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# Delta Plan Consistency Determination for the Pacific Flyway Center Project

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## Acronyms and Abbreviations

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Acronym/Abbreviation	Definition
BCDC	San Francisco Bay Conservation and Development Commission
CEQA	California Environmental Quality Act
Corps	U.S. Army Corps of Engineers
GIWA	Grizzly Island Wildlife Area
LPP	Suisun Marsh Local Protection Program
MND	mitigated negative declaration
PMA	Primary Management Area of Suisun Marsh
RGP 3	Corps Regional General Permit 3
RWQCB	San Francisco Bay Regional Water Quality Control Board
SMA	Secondary Management Area of Suisun Marsh
SMP	Suisun Marsh Habitat Management, Preservation, and Restoration Plan
SMPP	Suisun Marsh Protection Plan
USFWS	U.S. Fish and Wildlife Service
WOUS	Waters of the U.S.

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# 1 Covered Action Determination

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The purpose of this assessment is to determine whether the Pacific Flyway Center Project (Project) is a “Covered Action” as described in Chapter 2 of the Delta Plan, and defined in the Delta Reform Act (Water Code section 85057.5(a)). The proposed project has also been analyzed for consistency with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration (MND) was certified in October 2018 (City of Fairfield 2018). The proposed project was determined consistent with the Suisun Marsh Protection Plan (San Francisco Bay Conservation and Development Commission [BCDC] 1976), the City of Fairfield (City) component of the Suisun Marsh Local Protection Program (Solano County and City of Fairfield 1980), and the wildlife refuge designation established within the San Francisco Bay Conservation and Development Commission’s Bay Plan (BCDC 1969).

In accordance with the Delta Reform Act (Water Code section 85057.5(b) we have determined the Project is not exempt from the definition of a covered action because it meets all four “Screening Criteria” below:

- The proposal is a “project” as defined pursuant to Public Resources Code section 21065;
- The Project will occur within the boundaries of the Suisun Marsh;
- Project approvals are required by local, state, and federal agencies;
- The Project will have a substantial positive impact upon the coequal goals of restoring and enhancing the Delta ecosystem in a manner that protects and enhances the unique recreational and natural resource values of the Delta.

Based on the above, we have prepared the following Consistency Determination that demonstrates that the Project is consistent with the goals, objectives, and policies of the Delta Plan. The information contained in this document is provided to support consistency with the Delta Plan policies and General Policy 1. It is also intended to be consistent with the Suisun Marsh Habitat Management, Preservation, and Restoration Plan (SMP).

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## 2 Description of the Proposed Action

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### 2.1 Project Summary

The Pacific Flyway Fund (applicant) is proposing the Pacific Flyway Center Project (Project). The Project would create, restore, enhance, and subsequently adaptively manage aquatic features (managed wetlands) on the site as an open space land preserve and wildlife habitat conservation area, with an interpretive and educational facility. The Project is intended to celebrate and educate the public about the environmental and societal importance of the conservation of migratory birds and their aquatic habitat within the Pacific Flyway. This would be accomplished through aquatic habitat creation, restoration, and management. The Project would be constructed upon approximately 280 acres of property that was annexed into the City of Fairfield on March 26, 2019 (please see Figure 1, Project Location). Approximately 124 acres of the property would become an outdoor wildlife habitat viewing area to be known as the “Walk in the Marsh,” (Phase 1 of the Project). Phase 1 Project construction would create new managed wetland habitat and enhance existing managed wetland habitat important to migratory birds and other wildlife. The Walk in the Marsh would form an integral part of the outdoor wildlife viewing experience. Phase 2 of the Project would develop an associated educational and interpretive center. Phase 2 of the Project does not propose a discharge of dredged or fill material into any Waters of the U.S. or State. The proposed project is envisioned to serve up to 250,000 annual visitors at buildout, with up to 150 full-time and part-time employees.

