms and conditions at that time. Prior to permit renewal, the applicant shall submit an application for renewal to Solano County, along with applicable renewal fees as may be set by the County Board of Supervisors

4. **Indemnification**. By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to the property or persons arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.

5. The Project shall comply with all applicable Solano County Zoning regulations and Building Code provisions and secure all required local, state, regional and federal permits required to operate.

6. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitations set forth in this permit shall be cause for the revocation of the Use Permit and cessation of the permitted uses at the Permittee's expense.

**Operational Controls**

7. The Permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts which constitute a hazard or nuisance to motorist, persons on the property and in the surrounding areas.

8. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.

9. **Fugitive Dust.** Any access from unpaved dirt roads and with unpaved onsite access roads and parking areas shall control fugitive dust with water trucks, sprinkler system or other practices acceptable to the applicable air quality management district in sufficient quantities to prevent airborne dust.

***Public Works-Engineering***

**10. Encroachment Permit Required.** All connections to County/State roads shall meet the encroachment permit requirements of the Solano County Public Works – Engineering Division, and Caltrans which generally include, but shall not be limited to, paving of the connection within the County road right-of-way.

| Action Required | When | Date Completed | Verified by |
|---|---|---|---|
| Obtain encroachment permit from PW | Prior to construction | | |
| **Action Required** | **When** | **Date Completed** | **Verified by** |
| Obtain encroachment permit from Caltrans | Prior to construction | | |

**11.** The Applicant shall secure and comply with the requirements of a grading permit for the construction of the proposed project.

| Action Required | When | Date Completed | Verified by |
|---|---|---|---|
| Obtain grading permit from PW | Prior to construction | | |

**Mitigation Measures**

| Action Required | When | Date Completed | Verified by |
|---|---|---|---|
| Consistent with the Mitigation Monitoring and Reporting Plan the following mitigation measures shall be implemented. This will include submitting survey reports and/or letters from the project biologists to Solano County Resource Management verifying that the measures have been completed. | Prior to construction or after project completion as specified | | |

**12. Mitigation Measure BIO-1: Preconstruction Surveys for Special-Status Plant Species.**

A qualified botanist will conduct preconstruction surveys for special-status plant species in suitable habitat subject to ground-disturbing activities. The surveys will coincide with the identification period of special-status species with potential to occur onsite and will be conducted no more than one year prior to the start of construction.

**13. Mitigation Measure BIO-2: Avoid and Minimize Impacts on Special-Status Plants.**

To the extent possible, the location of access roads, staging areas, and restoration activities will be adjusted to avoid impacts on any documented special-status plant populations that are discovered during the preconstruction surveys or during construction.

Prior to ground-disturbing activities, the extent of special-status plant observations identified during preconstruction surveys will be demarcated using flagging or fencing, as site appropriate.

Where special-status plants cannot be avoided during construction, impacts will be minimized by reducing the work area to the smallest area necessary to complete the work. Where temporary disturbance is necessary, project activities and necessary ground disturbance will be conducted in a manner that is consistent with the successful reestablishment of the species to the extent possible.

**14. Mitigation Measure BIO-3: Restore Habitat for Special-Status Plants Disturbed during Construction**.

If impacts on special-status plants are unavoidable, revegetation material will be salvaged prior to disturbance and used during revegetation following restoration activities. Seed, propagules, and/or rhizomes of impacted special-status plant species shall be collected, as appropriate, under the direction of the qualified botanist from at least 50 percent of plants impacted. Harvested plant seeds or other material shall be stored in a manner suited to the species. Following restoration activities, the collected seeds and propagules shall be planted into suitable habitat within the conserved project footprint.

**15. Mitigation Measure BIO-4: Dewatering Habitat for Giant Garter Snake.**

Where appropriate to protect giant garter snake, suitable aquatic habitat suitable will be dewatered prior to ground disturbance and will remain dewatered and absent of aquatic prey for 48 hours prior to the initiation of construction activities. This approach may be most appropriate where habitats to be dewatered are relatively small compared to adjacent habitats or where the work areas will be isolated from nearby aquatic habitat. If complete dewatering is not possible due to groundwater intrusion, the water feature will be thoroughly inspected by a qualified biologist prior to the commencement of construction to ensure that no snakes are present.

