




INTER DEPARTMENTAL MEMO

Community Development Department

DATE: July 9, 2024

TO: Chair Caldwell and Planning Commissioners

FROM: Raffi Boloyan, Community Development Director 

RE: **PUBLIC COMMENTS RECEIVED AFTER PUBLICATION OF STAFF REPORT THROUGH TUESDAY 7/9/24 AT NOON**
[“THE CAMPUS/DIXON 257” DRAFT EIR]

Tonight, the Commission will be hosting a public hearing on the Draft EIR for “The Campus/Dixon 257” project. The state mandated, 45-day public review period for the Draft EIR commenced Friday, May 24, 2024 and continues through today, Tuesday, July 9, 2024.

As part of the staff report that was distributed on Wednesday, July 2nd, there was one comment received at that time (Letter from Department of Toxic and Substance Control)

Since that letter, staff has received additional comment letters as of noon today. These include letters from:

- Campbells Soup, 7/2/24
- CA Dept of Fish and Wildlife, 7/8/24
- CalTrans, dated 7/9/24
- State Water Resource Control Board, 7/9/24

Staff notes that one of the letters from Campbells was not a comment letter, but a request for an extension of time. Staff responded to Campbells letter and a copy of that response is included

Copies of these letters are being forwarded to the Commission by email and will be posted on the City’s agendas page and the project page at www.cityofdixon.us/environmentalreviewdocuments

Any additional letters received from noon to the 6:45 pm will be forwarded to the Commission under separate cover and also placed on your dias



July 2, 2024

Raffi Boloyan, Community Development Director
City of Dixon
600 East A St.
Dixon, CA 95620
rboloyan@cityofdixon.us

Campbell Soup Supply Company L.L.C.
P.O. Box 340
8380 Pedrick Rd.
Dixon, CA 95620
707.678.4406
916.441.3718 Fax

RE: The Campus/Dixon DEIR Request for Extension of Comment Period to 60 Days

Dear Mr. Boloyan,

As noted in the Campus Project Draft Environmental Impact Report ("DEIR"), Campbell Soup Company ("Campbell") has owned and operated a critical tomato processing plant in adjacent Solano County on a site that abuts the proposed Campus Project Rezone. The processing plant has been in operation for 50 years and is critical not only to Campbell's national operations, but to the regional economy in the area. Campbell therefore is a particularly interested party in the public disclosure process pursuant to the California Environmental Quality Act (Pub. Resources Code, § 21000, et seq.).

The proposal to rezone adjacent properties with residential raises potential issues on a myriad of topics. Just one of those issues addresses runoff and drainage issues that will certainly result from any projects that follow in the wake of the Campus rezoning. On that note, just last Wednesday, the Dixon Regional Watershed Joint Powers Authority Board of Directors voted to deny concurrence on a plan to implement regional stormwater drainage infrastructure necessary for the significant changes in use proposed by The Campus project.

More time is necessary to analyze and comment on such issues as runoff and drainage, the potential impacts of such a proposal on incumbent uses, not to mention the complex issues that arise from proposing residential uses so close to agricultural processing uses that have been an integral feature of the region's landscape and economy for many years.

To that end, Campbell respectfully requests an extension of the public comment period from 45 to 60 days pursuant to CEQA Guidelines section 15105 and other relevant provisions of the statute.

We believe such an extension is necessary to ensure full disclosure and informed decision-making.

Sincerely,

David Kiehn
Senior Director of Agriculture Procurement
Campbell Soup Company


7/2/24 request for Extension to 45 day Public Review period for The Campus DEIR

Raffi Boloyan <rboloyan@cityofdixon.us>

Mon 7/8/2024 6:55 PM

To: david_kiehn@campbells.com <david_kiehn@campbells.com>

Cc: Raffi Boloyan <rboloyan@cityofdixon.us>; Brian Millar <bmillar@cityofdixon.us>

 1 attachments (46 KB)

Letter from Campbells Soup Requesting Extension to DEIR comment period_07.02.24.pdf;

Hello Mr Kiehn

We are in receipt of your July 2nd letter to me from Campbells , received on July 3rd, requesting an extension in the public review period for the Draft EIR for "The Campus Project" from 45-60 days. Tried to respond on Friday , but there was no email address for you provided in in your letter to provide a quicker reply than a mailed letter, but I was able to find one this afternoon through other sources. I will mail a hard copy of this letter as well in tomorrows mail.