The Project site is mostly located in the Secondary Management Area (SMA) of the Suisun Marsh and situated within approximately 280 acres of property that was part of the Garibaldi Unit of the State of California Grizzly Island Wildlife Area. The property site was previously used by the Garibaldi family as a working cattle ranch and a private waterfowl refuge for hunting and fishing. The property has been transferred from the State of California to the Pacific Flyway Fund via a land exchange. Both phases of the Project area consist primarily of upland pastureland comprised of native and non-native grasses and forbs. Several small, fragmented seasonal wetlands occur within the pastureland upland grassland habitat identified as SW-07 and SW-08 in a wetland delineation verified by the U.S. Army Corps of Engineers (Corps). Further down gradient, closer to the Primary Marsh Area of the Suisun Marsh, are two larger managed seasonal managed wetlands.

Phase 1 of the Project would include:

- Wetland Creation would occur at 15 locations on site, managed wetlands: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, (please see Table 1, below). Wetland creation would manipulate physical, chemical and biological characteristics present to develop an aquatic resource that did not previously exist at upland areas on site. Thus, in upland areas where clay and clay/loam soils occur on site excavation work would be initiated to create surface water depression wetlands. These managed wetlands would develop wetland hydrology from four potential sources: natural rainwater; slough water delivered by a system of water control structures; well-water from existing on-site wells; and raw water received from the City of Fairfield. The created managed wetlands would be planted with native hydrophytic vegetation and designed to specific depths of inundation and specific hydroperiods to be managed as the following wetland types: tall brackish emergent marsh; minimally vegetated emergent wetland; and salina. Wetland creation on site would result in a gain



in aquatic resource area and functions. A total of 18.67 acres of managed wetlands would be established on site. All managed wetlands established on site would be consistent with the SMP for improved public stewardship of the Marsh to ensure that the implementation of restoration and managed wetland activities is understood and valued for both public and private land uses. Management of all established wetlands on site would be consistent with activities authorized under the Corps, Regional General Permit 3 for the Suisun Marsh Managed Wetlands Operations and Maintenance Project (RGP 3).

- Enhancement of seasonal managed wetlands on site at nine locations on site: W1, W2, W3, Managed Wetlands D, E, F, G, H, and I, (Managed Wetlands D thru I propose both establishment and enhancement). Wetland enhancement would strategically manipulate the physical, chemical, or biological characteristics of existing wetlands on site to heighten or improve the wetland hydroperiod and vegetative functions. Wetland hydrology would initially be enhanced via excavation and maintained through four potential sources: natural rain water; slough water delivered by a system of water control structures; well water from existing on-site wells; and raw water received from the City of Fairfield. Wetland vegetation would be enhanced and maintained as one of the following wetland types: tall brackish emergent marsh; minimally vegetated emergent wetland; and salina. A total of 6.04 acres of managed wetlands would be enhanced. Wetland enhancement would be consistent with the Suisun Marsh Plan for improved public stewardship of the Marsh to ensure that the implementation of restoration and managed wetland activities is understood and valued for both public and private land uses. Subsequent wetland management would be consistent with activities authorized under RGP 3.
- Wetland hydrology in all the proposed established and enhanced wetlands would be maintained and managed primarily with a system of water control structures, the maintenance of which would be consistent with RGP 3. Specifically, water from the Suisun Marsh would gravity flow through a vegetated swale into an intake structure. A lift pump would lift the water into Wetland A. Gravity flow from Wetland A would deliver water to the other down-gradient managed wetlands. A system of water control structures would interconnect the established and enhanced managed wetlands allowing each wetland to be independently managed (flooded up or flooded down). Additionally, all elements of the system (e.g., the intake structure, lift pump, HDPE pipes, gates, bulkheads, flashboard risers, and stubs) would be consistent with activities associated with water control structures authorized and maintained in the Suisun Marsh under RGP 3.
- Temporary Impacts: portions of existing managed wetlands would be temporarily impacted during grading activities associated with establishment and enhancement of managed wetlands D, E, F, G, H, I, and J. Additionally, a small amount of existing managed wetlands would be temporarily impacted to allow placement of a water intake structure and associated pipe to the lift station, and four outfall structures to discharge water from managed wetlands D, E, M, N, and O. Temporary impacts would be restored and revegetated with a native seed mix. The total temporary impact amount is approximately 11.16 acres (which includes wetland enhancement as a “temporary impact”).
- Permanent Impacts: Approximately 0.40 acre of wetland would be permanently impacted to excavate a trapezoidal swale on site with a bottom width of 10-feet and a top width of 35-feet and a length of 480-feet. The swale would direct water to the water control structure intake pipe. Additionally, a decomposed granite pathway trail system would be implemented throughout much of the project adjacent to the established and enhanced managed wetlands for wildlife habitat viewing. Portions of the decomposed granite pathway would traverse a small amount of existing managed wetland on site.