Engineering controls will be instituted as appropriate to prevent snakes from being entrained by the suction of large pumps used in dewatering. Such controls may include installation of a wire cage to create an area of separation between the water body and the intake. A qualified biologist will be present during the initial dewatering activities and will periodically inspect the aquatic habitat being dewatered to confirm that it remains dry and incapable of supporting aquatic giant garter snake prey.

**16. Mitigation Measure BIO-5: Preconstruction Giant Garter Snake and Northwestern Pond Turtle Survey.**

A qualified biologist will conduct preconstruction surveys for giant garter snake and northwestern pond turtle within 72 hours prior to any initial ground disturbance in all suitable habitat in or

adjacent to the project site within accessible habitat to identify locations where the species may be present, evaluate current activity status in the project area, and protect the species and its habitat from avoidable construction-related disturbance. The intent of the survey is to assess current species' habitat and use locations in the project area immediately prior to construction. The preconstruction survey is not intended to be a presence/absence or protocol-level survey. Preconstruction surveys may be phased across a project site to correspond to areas with active construction. Only areas where disturbance is imminent need to be surveyed. The project area will be reinspected by a qualified biologist whenever a lapse in construction activity of 5 days or more has occurred.

17. **Mitigation Measure BIO-6: Giant Garter Snake and Northwestern Pond Turtle Avoidance.**

If a giant garter snake or northwestern pond turtle is encountered in the project area, all activities that have the potential to result in the harm, injury, or death of the individual will cease within 50 feet of the snake or turtle. An Agency-approved biologist will be notified immediately and will assess the situation to select the course of action that will minimize adverse effects on the individual and avoid take.

If a giant garter snake or northwestern pond turtle is encountered in the project area and is not moving or is in a burrow or other refugia then the animal will be left undisturbed, and the occupied area will be marked for avoidance by construction equipment. The snake or turtle will be monitored by an agency-approved biologist to ensure avoidance until the animal moves out of the construction area on its own.

18. **Mitigation Measure BIO-7: Preconstruction Nesting Bird Surveys.**

A Qualified Biologist will conduct nesting bird surveys prior to the start of construction activities, including grubbing, that occur between March 1 and August 31. A minimum of two separate surveys will be conducted to look for active nests of migratory birds, including raptors within and adjacent to the construction area. Surveys will include a search of all trees, shrubs, and ground vegetation within the project footprint. In addition, a 0.25-mile area from the project would be surveyed for nesting raptors to identify raptor species that could be affected by construction disturbances, particularly special-status raptors (i.e., Swainson's hawk). In areas where access is not permitted, the biologist will use binoculars and spotting scopes to inspect any potential nest trees, particularly large trees and snags. One survey will occur within 48 hours prior to the start of construction. Additional surveys may be required as the location of active construction moves to different areas of the project site. If no active nests are detected during these surveys, no additional protection measures are required.

19. **Mitigation Measure BIO-8: No-Disturbance Buffers for Active Bird Nests**.

If an active nest is found in the preconstruction nesting bird survey area, a no-disturbance buffer would be established to avoid disturbance or destruction of the nest site until the end of the breeding season (August 31) or until after a qualified wildlife biologist determines that the young have fledged and moved out of the construction area (this date varies by species). The extent of these buffers would be determined by the qualified wildlife biologist in coordination with any applicable agencies (as determined by species) and would depend on the level of noise or construction disturbance taking place, line of sight between the nest and the disturbance, ambient levels of noise and other non-project disturbances, and other topographical or artificial

barriers. Suitable buffer distances may vary between species; however, a minimum of 50 feet for songbirds and 300 feet for raptors is typical.

