



MITIGATED NEGATIVE DECLARATION

PROJECT PROPONENT/APPLICANT:	Lantos Energy LLC c/o Gary Grinsfelder
APPLICATION NO:	Marsh Development Permit MD-22-01 and Administrative Permit AD-22-03
APN:	0090-070-420
PROJECT PLANNER:	Eric Wilberg, Senior Planner

PROJECT DESCRIPTION AND LOCATION:

Lantos Energy LLC is proposing to construct a drill site and drill one (1) exploratory natural gas well over a one (1) year period. If drilling is successful, the project would include installation of production equipment including a natural gas pipeline. No hydraulic fracturing is proposed. The proposed Marsalla 1 well is located at Latitude 38.133385 and Longitude 121.898040. The project is located within the southeast portion of unincorporated Solano County near the community of Birds Landing, nine (9) miles south of the City of Fairfield and 10.5 miles west of the City of Rio Vista. The proposed drill pad and well are located just north of Birds Landing Road and approximately one-half mile north of Montezuma Slough. The project is within the Secondary Management Area of the Suisun Marsh on property zoned Suisun Marsh Agriculture "A-SM-160"; APN 0090-070-420.

FINDINGS:

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

MITIGATION MEASURES INCORPORATED INTO PROJECT DESCRIPTION:

AESTHETICS

AESTH-1. Equipment Painting. The permittee shall paint all equipment in a camouflage, earthen tone.

AESTH-2. Lighting and Glare. All light fixtures shall be installed that have light sources aimed downward and shielded to prevent glare or reflection or any nuisance, inconvenience, and hazardous interference of any kind on adjoining streets or property.

BIOLOGICAL RESOURCES

BIO-1. Special-Status Avian Species Pre-construction Survey.

If ground disturbing activities occur during the breeding season of these avian species (generally between February through mid-September), surveys for active nests will be conducted by a qualified biologist no more than 10 days prior to start of activities. Pre-construction nesting surveys shall be conducted for nesting migratory avian and raptor species in the project site and buffer area. Pre-construction biological

surveys shall occur prior to the proposed project implementation, and during the appropriate survey periods for nesting activities for individual avian species. Surveys will follow required CDFW and USFWS protocols, where applicable. A qualified biologist will survey suitable habitat for the presence of these species. If a migratory avian or raptor species is observed and suspected to be nesting, a buffer area will be established to avoid impacts to the active nest site. Identified nests should be continuously surveyed for the first 24 hours prior to any construction-related activities to establish a behavioral baseline. If no nesting avian species are found, project activities may proceed and no further Standard Construction Conditions measures will be required. If active nesting sites are found, the following exclusion buffers will be established, and no project activities will occur within these buffer zones until young birds have fledged and are no longer reliant upon the nest or parental care for survival.

- Minimum no disturbance of 250 feet around active nest of non-listed bird species and 250 foot no disturbance buffer around migratory birds;
- Minimum no disturbance of 500 feet around active nest of non-listed raptor species;
- and 0.5-mile no disturbance buffer from listed species and fully protected species until breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.
- Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of project activities. If behavioral changes are observed, the work causing that change should cease and the appropriate regulatory agencies (i.e. CDFW, USFWS, etc.) shall be consulted for additional avoidance and minimization measures.
- A variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and is recommended that CDFW and USFWS be notified in advance of implementation of a no disturbance buffer variance.

In the case of Western Burrowing Owl, the following measures included in the CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFG 2012) shall be implemented by the project proponent for the proposed project:

If preconstruction surveys determine that burrowing owls are present in the proposed project sites and/or buffer areas, a burrowing owl mitigation plan shall be prepared by a qualified biologist describing recommended site specific shelter-in-place measures, worker training, and/or other measures to ensure that Project construction does not result in adverse impacts to the burrowing owls.