The City mailed and emailed the Notice of the Availability of the Draft EIR to multiple persons at Campbell's and the corporate office listed as property owner, at the start of the 45 day notice period, on May 24, 2024. We received your request for an extension on 7/3/24. As noted in the CEQA guidelines section you reference, Section 10105(a)

*The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. **When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless a shorter period, not less than 30 days, is approved by the State Clearinghouse.***

45 days is the standard timeframe provided for most EIR's throughout the State. We do not see any special or unique circumstances here to extend it. Furthermore, given how late in the review period this request was received, by the time we were able to send out an official revised Notice of Availability/Completion to the list of agencies and interested parties that the original was sent to, as well as republish the Notice of Availability/Completion in the newspaper of the extended period, it would not be until after than current close of the EIR period and likely just a couple of days before any extended deadline, which would be very confusing to many others agencies, and members of the public who are currently reviewing the EIR and working to submit comments by the deadline.

Therefore, the City will not extend the Draft EIR comment period for The Campus project beyond the 45 days, which ends on July 9, 2024. As noted in the NOA, to submit any comments on the Draft EIR , please follow the following procedures:

COMMENTS ON DRAFT EIR:

Your written comments on the adequacy of the environmental analysis in the DEIR must be sent at the earliest possible date, but no later than 5:00 p.m. on July 9, 2024. Written comments on the adequacy of the Draft EIR can be made to:

City of Dixon Community Development Department

Attn: Brian Millar, Contract Planner

600 East A St. Dixon, CA 95620

bmillar@cityofdixon.us (If emailing, please include "The Campus DEIR comments" in subject line)

Please let me know of any additional questions.

Regards,
Raffi Boloyan



Download Our Mobile App

Raffi Boloyan

Community Development Director

Phone: (707) 890-6609

Email: rboloyan@cityofdixon.us





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



July 8, 2024

Brian Millar, Contract Planner
City of Dixon
600 East A Street
Dixon, CA 95620
BMillar@CityofDixon.us

Subject: The Campus, Environmental Impact Report, SCH No. 2023080739, City of Dixon, Solano County

Dear Mr. Millar:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (EIR) from the City of Dixon (City) for The Campus (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted comments in response to the Notice of Preparation of the EIR (NOP) in a letter dated September 29, 2023.

CDFW is submitting comments on the EIR to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with 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 (LSA) 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: Dixon Venture LLC

Objective: The Project would develop a phased, mixed-use development on approximately 260 acres of farmland. The development would consist of 47.87 acres of light industrial business park/tech campus (the Dixon Opportunity Center), 2.49 acres of light commercial use, 11.54 acres of high-density residential use, 33.49 acres of

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.

Brian Millar
City of Dixon
July 8, 2024
Page 2

medium-density residential use, 99.24 acres of low-density residential use, 8.42 acres of recreational parks and open space, 27.90 acres of water and drainage infrastructure, and 23.66 acres of road and road right-of-way.

The Project would also rezone the site, currently zoned as Professional & Admin Office (PAO-PUD), Neighborhood Commercial (CN-PUD), and Light Industrial (ML-PUD), to Campus Mixed Use Planned Development (CAMU-PD).

Location: The Project is located in northeast Dixon, with a center point of approximately 38.477517 °N, -121.807619 °W. The Project site is comprised of APNs 0111-040-010, 0111-040-020, 0111-040-030, 0111-040-040, and 0111-080-050.

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 the potential to impact Swainson’s hawk (*Buteo swainsoni*), 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.