Overall, Phase 1 of the Project will result in increased aquatic resource area functions and services by creating, and enhancing 24.71 acres of waters of the U.S. (WOTUS)/State (managed wetlands). These restoration actions would create new wetland habitat area and enhance existing wetland habitat important to migratory birds and other wildlife. The Project would provide valuable recreational opportunities consistent with mandates outlined in the Suisun Marsh Plan and increase public awareness for stewardship of the Suisun Marsh to ensure that the implementation of restoration and managed wetland activities is understood and valued for both public and private land uses. Material excavated to create new wetland area may be used to protect and repair interior and exterior levees in the Suisun Marsh to provide flood protection benefits.

**Table 1. Description of Phase 1 Wetland Creation, Enhancement Areas and Impacts Areas**

Mitigation Area	Acreage Wetland Creation	Acreage Wetland Enhancement (Impact)	Acreage Impacts to WOTUS/	Excavation Amount (CY)	Description of Establishment and/or Enhancement Wetland
Wetland A	0.98	0.0	0.0	0.0	Tall Brackish Emergent Marsh
Wetland B	1.16	0.0	0.0	0.0	Tall Brackish Emergent Marsh
Wetland C	1.03	0.0	0.0	0.0	Minimally Vegetated Wetland
Wetland D	0.04	0.90	0.90	3,700	Minimally Vegetated Wetland
Wetland E	0.77	1.84	1.84	2,900	Salina
Wetland F	0.48	1.45	1.45	12,100	Tall Brackish Emergent Marsh
Wetland G	0.84	0.42	0.42	2,400	Minimally Vegetated Wetland
Wetland H	0.99	1.17	1.17	8,500	Tall Brackish Emergent Marsh
Wetland I	1.65	0.26	0.26	1,600	Tall Brackish Emergent Marsh
Wetland J	1.11	0.0	0.0	20	Minimally Vegetated Wetland
Wetland K	1.22	0.0	0.0	0.0	Tall Brackish Emergent Marsh
Wetland L	1.41	0.0	0.0	0.0	Minimally Vegetated Wetland
Wetland M	2.30	0.0	0.0	0.0	Minimally Vegetated Wetland
Wetland N	2.35	0.0	0.0	0.0	Tall Brackish Emergent Marsh
Wetland O	2.14	0.0	0.0	0.0	Salina
Grading work and Pathway in existing wetlands	0.0	0.0	3.27 temporary grading impact: 0.42 permanent impact for pathway	7,340	N/A
Pipe/Pump System including outfalls	0.0	0.0	1.85 temporary, 0.40 permanent	1,000	N/A
<b>TOTALS:</b>	<b>18.67</b>	<b>6.04</b>	<b>11.16 temporary, 0.82 permanent</b>	<b>39,560</b>	

Phase 2 of the Project, (The Pacific Flyway Center), would be constructed upon approximately 8.3 acres of upland grasslands adjacent to the Walk in the Marsh and Interstate 680 and include a visitor education and interpretive center, wildlife theater, gift shop and food service facilities, maintenance area, and driveways and parking areas. Phase 2 of Project construction does not propose any discharge of dredged or fill material into waters of the U.S or State.