Occupied burrows shall not be disturbed during the burrowing owl nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFW verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Burrowing owls present in the project sites or within 500 feet (as identified during preconstruction surveys) shall be moved away from the disturbance area using passive relocation techniques. Prior to commencement of relocation, a management plan shall be prepared and approved by CDFW. Relocation shall be completed between September 1 and January 31 (outside of breeding season). A minimum of one or more weeks is required to relocate the owls and allow them to acclimate to alternate burrows. Passive relocation techniques will follow the CDFG Staff Report on Burrowing Owl Mitigation Guidelines (2012) and include the following measures:

- Install one-way doors in burrow entrances. Leave doors in place for 48 hours to ensure owls have left the burrow.

- Allow one or more weeks for owls to acclimate to off-site burrows. Daily monitoring shall be required for the passive relocation period.
- Once owls have relocated off-site, collapse existing burrows to prevent reoccupation. Prior to burrow excavation, flexible plastic pipe shall be inserted into the tunnels to allow escape of any remaining owls during excavation. Excavation shall be conducted by hand whenever possible.
- Destruction of burrows shall occur only pursuant to a management plan approved by CDFW.
- As an alternative (if approved by CDFW), all occupied burrows identified off-site within 500 feet of construction activities outside of nesting season (September through January) and during nesting season (February 1 through August 31) could be buffered by hay bales, fencing (e.g. sheltering in place) or as directed by a qualified biologist and the CDFW.

California Ridgeway's rail typically nests and rears young from mid-March through late July. In order to avoid and minimize impacts on nesting California Ridgeway's rail, a 700-foot buffer will be established around active nests. No project related activities will be allowed to occur within this buffer until young have fledged. For the species are no longer attempting to nest. The buffer area can be removed prior to July if a qualified biologist determines that all juveniles have fledged from occupied nests.

Potential Impacts to San Joaquin Kit Fox from Project Activities

Implementation of the proposed project could potentially impact individual San Joaquin kit foxes should they become established within the proposed project buffer area prior to or during project implementation. Impacts to this species could occur through crushing by construction equipment during the construction of the proposed project. These species could also be affected due to noise and vibration from project activities if occupied burrows are located in the vicinity of the proposed project site; project related noise and vibration could cause the abandonment of active denning sites. It should be noted that no San Joaquin kit fox or evidence of the species were observed during biological surveys completed by Synthesis Planning. Additionally, no potential burrows were observed within the boundary of the project site or buffer area. Impacts to these species would be considered significant.

If San Joaquin kit foxes become established within the proposed project site prior to project implementation, the project proponent will implement the following mitigation measures. These measures contained in the USFWS's *Standardized Recommendations For Protection of the Endangered San Joaquin Kit Fox Prior to or During Ground Disturbance* (USFWS 2011) apply to the potential dens observed in the buffer area during biological surveys:

BIO-2. San Joaquin Kit Fox Exclusion Zone(s).

For kit fox dens within 200 feet of proposed construction area(s), exclusion zones shall be established prior to construction by a qualified biologist. Exclusion zones shall be roughly circular with a radius of the following distances measured outward from the entrance:

- Potential den (50 feet)
- Atypical den (50 feet)
- Known den (100 feet)
- Natal/pupping den – Contact USFWS (occupied and unoccupied)

Protective exclusion zones can be placed around all known and potential dens which occur outside the project footprint (conversely, the project boundary can be demarcated).

