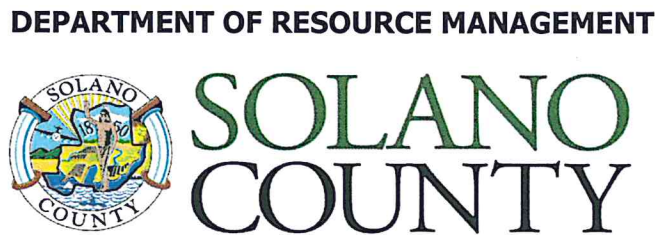


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Planning Services Division

Agenda Item No. 1

MEMORANDUM:

TO: Solano County Zoning Administrator
FROM: Eric Wilberg, Planner Associate
SUBJECT: Use Permit U-14-01 (Venoco) Extension to Exercise
MEETING DATE: March 16, 2017

I. Recommendation

APPROVE applicant's request for a one year extension to exercise Use Permit U-14-01, pursuant to Section 28.106(K) of the Solano County Zoning Ordinance.

II. Discussion

On November 5, 2015 the Planning Commission conditionally granted Use Permit U-14-01 to Venoco, Inc. to permit drilling of three natural gas wells, and if successful, install production equipment including a 5.8 mile gas pipeline connecting the well site(s) to an existing pipeline located at the southeast corner of the intersection of Chadbourne Road and Cordelia Road within the City of Fairfield, APN's: 0046-080-030, 0046-060-140, 03, 06, 0046-010-110, 120, 160. The permit states that the failure, neglect or refusal to exercise the permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become null and void.

The applicant has submitted a letter dated November 14, 2016 requesting a one-year extension to exercise. Since approval, the applicant has been pursuing requisite approvals from the various responsible, permitting agencies including: US Army Corps of Engineers, San Francisco Bay Conservation and Development Commission, and San Francisco Regional Water Quality Control Board.

Section 28.106(K):

In any case where a use permit has not been exercised within one year after the date of approval thereof, or any other period for exercise as stated in a condition of the permit, the use permit shall expire and thereafter be null and void without further action by the Zoning Administrator; except that, upon written request by the owner, the Zoning Administrator may authorize an extension of time to exercise the permit, not to exceed one year. Only one such extension may be granted.

Planning staff recommends that the one year extension to exercise be granted for U-14-01.

Attachments

- A – U-14-01 Permit and Resolution No. 4631
- B – Extension Request (November 14, 2016)

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DEPARTMENT OF RESOURCE MANAGEMENT



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LAND USE PERMIT NO. U-14-01

VENOCO, INC.

(permittee)

To drill three natural gas wells, and if successful, install production equipment including a 5.8 mile gas pipeline connecting the well site(s) to an existing pipeline located at the southeast corner of the intersection of Chadbourne Road and Cordelia Road within the City of Fairfield, APN's: 0046-080-030; 0046-060-140, 030, 060; 0046-010-110, 120, 160.

(Land use, location and zone district)

In addition to the zoning regulations, the building laws and other ordinances, the conditions of granting this permit are attached (Resolution No. 4631).

Granting or conditional granting of this permit does not release the permittee from complying with all other county, state or federal laws. Failure to comply with all the aforementioned provisions and conditions will be cause for the revocation of this Permit by the County Planning Commission.

Failure, neglect or refusal to exercise this Permit within a period of one (1) year from the date of granting thereof, shall automatically cause the same to become and remain null and void.

Date Granted: November 5, 2015

SOLANO COUNTY PLANNING COMMISSION

Issued by:

Handwritten signature of Bill Emlen in blue ink.