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 (MBTA).

Brian Millar
City of Dixon
July 8, 2024
Page 3

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below, which are 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. Mitigation Measure Related Impact Shortcomings

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

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: Swainson's hawk, EIR pages 2.2, 2.3, 2.4, 3.4-31, 3.4-35, 3.4-36, 3.4-37, and figures ES-4 and ES-6.

Issue: The EIR does not adequately mitigate potential impacts to Swainson's hawk. The California Natural Diversity Database (CNDDB) documents 143 occurrences of nesting Swainson's hawk within five miles of the Project site (CNDDB 2024). The nearest two occurrences of nesting Swainson's hawk overlap with the northwest and the southeast portions of the Project site (CNDDB 2024). Additionally, the EIR identifies that "croplands within the Project site (261.192 acres) provide suitable foraging habitat for this species and suitable nest trees are located adjacent to the Project site and in the surrounding vicinity" (EIR page 3.4-31).

Specific impacts, why they may occur and be potentially significant:

Nesting Swainson's hawks

Thank you for including in Mitigation Measure 3.4-4(b) protocol-level Swainson's hawk surveys pursuant to the 2000 *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>) (EIR pages 3.4-35, 3.4-36, and 3.4-37). However, the proposed buffer distance of 200 yards around any detected active nests is potentially inadequate and therefore 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

Brian Millar
 City of Dixon
 July 8, 2024
 Page 4

of eggs or reduced health and vigor and loss of young. This above protocol document includes Project activities which occur greater than 200 yards in a category of low disturbance to the reproductive success of individuals (TAC 2000 page 5). However, this “low” level of disturbance may still result in take, and a 200-yard buffer may not be adequate to prevent take of nesting Swainson’s hawk. A more protective 0.5-mile buffer is recommended in both the *Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks (Buteo swainsoni) in the Central Valley of California* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline>) and the *Swainson’s Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>) and should be implemented for this Project (CDFW 1994 page 11 and CEC and CDFG 2010).

Further, use of “if possible” in the Mitigation Measure, for example “If possible, no work will occur within 200 yards of the nest while it is in active use” (EIR page 3.4-35) presents uncertainty that any buffer will be implemented.

Swainson’s hawk foraging habitat

As described in the EIR, the Project site contains 261.192 acres of Swainson’s hawk foraging habitat (page 3.4-31), which would be destroyed during Project implementation (EIR pages 2-2, 2-3, and 2-4 figures ES-4 and ES-6). The Project site is within the draft Solano Multispecies Habitat Conservation Plan (HCP) Irrigated Agriculture Conservation Area, and should be mitigated at a 1:1 ratio according to the draft Solano HCP Mitigation Measure SH 1 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-plan/>), as described our response to the NOP in a letter dated September 29, 2023.

Mitigation Measure 3.4-4(b) does not provide certainty that foraging habitat destroyed by the Project will be adequately mitigated. Mitigation Measure 3.4-4(b) states that “the City of Dixon as the CEQA lead agency shall make the final determination as to the extent of the proposed Project’s impacts to Swainson’s hawk foraging habitat and any appropriate mitigation that might be necessary associated with project development” (EIR page 3.4-36). Mitigation Measure 3.4-4(b) inappropriately defers determining the amount of mitigation land necessary to offset impacts to Swainson’s hawk foraging habitat, therefore this impact may not be reduced to less-than-significant. Further, the amount of mitigation land, if any, would not be subject to public review under CEQA, thereby circumventing key purposes of CEQA including informing the public and governmental decision makers about the potential, significant environmental effects of a proposed project and identifying ways that environmental damage can be avoided or significantly reduced (CEQA Guidelines, § 15002). CEQA Guidelines section 15126.4,

Brian Millar
 City of Dixon
 July 8, 2024
 Page 5

subdivision (b) states: "Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards." With respect to Swainson's hawk foraging habitat mitigation, Mitigation Measure 3.4-4(b) does not commit the City as Lead Agency to habitat mitigation, nor does it adopt specific performance standards for mitigation.