The Project developed in two phases (Phase 1 and Phase 2) is a single and complete project as defined by the final regulations for the regulatory program of the U.S. Army Corps of Engineers at 33 CFR 330.2(i) which reads, “the

*term “single and complete project” is defined as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers.”*

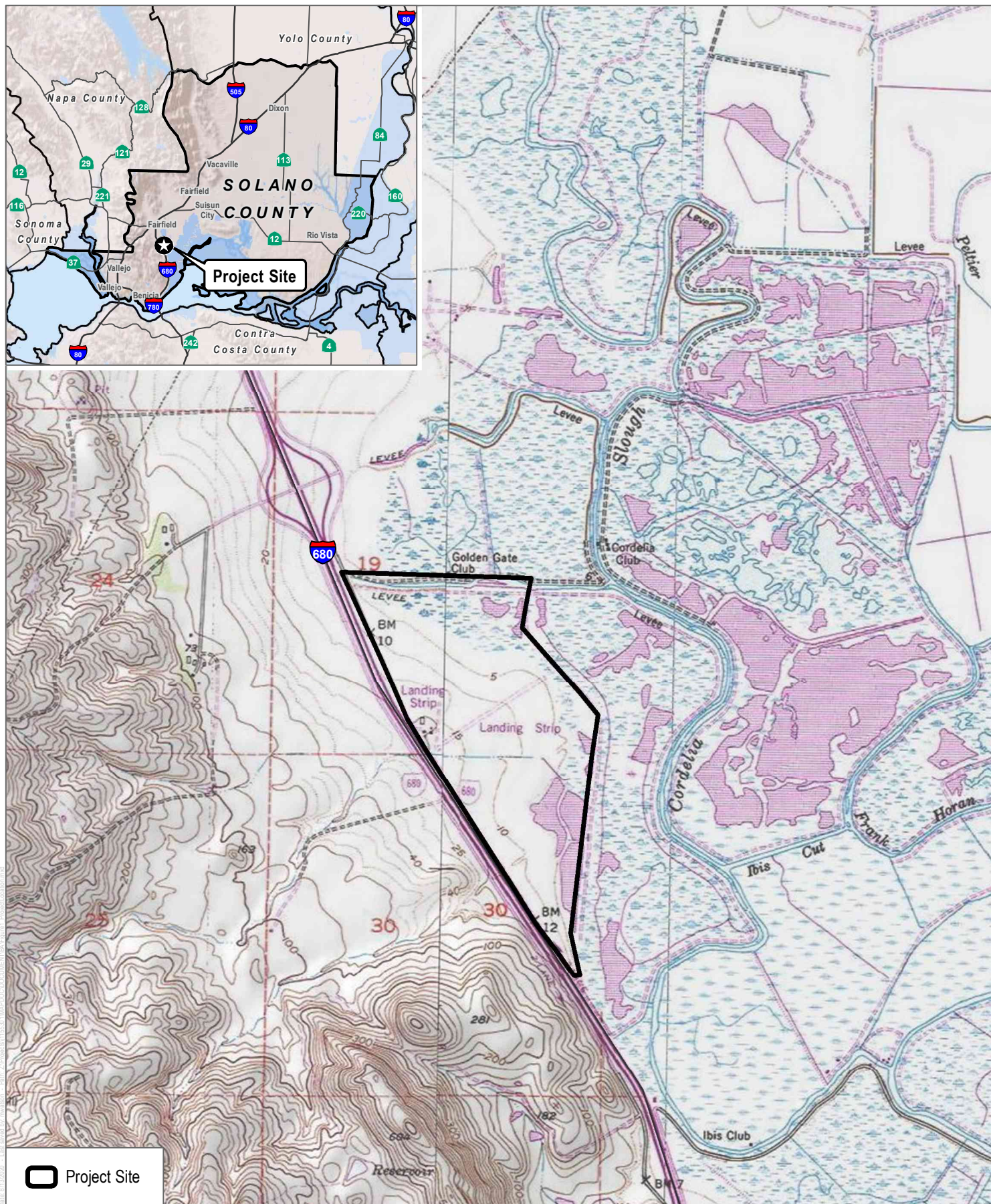
## 2.2 Project Location

The applicant’s entire property (including the portions not included in this application) is comprised of four parcels totally approximately 560 acres, is located within the southwest portion of the City of Fairfield’s Planning Area. The Project site is located east of Interstate 680, south of the Gold Hill Road over crossing, adjacent to Ramsey Road.