- To ensure protection of known dens, exclusion zones should be demarcated by fencing that encircles each den at the appropriate distance and does not prevent access to the den by kit foxes. Acceptable fencing includes untreated wood particle-board, silt fencing, or orange construction fencing, as long as it has opening for kit fox ingress/egress and keeps humans and equipment out.
- Exclusion zone barriers shall be maintained until all construction related or operational disturbances have been terminated. At that time all fencing shall be removed to avoid attracting subsequent attention to the dens.
- For potential and/or atypical dens, placement of 4-5 flagged stakes 50 feet from the den entrance(s) will suffice to identify the den location; fencing will not be required, but the exclusion zone must be observed.
- Only essential vehicle operation on existing roads and foot traffic should be permitted. Otherwise, all construction, vehicle operation, material storage, or any type of surface-disturbing activity should be prohibited or greatly restricted within the exclusion zones.
- If a natal/pupping den is discovered within the project site or within 200-feet of the project boundaries, the USFWS shall be immediately notified and under no circumstances should the den be disturbed or destroyed without prior authorization. If the preconstruction/preactivity survey reveals an active natal pupping den or new information, the project proponent should contact the USFWS immediately to obtain the necessary take authorization/permit.

Destruction of any known or natal/pupping kit fox den requires take authorization/permit from the USFWS. Limited destruction of kit fox dens may be allowed, if avoidance is not a reasonable alternative, provided the following procedures are observed:

- Known dens occurring within the footprint of the project must be monitored for three (3) consecutive days with tracking medium or an infra-red camera beam to determine the current use. If no kit fox activity is observed during this period, the den(s) should be destroyed immediately to preclude subsequent use.
- If kit fox activity is observed at the den(s) during this period, the dens) should be monitored for at least five (5) consecutive nights from the time of the observation to allow any resident animal to move to another den during its normal activity. Only when the den(s) are determined unoccupied may the den(s) be excavated.
- Destruction of the den(s) should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den(s) should be fully excavated, filled with dirt and compacted to ensure that kit foxes cannot reenter to use the den(s) during the construction period. If at any point during excavation, a kit fox is discovered inside the den(s), the excavation activity shall cease immediately and monitoring the den as described above should resume. Destruction of the den(s) may be completed when in the judgment of the biologist, the animal has escaped, without further disturbance, from the partially destroyed den(s).
- Potential dens occurring within the footprint of the project or within 50 feet must be monitored for three (3) consecutive days with tracking medium or an infra-red camera beam to determine the current use. [f no San Joaquin kit fox activity is observed during this period, the den(s) should be destroyed immediately to preclude subsequent use.
- Destruction of the den(s) should be accomplished by careful excavation until it is certain that no kit foxes are inside. The den(s) should be fully excavated, filled with dirt and compacted to

ensure that kit foxes cannot reenter to use the den during the construction period. If at any point during excavation, a kit fox is discovered inside the den, the excavation activity shall cease immediately and monitoring the den as described above should resume. Destruction of the den may be completed when in the judgment of the biologist, the animal has escaped without further disturbance from the partially destroyed den.

- If any burrow is considered to be a potential den, but is later determined during monitoring or destruction to be currently, or previously used by kit fox (e.g., if kit fox sign is found inside), then all construction activities shall cease and the USFWS shall be notified immediately.

Potential Impacts to Northern California Legless Lizard and California Glossy Snake from Project Activities

Implementation of the proposed project could potentially impact individual Northern California legless lizards and California glossy snakes should they be present within the site during project implementation. Impacts to these species could occur through crushing of individuals by construction equipment during the implementation of the proposed project. It should be noted that these species were not observed in the project site and buffer area during biological surveys by Synthesis Planning. Impacts to these species would be considered significant. In the event that these species become established in the proposed project site prior to project implementation, the following mitigation measures will be implemented to protect these species from potential impacts:

BIO-3. Northern California Legless Lizard and California Glossy Snake Pre-construction Survey.

Prior to the commencement of construction activities, but not more than two (2) days before ground clearance, a qualified biologist shall conduct pre-construction surveys of the project site. If individuals of these species are discovered, a qualified biologist shall capture and translocate individuals to similar habitat in the general vicinity of the project site. The translocation process shall be conducted until it is determined that all special-status animal species have been removed from the disturbance boundary. The candidate sites for relocation shall be identified before construction and shall be selected based on the size and type of habitat present, the potential for negative interactions with resident species, and the species' range. A final report identifying the number of animals moved and any mortality identified during the relocation event shall be completed at the end of construction. The disturbance zone shall be cleared of vegetation as soon after clearance of these species as possible to ensure the species do not re-enter the disturbance area.