Potentially significant impacts

Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active Swainson's hawk nest is disturbed by the Project or its foraging habitat is removed, the Project may result in a substantial reduction in the number or restriction in the range of a threatened species, which is considered a Mandatory Finding of Significance pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measures: To reduce potential impacts to Swainson's hawk to less-than-significant and comply with CESA, CDFW recommends replacing Mitigation Measure 3.4-4(b) with the below Mitigation Measures.

Mitigation Measure 3.4-4(e) (Swainson's Hawk Surveys and Avoidance Buffer): 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

Brian Millar
 City of Dixon
 July 8, 2024
 Page 6

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.

Mitigation Measure 3.4-4(f) (Swainson's Hawk Foraging Habitat Mitigation): 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 2: Burrowing owl (*Athene cunicularia*), EIR pages 3.4-31 and 3.4-34.

Issue: The EIR does not adequately mitigate potential impacts to burrowing owl. The CNDDDB documents 17 occurrences of burrowing owl within five miles of the Project site (CNDDDB 2024). The nearest occurrence of burrowing owl is a nesting burrow approximately 375 feet southeast of the Project site (CNDDDB 2024). Additionally, the EIR identifies that "based on suitable habitat in the Project site and the number and proximity of nearby documented occurrences, burrowing owl has a high potential to occur in the Project site" (page 3.4-31).

Specific impacts, why they may occur and be potentially significant:

Nesting and wintering burrowing owl

Thank you for including a protocol-level burrowing owl survey and mitigation generally based on the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) methodology

(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline=true>) in Mitigation Measure 3.4-4(a) (EIR page 3.4-34). However, Mitigation Measure 3.4-4(a) only includes surveys extending 500 feet from the edge of the Project area (EIR page 3.4-34). However, pursuant to the above protocol, the Project may impact nesting or wintering burrowing owl utilizing burrows or burrow surrogates on or within 500 meters (1,640 feet) of the Project site. The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, and permanent wintering (i.e., non-nesting) or nesting habitat loss. Burrowing owl is a California Species of Special Concern (SSC) because the species' population viability and survival are adversely affected by risk factors such as precipitous declines

Brian Millar
 City of Dixon
 July 8, 2024
 Page 7

from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrel (*Otospermophilus beecheyi*) resulting in a loss of suitable burrows required by burrowing owl for nesting, protection from predators, and shelter (Shuford and Gardali 2008; *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012); personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owl have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (*Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012); personal communication, Esther Burkett, May 13, 2022).

Burrowing owl foraging habitat

The Project would result in a permanent reduction of potential burrowing owl foraging habitat in Solano County. According to the draft Solano HCP Mitigation Measure BO 1 for burrowing owl, burrowing owl habitat should be mitigated at a ratio of 1:1 (see Section 6.4.9 and Figure 4-22 of the draft Solano HCP).

Potentially significant impacts

Based on the foregoing, if burrowing owl are wintering or nesting on or within 500 meters of the Project site, or if burrowing owl foraging habitat is removed, Project impacts to burrowing owl would be potentially significant.

Recommended Mitigation Measure: To reduce potential impacts to burrowing owl to less-than-significant and comply with Fish and Game Code section 3500 et seq. and the federal MBTA, CDFW recommends replacing Mitigation Measure 3.4-4(a) with the below mitigation measures.

Mitigation Measure 3.4-4(a) (Burrowing Owl Surveys): A qualified biologist shall conduct a habitat assessment and surveys, if warranted based on the habitat assessment, following the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) methodology (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) and prepare a report documenting the survey results. Surveys for nesting burrowing owl shall be conducted if Project construction starts during nesting season (February 1 to August 31), and surveys for wintering burrowing owl shall be conducted if the construction starts during the wintering season (September 1 to January 31). The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur each year of Project construction, as conditions may change

Brian Millar
City of Dixon
July 8, 2024
Page 8

annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW. Time lapses between surveys or Project activities shall trigger subsequent surveys 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 above methodology resulting in burrowing owl detections. The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. Impacts to nesting burrowing owl shall be fully avoided.