The Project is situated on two of the applicant’s four parcels (APNs: 0046-050-300, 0046-100-260), and is approximately 280 acres in size. The property has been transferred from the State of California to the Pacific Flyway Fund via a land exchange. The property has been annexed into the City of Fairfield.

The Project area is situated primarily in the SMA (with a small amount of Suisun Marsh Primary Management Area (PMA)) as defined by the Suisun Marsh Preservation Act adopted in 1974 and the Suisun Marsh Protection Plan (SMPP) adopted in 1977. Elevations range from 0-24’ above mean-sea level. The site is known as the Garibaldi Unit of the State of California Grizzly Island Wildlife Area (GIWA) (Duck Club #403) and was previously used by the Garibaldi family as a working cattle ranch and private waterfowl refuge for hunting and fishing. Various out-buildings were developed on the property. The Property consists primarily of highly modified upland habitat historically for agricultural uses primarily, pastureland and managed wetlands. The Project area consists primarily of uplands along its westerly edge and is largely managed wetlands offsite to the east. As part of the GIWA, the site has been managed as habitat for migratory birds and other wildlife. In summary, grazing, levee construction and development and management of waterfowl habitat have modified the natural habitat of the project site.





SOURCE: USGS 7.5 Minute Cordelia and Fairfield South Quadrangle(s)

**FIGURE 1**  
Project Location  
Pacific Flyway Center Project



## 3 Delta Plan Policies

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### 3.1 Delta Plan Chapter 3

Regarding WR P1/Cal. Code Regs., tit.23, § 5003: This section of policy is not applicable to the Project. The Project does not propose to act as a water supplier or to export water from, transfer water through, or use water in the Delta. Regarding WR P2/Cal. Code Regs., tit.23 § 5004: This section of policy is not applicable to the Project. The Project does not need water from the State Water Project or the Central Valley Project. The managed wetlands created or restored on by the Project would develop wetland hydrology from four potential sources: natural rain water; slough water delivered by a system of water control structures; well-water from existing on-site wells; and non-potable water received from the City of Fairfield.

### 3.2 Delta Plan Chapter 4

Regarding ER P1/Cal. Code Regs., tit. 23, § 5005: The Project is consistent with the State Water Resources Control Board's Bay Delta Water Quality Control Plan flow objectives and policy. The Project is also consistent with the SMP and the Delta Plan. The Project will comply with all applicable water quality standards and waste discharge requirements described in Part II: Policies and Findings of the SMP. The project will not alter the drainage pattern of Cordelia Slough or other drainage ditches located on the property. The project is not engaging or entering into or amending any water contract with the Central Valley Project or the State of California.

Regarding ER P2/Cal. Code Regs., tit. 23, § 5006: The Project is consistent with habitat restoration policy. Habitat restoration proposed by the Project is consistent with Appendix 3, which is Section II of the Draft Conservation Strategy for Restoration of the Sacramento-San Joaquin Delta Ecological Management Zone of the Sacramento-San Joaquin Valley Regions (California Department of Fish and Wildlife 2011) and based on the Project area's elevation. The Project is located within an area identified by the document as "Transitional Habitat 1." Appendix C of the document provides a crosswalk between habitat categories in the Conservation Strategy map for the Delta and Suisun Planning Area and those in the Ecosystem Restoration Program (ERP) Plan. The Project will create, enhance, and maintain habitat that is consistent and appropriate pursuant to the ERP Conservation Strategy Map Habitat Categories: non-tidal perennial aquatic habitat; seasonal wetlands; and perennial grassland. As such, the Project will result in the creation of 18.67 acres of managed wetlands in areas that are currently upland grassland, as well as the restoration and/or enhancement of 6.04 acres of seasonal managed wetlands. The managed wetland creation, restoration, and enhancement will have a beneficial impact to jurisdictional waters of the U.S. (WOUS) and wetlands and their associated wildlife habitat values. The project is consistent with the policies outlined in the Suisun Marsh Protection Plan (SMPP) and of the City of Fairfield component of the Suisun Marsh Local Protection Program (LPP). The site is identified as a wildlife refuge by the BCDC Bay Plan. This designation is consistent with the proposed use as an open space land preserve with an ancillary educational facility and interpretive nature center. Work done within the project site will provide a public benefit by enhancing wildlife habitat and providing public facilities for wildlife observation and education. The project will conserve, restore and increase the productivity of the marshland areas on the project site.