As part of the worker environmental training awareness program, project personnel shall be trained to identify this species, its natural history, its habitat, and protective measures. The above procedures shall be conducted during the installation of the proposed pipeline as well.

Potential Impacts to Pond Turtles from Project Activities

Implementation of the proposed project (specifically, ground disturbance activities) could potentially result in significant adverse impacts on pond turtles, including the crushing of individual turtles and their nest sites. These impacts could result in the direct mortality of individual northwestern pond turtles, and the degradation of upland nesting habitat. These impacts would be avoided or reduced through the implementation of the following mitigation measures:

BIO-4. Pond Turtle Pre-activity Survey.

A qualified biologist will conduct pre-activity surveys for pond turtles within areas proposed for ground disturbance. If pond turtles are not found within the project disturbance zone, project activities may proceed without any further actions. If juvenile or adult turtles are found within the project disturbance zone, the individual turtles shall be moved out of the project disturbance zone by a qualified biologist. If a

nest is found in the project area, CDFW shall be notified immediately to determine appropriate measures to protect or relocate the nest.

- If this species is observed within the project disturbance zone at any time during project activities, work shall cease within 150 feet of the area until the animal can be moved by a biological monitor to a safe location consistent with CDFW regulations.
- As part of the worker environmental training awareness program, project personnel shall be trained to identify this species, its natural history, its habitat, and protective measures.

Potential Impacts to Special-Status Plant Species from Project Activities

Review of the USFWS (USFWS 2022), the CNPS (CNPS 2022), and the CNDDDB (CNDDDB 2022) revealed that 45 listed plant species and species of concern have potential to occur in the general project area. Potential habitat is present for 33 of these 45 plant species within the project site and buffer area. Botanical surveys were conducted on November 29, 2021. These surveys were conducted within the blooming period of five (5) of these 33 special-status plant species (see list below):

- Pappose tarplant
- Soft salty bird's-beak
- Carquinez goldenbush
- Mason's lilaeopsis
- Suisun Marsh aster

Survey findings for the five (5) targeted special-status species that had blooming periods during the surveys were negative. Therefore, no impacts to those species are expected due to project implementation. Because botanical surveys were conducted outside of the blooming period of the remaining 28 special-status plant species that bloom outside of the survey dates, it's not definitive that these species do not occur within the proposed project site or buffer area.

Implementation of the proposed project could potentially result in impacts on these 28 special-status plant species if they are located within the proposed project site during project activities. Direct impacts to these plant species could result from ground disturbance activities during project implementation within areas of potential habitat. Special-status plant species could be directly impacted by crushing of plants by construction equipment. These impacts could result in direct mortality of individuals or small populations of special-status plant species.

BIO-5. Special-Status Plant Species Pre-construction Survey.

A qualified botanist shall conduct pre-construction field surveys to identify any populations of special-status plant species within the proposed project site that will be disturbed during project activities. These surveys shall be conducted prior to the initiation of any construction activities and coincide with the appropriate flowering period of the special-status plant species with the potential to occur in the project area. If any special-status plant species populations are identified within or adjacent to the proposed disturbance areas, the project proponent shall implement the following measures to avoid impacts to these species:

- If any population(s) of special-status plant species is identified directly adjacent to the proposed project site, a qualified biologist retained by project proponent will clearly delineate the location of the plant population, and install protective fencing between the disturbance zone and the plant population to ensure that the plant population is adequately protected.
- If a special-status plant population is identified within the proposed disturbance zone, the

project proponent will consult with CDFW and USFWS to determine the appropriate measures to avoid or mitigate for impacts to the species or population. The project proponent will adjust the boundaries of the disturbance zone, where feasible, to avoid impacts to the plant species/population. Where avoidance is not feasible, the project proponent will implement one or more of the following measures: (1) transplant potentially affected plants to areas not planned for disturbance. If a plant is transplanted, two more plants shall be planted. Plantings shall be managed and monitored by the applicant and shall survive to 5 years after planting; (2) seed or purchase plants and place them in an area adjacent to the disturbance zone; (3) purchase credits at an approved mitigation bank at a ratio approved by CDFW, USFWS, and the project proponent.