Mitigation Measure 3.4-4(b) (Burrowing Owl Burrow Mitigation): If the Project 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 below), the following habitat mitigation shall be implemented prior to Project construction.

Impacts to each burrowing owl nesting site shall be mitigated by permanent preservation of two burrowing owl 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 except two burrowing owl occupied non-nesting (i.e., wintering) sites shall be preserved. The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

Please be advised that CDFW does not consider exclusion of burrowing owl (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure for the reasons outlined below. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owl are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or “take” which is prohibited under Fish and Game Code section 3503.5. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented to avoid “take.” Habitat compensation shall be provided for any evicted owl as described above and the Project shall obtain CDFW’s written acceptance of the eviction plan.

Brian Millar
City of Dixon
July 8, 2024
Page 9

Mitigation Measure 3.4-4(c) (Burrowing Foraging Habitat Mitigation): Consistent with the draft Solano HCP, prior to Project construction, the Project shall provide burrowing owl 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 burrowing owl foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW.

Mitigation Measure 3.4-4(d) (Cap Pipe and Hose): To prevent burrowing owl from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.

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 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 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 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 Alex Single, Senior Environmental Scientist (Specialist), at Alex.Single@wildlife.ca.gov or

Brian Millar
City of Dixon
July 8, 2024
Page 10

(707) 799-4210; or 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

cc: Office of Planning and Research, State Clearinghouse (SCH No. 2023080739)

REFERENCES

CDFW, 2024. California Natural Diversity Database (CNDDDB) Management Framework. California Department of Fish and Wildlife. Sacramento, CA. Website <https://wildlife.ca.gov/Data/BIOS> [accessed 20 June 2024].

CDFG, 2012. *Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California*. California Department of Fish and Game, Sacramento, CA. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83992&inline>

CDFG, 2012. Department of Fish and Game Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Sacramento, CA.

CEC and CDFG, 2010. Swainson's Hawk Survey Protocols, Impact Avoidance, and Minimization Measures for Renewable Energy Projects in the Antelope Valley of Los Angeles and Kern Counties, California. California Energy Commission and Department of Fish and Game, Sacramento, CA. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83991&inline>

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>

Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western

Brian Millar
City of Dixon
July 8, 2024
Page 11

Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

Solano County Water Agency, 2014. Draft Solano Multispecies Habitat Conservation Plan. <https://scwa2.com/solano-multispecies-habitat-conservation-plan/>

Brian Millar
City of Dixon
July 8, 2024
Page 12

ATTACHMENT 1

Draft Mitigation and Monitoring Reporting Plan

Biological Resources (BIO)			
Mitigation Measure (MM)	Description	Timing	Responsible Party
3.4-4(a)	<p><i>Burrowing Owl Surveys.</i> A qualified biologist shall conduct a habitat assessment and surveys, if warranted based on the habitat assessment, following the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation</i> (2012) methodology (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds) and prepare a report documenting the survey results. Surveys for nesting burrowing owl shall be conducted if Project construction starts during nesting season (February 1 to August 31), and surveys for wintering burrowing owl shall be conducted if the construction starts during the wintering season (September 1 to January 31). The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur each year of Project construction, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW. Time lapses between surveys or Project activities shall trigger subsequent surveys 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 above methodology resulting in burrowing owl detections. The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation</i> (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. Impacts to nesting burrowing owl shall be fully avoided.</p>	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