Regarding ER P3 / Cal. Code Regs., tit. 23§ 5007: The Project is consistent with policy on opportunities to restore habitat as outlined in subsections a through d of Section 5007 and Appendix B-Other Efforts Related to the Conservation Strategy. The Project will give protection to the managed wetlands, marsh and grasslands by the establishment of an open space land preserve and the majority of development, including all impervious surface development, will occur in the secondary management area. The Project will have a beneficial impact to jurisdictional waters of the U.S. and wetlands and their associated wildlife habitat values.

Regarding ER P4 / Cal. Code Regs., tit. 23 § 5008: This section of policy is not applicable to the Project.

Regarding ER P5 / Cal. Code Regs., tit. 23 § 5009: The Project is consistent with Ecosystem Restoration Policy 5 and will avoid introductions of and habitat improvements for invasive nonnative species as outlined in subsections a and b of Section 5009. Consistent with the SMP, and recognized as important by Principal Agencies associated with the SMP, the Project will plant native riparian trees and shrubs to increase habitat diversity and structure. Additionally, the Project will be required to obtain and conform with permit authorizations from the Corps, San Francisco Bay Regional Water Quality Control Board (RWQCB), and BCDC prior to the placement of any fill material within the jurisdictional areas as part of the enhancement and restoration activities. Each of these authorizations will contain special conditions that prohibit introductions of and habitat improvements for invasive nonnative species. Nonnative plant control would include the following measures in the project construction specifications to minimize the potential for the introduction of new noxious weeds and the spread of weeds in the action area:

- Use of certified, weed-free, imported erosion control materials (or rice straw in upland areas).
- Coordination with the county agricultural commissioner and land management agencies to ensure that the appropriate BMPs are implemented.
- Education of construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weeds.
- A requirement to clean equipment at designated wash stations after leaving noxious weed infestation areas.
- Treatment of isolated infestations of noxious weeds identified in the action area with Service approved eradication methods at an appropriate time to prevent further formation of seed, and destroy viable plant parts and seed.
- Minimization of surface disturbance to the greatest extent possible.
- Seed all disturbed areas with certified weed-free native mixes, as provided in the revegetation plan developed in cooperation with CDFW. Mulch with certified weed-free mulch. Rice straw may be used to mulch upland areas.
- Use of native, noninvasive species or nonpersistent hybrids in erosion control plantings to stabilize site conditions and prevent invasive species from colonizing.
- Restore or enhance suitable habitat areas that are occupied by, or are near and accessible to, special-status species that have been adversely affected by the permanent removal of occupied habitat areas.

### 3.3 Delta Plan Chapter 5

DP P1 / Cal. Code Regs., tit. 23, § 5010: This section of policy is not applicable to the Project. The Project is consistent with the land uses designated in county general plans as of May 16, 2013, and is otherwise consistent with this Chapter.