Bill Emlen, Director/Secretary

ATTACHMENT A

**SOLANO COUNTY PLANNING COMMISSION
RESOLUTION NO. 4631**

WHEREAS, the Solano County Planning Commission has considered Use Permit Application No. U-14-01 of **Venoco, Inc.** to drill three natural gas wells, and if successful, install production equipment including a 5.8 mile gas pipeline connecting the well site(s) to an existing pipeline located at the southeast corner of the intersection of Chadbourne Road and Cordelia Road within the City of Fairfield, APN's: 0046-080-030; 0046-060-140, 030, 060; 0046-010-110, 120, 160, and;

WHEREAS, the Commission has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on November 5, 2015, and;

WHEREAS, after due consideration, the Planning Commission has made the following findings in regard to said proposal:

1. **The establishment, maintenance or operation of the proposed use is in conformity with the County General Plan with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan.**
The site preparation, construction, and operation phases are consistent with the intent of the Marsh designation of the Solano County General Plan which allows for uses that do not adversely impact the potentially sensitive habitat of the Suisun Marsh. The project is also consistent with the Resources Chapter which provides for natural gas extraction.
2. **Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**
Access to the site is from Chadbourne Road. A Marsh Development permit from the San Francisco Bay Conservation and Development Commission (BCDC) will be required for the additional fill associated with the construction of the production pad and associated road access. Potable water and temporary chemical toilets will be brought on site for use during the temporary drilling and construction phases.
3. **The subject use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**
The project has been processed in accordance with the California Environmental Quality Act (CEQA) and County EIR Guidelines. An Initial Study was prepared and a Mitigated Negative Declaration was published for a thirty (30) day public review period through the State Clearinghouse. The Planning Commission has considered the environmental document and public comments thereon prior to acting on the project and finds that the Mitigated Negative Declaration is adequate and environmental impacts have been determined to be less than significant with mitigation measures.

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the Mitigated Negative Declaration and approve Use Permit Application No. U-14-01 subject to the following recommended conditions of approval:

Administration:

1. The use shall be established in accord with the plans and information submitted with Use Permit Application No. U-14-01 and as approved by the Solano County Planning Commission.
2. Any change of use or intensification will require a new or revised use permit and further environmental review. Any deviation from the project description or requirements of the Planning Commission will subject the use permit to review and possible revocation.
3. The permittee shall obtain approval/permitting from the San Francisco Bay Conservation and Development Commission (BCDC), as may be required, for any development proposed within the Primary Management Area of the Suisun Marsh prior to issuance of a grading permit by the County for work within this area.
4. The permittee shall obtain permits or other clearances from any agency having jurisdiction over the proposed project, including but not limited to: the San Francisco Bay Conservation and Development Commission, US Army Corps of Engineers, California Department of Fish and Wildlife, and the San Francisco Regional Water Quality Control Board. The permittee shall comply with all requirements of Solano County including the Policies and Regulations Governing the Suisun Marsh.
5. This permit shall be subject to periodic renewal every five (5) years. A renewal may be granted if said request is received prior to the expiration date of November 5, 2020 and the use is found to be in compliance with the permit terms and conditions at that time. Prior to permit expiration, the applicant shall submit an application for renewal along with applicable renewal fees as may be set by the County Board of Supervisors.

Public Works Engineering

6. Security satisfactory to the Director of Resource Management shall be posted as security for payment of repairs to County roads and highways damaged by well-drilling activities, including transportation of equipment to and from the site.
7. The applicant shall apply for and secure an appropriate grading permit from Public Works Engineering for the construction of the drilling pad and associated access improvements.
8. Applicant shall apply for and secure an encroachment permit for any and all work within the right of way of Chadbourne Road (Co. Rd. No. 2370).

Building and Safety Division

9. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2013 California Building Code, or the most current edition of the code enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
10. A geotechnical/Soils Report will be required for the grading and construction of any buildings or structures.

11. The building permit plans shall include a code analysis as listed below and the design shall be under the 2010 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:

- A) Occupancy Classification
- B) Type of Construction
- C) Seismic Zone
- D) Location on Property
- E) Height of all buildings and structures
- F) Square footage
- G) Occupant Load
- H) Allowable Floor Area
- I) Height and Number of Stories

12. The fire district will reassess the site for fire life and safety requirements.

13. Any electrical generator system will require a permit from Solano County.

Environmental Health Division

14. The applicant shall provide contract with a licensed sanitation company to install and maintain a portable chemical toilet for the duration of the construction period.

15. If hazardous materials and/or hazardous waste are stored on site, the applicant shall maintain a Hazardous Materials Business Plan under California Health and Safety and Code of Regulation guidelines.