**20. Mitigation Measure BIO-9: Dewatering for Aquatic Species.**

If dewatering is required to perform project activities within a waterway supporting fish, a dewatering plan will be prepared and implemented and will include a description of the proposed dewatering structures and appropriate BMPs for the installation, operation, maintenance, and removal of those structures. The period of dewatering will extend only for the minimum amount of time needed to perform the restoration activity and to allow sensitive species time to leave on their own before final clearance surveys and construction can begin. Dewatering will occur via gravity-driven systems, where feasible and except as specified below.

Dewatering will be designed to avoid direct and preventable indirect mortality of fish and other aquatic species. If sensitive fish species may be present in the area to be dewatered, a fish capture and relocation plan will be developed and implemented for review and approval by the appropriate wildlife agencies (i.e., NMFS, USFWS, and CDFW).

When gravity-fed dewatering is not feasible and pumping is necessary to dewater the work site, a temporary siltation basin and/or silt bags may be required to prevent sediment from reentering the wetted channel. Silt fences or mechanisms to avoid sediment input to the flowing channel will be installed adjacent to flowing water. Water pumped or removed from dewatered areas will be conducted in a manner that does not contribute turbidity to nearby receiving waters. Pumps will be refueled in an area well away from the stream channel. Fuel-absorbent mats will be placed under the pumps while refueling. Equipment working in the stream channel or within 25 feet of a wetted channel will have a double (i.e., primary, and secondary) containment system for diesel and oil fluids.

All dewatering work will comply with the California Department of Fish and Game Fish Screening Criteria (California Department of Fish and Game 2002) or NMFS Fish Screening Criteria for Anadromous Salmonids (National Marine Fisheries Service 2022). Pump intakes will be covered with mesh, in accordance with the requirements of current fish screening criteria, to prevent potential entrainment of fish or other aquatic species that could not be removed from the area to be dewatered. The pump intake will be checked periodically for impingement of fish or other aquatic species. Diverted flows must be of sufficient quality and quantity, and of appropriate temperature, to support existing fish and other aquatic life both above and below the diversion.

**21. Mitigation Measure BIO-10: In-Water Pile Driving Plan for Sound Exposure**.

If in-water pile driving is determined to be necessary and authorized by the applicable wildlife agencies (i.e., USFWS, NMFS, CDFW), pile driving activities will be designed to minimize acoustic impacts on fish and other aquatic wildlife species. A pile driving plan will be developed and submitted to the appropriate wildlife agencies (i.e., USFWS, NMFS, CDFW) for review prior to the start of in-water project activities that would require pile driving. The pile driving plan will include measures that will be implemented to minimize underwater sound pressure to levels below fish thresholds for peak pressure and accumulated sound exposure levels. Threshold levels will follow guidance provided in the Fisheries Hydroacoustic Working Group's Agreement in Principle for Interim Criteria for Injury to Fish from Pile Driving Activities (Fisheries Hydroacoustic Working Group 2008). The pile driving plan will describe the method that is least impactful to aquatic organisms, and will identify the number, type, and size of piles; estimated

sound levels caused by the driving; number of piles driven each day; qualifications requirements for monitors; any other relevant details on the nature of the pile-driving activity; and the actions that will be taken to ensure that a project stays within the required sound exposure thresholds.

**22. Mitigation Measure BIO-11: In-Water Pile Driving Methods**.

If in-water pile driving is determined to be necessary and authorized by the applicable wildlife agencies (i.e., USFWS, NMFS, CDFW), pile driving will occur during approved work windows for sensitive fish species (June 1 to November 1), with reduced currents, and only during daylight hours. Pile driving will be conducted with vibratory or low/nonimpact methods (i.e., hydraulic) that result in sound pressures below threshold levels. Applied energy and frequency will be gradually increased until necessary full force and frequency are achieved. If it is determined that impact hammers are required and/or underwater sound monitoring demonstrates that thresholds are being exceeded, the contractor will implement sound dampening or attenuation devices to minimize sound levels; these may include:

- A cushioning block used between the hammer and pile.
- A confined or unconfined air bubble curtain.
- If site conditions allow, pile driving in the dry area (dewatered) behind the cofferdam.