Brian Millar
City of Dixon
July 8, 2024
Page 13

<p>3.4-4(b)</p>	<p><i>Burrowing Owl Burrow Mitigation.</i> If the Project 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 below), the following habitat mitigation shall be implemented prior to Project construction.</p> <p>Impacts to each burrowing owl nesting site shall be mitigated by permanent preservation of two burrowing owl 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 except two burrowing owl occupied non-nesting (i.e., wintering) sites shall be preserved. The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.</p> <p>Please be advised that CDFW does not consider exclusion of burrowing owl (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure for the reasons outlined below. The long-term demographic consequences of exclusion techniques have not been thoroughly evaluated, and the survival rate of excluded owls is unknown. Burrowing owl are dependent on burrows at all times of the year for survival or reproduction, therefore eviction from nesting, roosting, overwintering, and satellite burrows or other sheltering features may lead to indirect impacts or “take” which is prohibited under Fish and Game Code section 3503.5. All possible avoidance and minimization measures should be considered before temporary or permanent exclusion and closure of burrows is implemented to avoid “take.” Habitat compensation shall be provided for any evicted owl as described above and the Project shall obtain CDFW’s written acceptance of the eviction plan.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>
<p>3.4-4(c)</p>	<p><i>Burrowing Foraging Habitat Mitigation.</i> Consistent with the draft Solano HCP, prior to Project construction, the Project shall provide burrowing owl 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 burrowing owl foraging habitat credits at a CDFW-approved mitigation bank in Solano County, unless otherwise approved in writing by CDFW.</p>	<p>Prior to Ground Disturbance</p>	<p>Project Applicant</p>

Brian Millar
City of Dixon
July 8, 2024
Page 14

3.4-4(d)	<i>Cap Pipe and Hose.</i> To prevent burrowing owl from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than 2 inches in diameter stored at the Project site shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
3.4-4(e)	<i>Swainson's Hawk Surveys and Avoidance Buffer.</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 <i>Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley</i> (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 for Duration of Construction	Project Applicant
3.4-4(f)	<i>Swainson's Hawk Foraging Habitat Mitigation.</i> 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	Prior to Ground Disturbance	Project Applicant

Brian Millar
City of Dixon
July 8, 2024
Page 15

	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.		
--	--	--	--

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



July 9, 2024

SCH #: 2023080739
GTS #: 04-SOL-2023-00325
GTS ID: 30706
Co/Rt/Pm: SOL/80/39.7

Brian Miller, Planner
City of Dixon
600 East A. Street
Dixon, CA 95620

Re: The Campus — Draft Environmental Impact Report (DEIR)

Dear Brian Miller:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Campus project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the May 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project would consist of a phased, mixed-use, 259-acre development that includes an approximately 48-acre opportunity center, approximately 144 acres of residential uses, and approximately 2.5 acres of commercial uses along Interstate (I)-80.

Travel Demand Analysis

The project vehicle miles traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy. Per the DEIR, this project is found to have significant and unavoidable VMT impacts. Caltrans commends the lead agency for implementing trip reduction measures from the California Air Pollution Control Officers Association (CAPCOA) Handbook to reduce VMT. The proposed mitigation measure 3.15-2 should be document with annual monitoring reports to demonstrate effectiveness.

To adequately evaluate the impact the project will have on the State Transportation Network (STN), please consider including the I-80 1st Street (State Route (SR)-113) interchange in the Traffic Impact Analysis. This interchange is on the western edge of the project area and will connect to 1st/SR-113 by a proposed internal four lane arterial.

To help reduce the project's VMT impact, Caltrans would also like to recommend fair share contributions to the following Regional Transportation Plan (Plan Bay Area 2050) projects:

RTP ID	Project Description
21-T07-058	This program includes funding to support regional and local planning programs and initiatives to support implementation of Plan Bay Area 2050 including support for Priority Development Area (PDA) planning and implementation.
21-T08-060	This program includes funding to implement a regional Complete Streets network with an emphasis on improvements near transit and in Equity Priority Communities. It also includes funding to implement county and local initiatives to support active transportation systems.
21-T10-070	This program includes funding to implement improvements to existing bus service in Priority Development Areas (PDAs) without existing high-frequency rail, ferry, or bus service. Improvements include frequency upgrades (30) minute peak headways and reorganization and/or expansion of bus routes.
21-T10-093	This program includes funding to implement other programmatic investments to enhance local transit frequency, capacity, and reliability. This program generally implements county, transit agency, and other local programs and initiatives to make bus and light rail travel faster and more reliable. Improvements include fleet and facilities expansions; transit corridor improvements; and transit station improvements.
21-T11--125	This program includes funding to implement improvements to existing regional bus service. Improvements include frequency upgrades (15-minute peak headways), transit signal priority, adaptive signal timing and ramp metering.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be