City of Fairfield

16. A Franchise Agreement between the City and the applicant must be signed and completed prior to any work commencing within the city right-of-way. The applicant shall submit a copy of the agreement to the Department of Resource Management prior to construction of the pipeline.

Operation and Maintenance

17. Drilling operations shall conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.

18. Drilling operations shall be confined to as small an area as practical and shall not cause irreversible damage to unique vegetation or fish and wildlife habitats.

19. After drilling is complete, all drilling muds, soil wastes, waste water and other fluids shall be removed from the site and disposed of in a manner that does not adversely affect other areas.

20. Measures shall be taken to prevent significant pollution of groundwater, surface water or watercourses.

21. Derricks shall be removed when wells are brought into production.

22. If any well is abandoned, it shall be sealed in accordance with Division of Oil and Gas regulations, and the drilling or production facilities shall be removed in a timely manner at the discretion of the Director of the Department of Resource Management.

23. Necessary measures shall be taken to prevent dust, noise, light, glare, odor, and other objectionable elements from adversely affecting the surrounding area beyond acceptable limits.
24. Chain link, barbed wire, or other adequate fencing shall be installed around the construction site to prevent unauthorized access. Fencing may be scaled back if the well is brought into production.
25. All liquid storage tanks shall have a method of control of spilled fluid; this may be accomplished by one or more of the following methods:
 - a) Drainage system for safe disposal.
 - b) Division walls to direct fluids to a preferred point.
 - c) Dikes or fire walls capable of containing the volume of the largest tank.

26. All vehicles traveling to and from the job site must be equipped with spark arrestors.

Suisun Marsh Management Area policies

27. Existing pipeline systems shall be utilized to the maximum extent feasible.
28. The pipeline design shall meet all applicable safety standards of the Office of Pipeline Safety Operations (OPSO) and other regulatory agencies.
29. The pipeline route avoids tidal marshes and managed wetlands wherever possible and, if that is not possible, the route crosses as little marsh or managed wetland as possible.
30. Wide track or amphibious construction equipment shall be used in tidal marsh or managed wetland areas. Pads or mats shall be used as needed to prevent any construction equipment from sinking into the soft marsh muds and damaging the marsh plants.
31. The trench and push construction method shall be used in all tidal marsh and managed wetland areas where feasible, so that the construction zone is kept as small as possible and the minimum amount of heavy equipment passes through the marsh or wetland area.
32. Prior to any pipeline construction or related activities in the Marsh, the contractors consult with the State Department of Fish and Wildlife to determine at what time such construction or related activities should be conducted so as to create the least possible adverse impact on breeding, migration, or other fish and wildlife activities.
33. Prior to any underground pipeline construction in the Marsh, the contractors consult with the Solano County Mosquito Abatement District to ensure existing re-circulation water ditches are not blocked and levees are adequately repaired after pipeline construction, or that effective mosquito control measures are maintained.
34. At slough, mudflat and bay crossings of gas pipelines, the trench is dredged in a manner that minimizes turbidity and prevents interference of the dredging operation with fish or wildlife.
35. A regular surface and aerial inspection of the pipeline route is carried out as required by OPSO.

36. Construction and drilling in tidal marsh and managed wetland areas shall occur only during the dry months of the years (generally April 15 through October 15) when these activities would not disturb wintering waterfowl.
37. The pipeline routes within the primary and secondary management areas of the Suisun Marsh shall be revegetated by the Permittee with native plants appropriate for the site, based on the recommendations of a qualified biologist. At the end of the project life, all unnecessary fill shall be removed and revegetated with native plants.

Environmental Mitigation Measures:

38. The permittee shall utilize a qualified biologist or botanist during the monitoring of environmental mitigation measures as described herein. As recommended by the California State Lands Commission, the qualified biologist or botanist shall be approved by the California State Department of Fish and Wildlife.
39. A qualified biologist shall provide environmental awareness training of construction and drilling personnel during project implementation.