Pile driving will follow the criteria outlined in the most recent version of the Caltrans *Technical Guidance for Assessment of Hydroacoustic Effects of Pile Driving on Fish* (California Department of Transportation 2020).

**23. Mitigation Measure BIO-12: Sediment Containment During In-Water Pile Driving.**

If in-water pile driving is determined to be necessary and authorized by the applicable wildlife agencies (i.e., USFWS, NMFS, CDFW), a continuous length of silt curtain, fully surrounding the pile-driving area will be used to protect aquatic resources and provide sediment containment while construction activities are occurring if working in a wetted channel. The silt curtain will prevent the release of a turbidity plume and trap sediment that may become suspended as a result of the pile driving. The bottom of the silt curtains must be weighted (e.g., with ballast weights or rods affixed to the base of the fabric) to resist the natural buoyancy of the silt curtain fabric and lessen its tendency to move in response to currents. Floating silt curtains will be anchored and deployed from the surface of the water to just above the substrate. The silt curtain will be monitored for damage, dislocation, or gaps and will be immediately repaired where it is no longer continuous or where it has loosened. The silt curtain must restrict the surface visible turbidity plume to the area of pile construction and must control and contain the migration of resuspended sediments at the water surface and at depth.

**24. Mitigation Measure BIO-13: Pile-Driving Monitoring.**

If necessary, a Qualified Biologist will be onsite during pile-driving activities to minimize effects on sensitive fish species. If any stranding, injury, or mortality to a state- or federally listed fish related to pile driving is observed, the appropriate wildlife agency(ies) (i.e., USFWS, NMFS, CDFW) will be notified in writing (e.g., via email) within 24 hours and in-water pile driving will cease until the appropriate agencies with jurisdiction over affected species provide guidance on how to proceed.

**25. Mitigation Measure CUL-1: Cultural Resources Awareness Training**.

Before any ground-disturbing and/or construction activities, a qualified archaeologist, defined as an archaeologist meeting or under the supervision of one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, will conduct a training program for all construction and field personnel involved in ground disturbance. The program will be developed and administered in coordination with California Native American Tribes culturally and geographically associated with the project area. Onsite personnel will attend a mandatory pre-project training that will outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered, as well as the significance of the project area and vicinity to California Native American Tribes.

**26. Mitigation Measure CUL-2: Inadvertent Discovery of Cultural Resources.**

If archaeological resources are encountered during project implementation, all construction activities within 100 feet will halt, and a qualified archaeologist, defined as an archaeologist meeting or under the supervision of one meeting the U.S. Secretary of the Interior's Professional Qualifications Standards for Archeology, will inspect the find within 24 hours of discovery and notify the County of their initial assessment. Indigenous archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (midden) containing heat-affected rocks, artifacts, or shellfish remains; stone milling equipment (e.g., mortars, pestles, handstones, milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-era materials might include building or structure footings and walls, and deposits of metal, glass, and/or ceramic refuse.
If the County (as the CEQA lead agency) determines, based on recommendations from a qualified archaeologist and a California Native American Tribe representative (if the resource is indigenous), that the resource may qualify as a historical resource, as defined in CEQA Guidelines Section 15064.5, a unique archaeological resource, as defined in PRC Section 21083.2(g), or a tribal cultural resource, as defined in PRC Section 21074, the resource will be avoided, if feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through: planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; and/or deeding the site into a permanent conservation easement.

If avoidance is not feasible, the County will consult with California Native American Tribes that are culturally and geographically associated with the project area (if the resource is indigenous), and other appropriate interested parties to determine treatment measures to avoid, minimize, or mitigate any potential impacts on the resource pursuant to PRC Section 21083.2 and CEQA Guidelines Section 15126.4. This will include documentation of the resource and may include data recovery (according to PRC Section 21083.2), if deemed appropriate, or other actions such as treating the resource with culturally appropriate dignity and protecting the cultural character and integrity of the resource (according to PRC Section 21084.3).