DP P2 / Cal. Code Regs., tit. 23, § 5011: The Project has been designed to complement and enhance the existing visual character of the site and its surroundings. The project will not significantly change the natural, rural or agricultural character of its site and will function as an open space land preserve with an ancillary educational facility and interpretive nature center, retaining and enhancing the natural character of the site. The Project is not in conflict with existing uses described in the City of Fairfield and Solano County general plans. The proposed project has been analyzed for consistency with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration (MND) was certified in October 2018 (City of Fairfield 2018). Additionally, as noted in the MND, the Project will have no impact on agriculture and forest resources. The Project site is classified as grazing land on the Solano County Important farmlands map. The property is not covered by any Williamson Act Contract and is not presently used for agricultural purposes. The subject site does not contain any forest land. The Project's marsh restoration and enhancement work is anticipated to significantly increase the recreation value of the site. Restoring the Marsh will increase the site's value as habitat for wildlife and make it a more attractive resting stop for birds on the Pacific Flyway, which will correspondingly increase the site's value for bird-related recreation. The Project will expose visitors to ecological relationships between water, marsh vegetation, and migratory birds and other species that depend on the Marsh. The project will provide public access to the marsh in a location that has been inaccessible by the public, consistent with the goals of the SMP and the City of Fairfield component of the Suisun Marsh Local Protection Plan (LPP). The "Walk in the Marsh" will provide a diverse and interesting public access experience through walkways and pervious trails, while requiring users to remain in the designated access areas to avoid potential adverse effect on wildlife and the marsh. As the level of public use is unknown at this time, specific public access operations and management policies have not yet been developed. The use will be monitored by the Pacific Flyway Fund LLC and project sponsors to ensure that the intensity is compatible with passive nature-oriented recreation activities and the protection of the marsh environment.

### 3.4 Delta Plan Chapter 7

RR P1 / Cal. Code Regs., tit. 23, § 5012: This section of policy identifies a prioritization strategy for State investments in Delta Levees and flood risk reduction. The Project is not a levee project. Thus, this is not applicable to the Project.

RR P2 / Cal. Code Regs., tit. 23, § 5013: This section of policy discusses flood risk protection for residential development in rural areas. The Project does not propose residential development. Thus, this is not applicable to the Project.

RR P3 / Cal. Code Regs., tit. 23, § 5014: This section of policy discusses protection of floodways. The Project does not propose work in a floodway. Thus, this is not applicable to the Project.

### 3.5 General Policy 1 – Mitigation Measures, Adaptive Management, and Best Available Science

#### **Mitigation Measures, G P1 (b)(2) / Cal. Code Regs., tit 23, § 5002, subd. (b)(2)**

The Project was subject to CEQA review and a Mitigated Negative Declaration (MND) was prepared. As described in 23 Cal. Code Regs. Section 5006, significant adverse impacts to restore habitat must be avoided or mitigated. On October 16, 2018, the City of Fairfield determined that the Project, as submitted, will not have a significant effect on the environment, including any adverse effect, either individually or cumulatively on wildlife resources. The Initial Study was prepared by the Community Development Department, City of Fairfield. Additional information may be obtained at the City of Fairfield Community Development Department.

#### **Best Available Science, G P 1(b)(3) / Cal. Code Regs., tit 23, § 5002, subd. (b)(3)**

The Project demonstrates use of best available science. Project design development is based on best available science and developed by an experienced technical team. Design input during several pre-application discussions with the Corps and BCDC and with other federal and state agencies during an interagency pre-application meeting led by the Corps which included input from the National Marine Fisheries Service, USFWS, California Department of Fish and Wildlife Service, and the RWQCB. Based on input received from federal and state regulatory and wildlife agencies the design team applied thoughtful consideration to Project design elements. The Project has been analyzed for consistency with the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration (MND) was certified in October 2018 (City of Fairfield 2018).

#### **Adaptive Management, G P 1(b)(4) / Cal. Code Regs., tit 23, § 5002, subd. (b)(4)**

The Project would create 18.67 acres of managed wetlands and enhance 6.04 acres of managed wetlands. Adaptive management of the created and restored managed wetlands would be consistent with and reviewed and authorized under RGP 3. The activities authorized under RGP 3 are one component of the SMP, a comprehensive 30-year plan designed to address the management of the varied resources within the Suisun Marsh. It is anticipated the managed wetlands created and restored by the Project will be managed under RGP 3. Nonnative plant control would include the previously listed nonnative plant control measures in the project construction specifications to minimize the potential for the introduction of new noxious weeds and the spread of weeds.



## ENVIRONMENTAL DOCUMENTS

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