BIO-6. General Project Mitigation Measures.

Implementation of the following avoidance/minimization measures is recommended to avoid or reduce potential impacts to special-status wildlife and plant species:

- Worker Environmental Awareness Training shall be presented to all personnel working in the field on the proposed project site. Training shall consist of a brief presentation in which biologists knowledgeable of endangered species biology and legislative protection shall explain endangered species concerns. Training shall include a discussion of special-status plants and sensitive wildlife species. Species biology, habitat needs, status under the Endangered Species Acts, and measures being incorporated for the protection of these species and their habitats shall also be discussed.
- As close to the beginning of project activities as possible, but not more than 14 days prior, a qualified biologist shall conduct a final pre-construction survey of the proposed project site and buffer area to verify that no special-status wildlife species have become established in the project site or buffer area. A qualified biologist shall be present immediately prior to project activities that have potential to impact sensitive species to identify and protect potentially sensitive resources.
- Project site boundaries shall be clearly delineated by stakes and /or flagging to minimize inadvertent degradation or loss of adjacent habitat during project operations. Staff and/or its contractors shall post signs and/or place fence around the project site to restrict access of vehicles and equipment unrelated to drilling operations.
- A project representative shall establish restrictions on project-related traffic to approved project areas, storage areas, staging and parking areas via signage. Off-road traffic outside of designated project site shall be prohibited.
- Project-related traffic shall observe a 10 mph speed limit in the project site except on County roads and State and federal highways to avoid impacts to special-status and common wildlife species.
- Hazardous materials, fuels, lubricants, and solvents that spill accidentally during project-related activities shall be cleaned up and removed from the project as soon as possible according to applicable federal, state and local regulations.
- All equipment storage and parking during site development and operation shall be confined to the proposed project site or other offsite previously disturbed areas.
- All excavated steep-walled holes or trenches in excess of three (3) feet in depth shall be provided with one or more escape ramps constructed of earth fill to prevent entrapment of

endangered species or other animals. Ramps shall not be less than 45-degree angles. Trenches shall be inspected for entrapped wildlife each morning prior to onset of project activities and immediately prior to the end of each working day. Before such holes or trenches are filled they shall be inspected thoroughly for entrapped animals. Any animals discovered shall be allowed to escape voluntarily without harassment before project activities related to the trench resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

- All food-related trash items such as wrappers, cans, bottles or food scraps generated during project activities shall be disposed of only in closed containers and regularly removed from the proposed project site. Food items may attract wildlife species onto the proposed project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- To prevent harassment or mortality of wildlife species via predation, or destruction of their dens or nests, no domestic pets shall be permitted on-site.

CULTURAL RESOURCES

CUL-1. Site Discovery.

All construction shall stop if signs of an archeological site are discovered during construction of the project. If remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws concerning the disposition of Native American burials, which fall within the NAHC's jurisdiction (PRC 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the following steps occur:

- The Solano County Coroner's Office has been informed and has determined that no investigation of the cause of death is required.
- If the remains are of Native American origin, either of the following occurs:

The descendants of the deceased Native Americans have made a recommendation to the landowner or person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC 5097.98.

The NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified.

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are Native American. If the remains are determined to be Native American, the coroner must contact NAHC within 24 hours.

NOISE

NOISE-1. Construction and Production Noise.

Best available technology for compressors, mufflers, and silencers shall be utilized at the production site. At no time during the life of the well shall the production facility emit a noise level in excess of 60 dBA as measured

100 feet from a compressor.

PREPARATION:

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



for
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