If, during project implementation, the County determines that portions of the project area may be sensitive for archaeological resources or tribal cultural resources, the County may authorize construction monitoring of these locations by a Tribal Monitor, an archaeologist and representative from a California Native American Tribe that is culturally and geographically associated with the project area, and has the expertise to observe and identify sensitive resources..

Any monitoring by a Tribal Monitor will be done under agreements between the County and culturally affiliated California Native American Tribes.

**27. Mitigation Measure CUL-3: Inadvertent Discovery of Human Remains.**

In the event of discovery or recognition of any human remains during construction activities, such activities within 100 feet of the find will cease until the Solano County Coroner has been contacted to determine that no investigation of the cause of death is required. The Native American Heritage Commission (NAHC) will be contacted within 24 hours if it is determined that the remains are Native American. The NAHC will then identify the person or persons it believes to be the most likely descendant from the deceased Native American, who in turn would make recommendations to the lead agency for the appropriate means of treating the human remains and any grave goods. Per PRC Section 5097.98, the County will ensure that the immediate vicinity of the location of the human remains is not damaged or disturbed by further development activity until the County has discussed and conferred with the most likely descendant regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.

**28. Mitigation Measure HAZ-1: Design Habitat Features that Minimize Bird Attractants**

The following measures will be incorporated into the final habitat design and planting plan to reduce vegetation characteristics that promote large congregations of birds that pose the greatest hazard to aircraft.

Develop a planting plan that conforms to the following guidelines:

1) Tree planting will be limited to a minimum average of 20 feet on-center to promote an open tree canopy and reduce overlapping branches.

2) Riparian plantings will favor tree species that provide limited forage for birds, such as alders, cottonwoods, willows, and oaks.

3) Planted fruit and nut-bearing trees and shrubs such as elderberry, blackberry, dogwood, and walnut will be avoided.

4) Willow and dogwood plantings will be limited to no more than 10 percent of restoration area to minimize dense vegetation thickets that can be inhabited by large groups of songbirds.

5) Subtidal channels will be designed to a depth of 7 feet or greater at high tide to discourage the growth of emergent vegetation within open water portions of the project site, limiting habitat for dense-nesting birds such as blackbirds.

6) Aquatic features on the tidal marsh plain will be designed to drain to the subtidal channels on low tide to prevent the establishment of persistent ponds or basins.

7) Avoid installing infrastructure that is designed to attract birds or other wildlife (e.g., nesting boxes) in the project area.

**29. Mitigation Measure HAZ-2: Dewater the Restoration Area Prior to and during Construction**

Prior to initiating restoration activities, existing managed water levels onsite will be reduced to the extent practicable to minimize areas of standing water that could attract birds. Groundwater encountered during construction will be managed to avoid large areas of prolonged ponding.

**30. Mitigation Measure HAZ-3: Conduct Periodic Biological Monitoring during Construction**

During construction, if a biological monitor is not already required by project permits, a qualified biologist will conduct site visits on a minimum bi-weekly basis to evaluate site conditions, identify potential attractants, and advise on wildlife management methods as needed. Areas of concern (i.e., ongoing construction activities or conditions attracting large flocks of birds for extended periods) will be brought to the attention of the construction manager and the Rio Vista Airport Land Use Commission representative and appropriate actions to address bird attractants will be implemented according to Mitigation Measures HAZ-4 and HAZ-5.

**31. Mitigation Measure HAZ-4: Implement Construction Best Management Practices to Maintain a Clean Work Area**

Follow standard construction best management practices (BMPs) such as properly disposing of trash to avoid attracting wildlife to the construction site. At minimum, food-related trash will be placed in closed containers and removed from the project site at the end of each work week.