required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

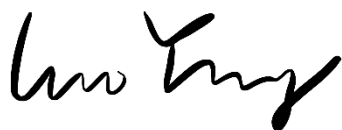
Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The checklist TR-0416 ([link](#)) is used to determine the appropriate Caltrans review process for encroachment projects. The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,

Brian Miller, Planner
July 9, 2024
Page 4

A handwritten signature in black ink, appearing to read 'Luo Yunsheng'.

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

State Water Resources Control Board

June 9, 2024

Brian Millar
City of Dixon
600 East A Street
Dixon, CA 95620

CITY OF DIXON (CITY), ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE
CAMPUS PROJECT (PROJECT); STATE CLEARINGHOUSE #2023080739

Dear Brian Millar:

Thank you for the opportunity to review the EIR for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. This Project is within the jurisdiction of the State Water Board, DDW's San Francisco District. DDW San Francisco District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 California Code of Regulations (CCR), California Waterworks Standards chapter 16 et. seq.). A public water system requires a water supply permit amendment when changes are made to a domestic water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The City will need to apply for a water supply permit amendment for this Project.

Title 22 CCR, article 3, section 64560 (a) requires that for any well that will serve a public water system, documentation shall be submitted to the State Water Board that includes: a source assessment, a well site control zone that considers a 50-foot radius, and well designs and specifications. The City should submit this documentation to the State Water Board, DDW San Francisco District Office once the California Environmental Quality Act (CEQA) process is completed.

The State Water Board, DDW, as a responsible agency under the CEQA, has the following comments on the City's EIR:

- The EIR outlines plans to construct a 1,500 gallon per minute well (PDF page 68). The State Water Board will need to approve an amendment to the City's water supply permit for the addition of a new water source to the City's water system (Title 22 CCR, article 2, section 64556). In the EIR, under section 1.3

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

“Known Responsible and Trustee Agencies” and under section 2.6 “Responsible Agencies,” please add “The State Water Resources Control Board, Division of Drinking Water” to the list of responsible agencies (PDF pages 59 and 71).

- The State Water Board has administered the Drinking Water Program (DWP) since July 1, 2014, when the program was transferred from the California Department of Public Health (CDPH). CDPH was originally created from a reorganization of the Department of Health Services (DHS). Under section 3.10 “Hydrology and Water Quality,” heading “State,” please update the DHS information to reflect the State Water Resources Control Board as the current administrator of the DWP (PDF page 328).
- There appears to be a discrepancy. Under section 3.16 “Utilities and Service Systems,” when discussing water supply availability and reliability under “Single Dry Years,” the EIR states “During a single dry year, all of the City’s existing surface water allotments are subject to some level of reduction (PDF page 483).” However, on PDF page 481 under “Surface Water Supply” the EIR states “The City does not currently use or plan to use surface water.” Please clarify whether surface water will be used or not.

When the CEQA review process is completed, please forward the following items with the permit application to the State Water Board, DDW San Francisco District Office at DWPDIST04@waterboards.ca.gov:

- Copy of the EIR and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of all comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the EIR and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Solano County Clerk’s Office and the Governor’s Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or Lori.Schmitz@waterboards.ca.gov, for questions regarding this comment letter.

Sincerely,

Lori Schmitz
Environmental Scientist
Division of Financial Assistance
Special Project Review Unit
1001 I Street, 16th floor
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Solmaz Marzooghi
Water Resource Control Engineer
San Francisco District

Marco Pacheco
District Engineer
San Francisco District