**32. Mitigation Measure HAZ-5: Deter Bird Use of Disturbed Areas during and Immediately Following Construction**

If large flocks of birds are attracted to the project site during grading or grubbing activities, a means of harassment (e.g., lasers, pyrotechnics) will be used to disperse birds. Ultrasonic bird deterrents may be used in active construction areas where preconstruction bird surveys have confirmed the absence of nearby nesting activity. After initial seeding and outside of the nesting season, deploy deterrents (e.g., propane cannons, lasers, pyrotechnics, or other agency-approved methods) to haze birds such as geese, who may be attracted to new plant growth. The use of bird deterrents will comply with all relevant state and federal laws. As applicable, preconstruction bird surveys will be performed prior to use of deterrents when performed during the breeding season (generally March 1 through August 31) to ensure that suitable buffers are established to prevent adverse effects on nesting birds.

**33. Mitigation Measure HAZ-6: Develop and Implement Adaptive Management Strategies to Address Wildlife Hazards**

Incorporate an adaptive management strategy for wildlife hazards in the mitigation bank's long-term management plan. Management actions would be implemented on an as-needed basis to address observed wildlife hazards and may include, but are not limited to, vegetation management actions such as pruning mature trees to maintain an open canopy, removing snags, and use of bird deterrents as described under Mitigation Measure HAZ-5. The need for and type of adaptive management actions would be coordinated between the mitigation bank land manager, the Rio Vista Municipal Airport, and the conservation easement holder for the mitigation bank. Wildlife hazard concerns identified by the Rio Vista Airport would be communicated to the land manager through a through a memorandum of understanding, as described under Mitigation Measure HAZ-7.

**34. Mitigation Measure HAZ-7: Develop and Implement a Public Safety Memorandum of Understanding**

Establish a plan of communication between the mitigation bank land manager and the City of Rio Vista related to public safety concerns at the Rio Vista Municipal Airport. A communication protocol will be outlined in a memorandum of understanding between the mitigation bank land manager and the City of Rio Vista. The MOU will identify primary contacts, preferred methods and frequency of communication between mitigation bank land manager and the City of Rio Vista, and timelines for responses and remediation. At minimum, the land manager will coordinate with the City of Rio Vista, the Rio Vista Airport Advisory Commission, and the Solano County Airport Land Use Commission Wildlife Hazard Subcommittee at least once annually to discuss current concerns and outcome of any adaptive management activities implemented in accordance with Mitigation Measure HAZ-6.

**35. Mitigation Measure HAZ-8: Conduct a Post-construction Wildlife Hazard Assessment**

Westervelt will conduct a Wildlife Hazard Assessment (12-month continuous survey according to Federal Aviation Administration protocols) on the project site following project implementation. The assessment will be initiated at least 3 years and no more than 6 years after the completion of construction activities that restore tidal connection to the project site. This will allow time for the establishment of vegetation cover representative of tidal marsh habitat. The assessment will identify the current degree of wildlife hazards to the Rio Vista Municipal Airport to document that habitat restoration activities have not resulted in an increase in wildlife hazards relative to baseline no-project conditions. A post-construction Wildlife Hazard Assessment report will be provided to the City of Rio Vista and the Rio Vista Airport Advisory Commission.

If the Wildlife Hazards Assessment demonstrates that there is an increase in wildlife hazards during a particular time of year or within a particular portion of the project area, then adaptive management strategies will be implemented according to Mitigation Measure HAZ-6 to address these concerns. Management actions to address the hazards will be implemented within a reasonable timeframe, as determined by the land manager in coordination with the City of Rio Vista and the Rio Vista Airport Advisory Commission. Following implementation of management actions, a subsequent Wildlife Hazards Assessment will be performed to verify that the management actions addressed the wildlife hazards concerns.

**PERMIT TERM**

**36.** The Use Permit shall be in effect for a five (5) year period with the provision that a renewal may be granted if said request is received prior to the expiration date of June 5, 2030, and the uses remain the same and in compliance with the Conditions of Approval.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on June 5, 2025, by the following vote:

AYES: Commissioners _____

_____

NOES: Commissioners _____

ABSTAIN: Commissioners _____

ABSENT: Commissioners _____

By: _____

Hector De La Rosa, Chair
Solano County Planning Commission

Attest:

By: _____
James Bezek, Secretary