A qualified biologist shall conduct an employee environmental awareness training program for all construction and drilling personnel working on the proposed project. The environmental training program shall include the occurrence and distribution of listed species and other sensitive resources in the project area, measures being implemented to protect these sensitive resources during project actions, and applicable definitions and prohibitions under state and federal ESAs. Sign-in sheets shall be maintained to document that project personnel have completed environmental training.

40. The permittee shall provide environmental monitoring of project activities.

A qualified biologist shall be present during the construction of the proposed well pad, access roadway, and installation of the natural gas pipeline and related components. The biological monitor will be responsible for ensuring that construction and drilling personnel follow the conservation measures outlined in this document, as well as all conditions set forth in any environmental and use permits issued for the project and project best management practices. Results of the monitoring effort shall be documented in monitoring notes and summarized in a final report. The final report shall be submitted to all regulatory agencies issuing permits or clearances for the project.

Verification: The applicant shall submit the biologist's final report to the Solano County Department of Resource Management Planning Services Division.

41. The permittee shall conduct pre-construction surveys for special-status plant species.

A qualified botanist will conduct pre-construction field surveys to identify any populations of threatened, endangered, rare, and other special status plants located within the proposed disturbance areas. 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 area. If any special-status plant species populations are identified within or adjacent to the proposed disturbance area, Venoco shall implement the following measures:

If any population(s) of special-status plant species is identified directly adjacent to the proposed project site, a qualified biologist retained by Venoco will clearly delineate the location of 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, Venoco will consult with CDFG and USFWS to determine the appropriate measures to avoid or mitigate for impacts to the species or population. Venoco will adjust the boundaries of the disturbance zone, where feasible, to avoid impacts to the plant species/population. Where avoidance is not feasible, Venoco 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 of 1:1 or greater, as approved by CDFG, USFWS and Venoco, Inc.

Verification: The applicant shall submit documentation from its botanist stating the results of the pre-construction field survey. If special-status plant populations are identified within the project disturbance zone, documentation shall be submitted by Venoco's botanist clarifying whether or not the proposed mitigation measures have been properly implemented. A letter from the approved mitigation bank shall be submitted if the purchase of credits becomes necessary.

42. The permittee shall conduct pre-construction surveys for nesting special-status avian species. Establish exclusion buffer areas around special-status avian species nest sites.

Pre-construction nesting surveys shall be conducted for nesting special-status avian species (tri-colored blackbird, short-eared owl, western burrowing owl, Swainson's hawk, northern harrier hawk, white-tailed kite, saltmarsh common yellowthroat, California black rail, Suisun song sparrow, California clapper rail, migratory song birds, swallows, herons, egrets, waterfowl and shorebirds) in the project disturbance zone and buffer area. Pre-construction surveys will occur prior to the implementation of the proposed project. A qualified biologist will survey suitable habitat for the presence of these species.

If a special-status bird species is observed and suspected to be nesting, a buffer area will be established to avoid impacts on the active nest. If no nesting special-status avian species are found, project activities may proceed and no further mitigation 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:

Tri-Colored Blackbird

Tri-colored blackbird typically nests and rears young from mid-April through late July. In order to avoid and minimize impacts on nesting tri-colored blackbirds, a 250 foot buffer will be established around active nests. No project-related activities will be allowed to occur within this buffer until young have fledged or the species is 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.

Short-Eared Owl

Short-eared owls typically nests and rears young from early March through late June. If this species is found to be nesting during the drilling season, impacts will be avoided and minimized by establishing a 250 foot buffer around active nests. No project related activities would be allowed to occur within this buffer until young have fledged or the species are no

longer attempting to nest. The buffer area can be removed prior to June if a qualified biologist determines that all juveniles have fledged from occupied nests.

Western Burrowing Owl

If burrowing owls are located or become established within the project site or within 250 feet of the project at the time of the final pre-activity biological survey and are using burrows, Venoco will consult with CDFW; the following measures shall be implemented:

- (a) On-site passive relocation of burrowing owls should be implemented if owls are using the burrows after August 31. The burrowing owl nesting season begins as early as February 1 and continues through August 31. Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 250 feet from the impact zone and that are within or contiguous to a minimum of 6.5 acres of foraging habitat for each pair of relocated owls. Relocation of owls should only be implemented during the non-breeding season.
- (b) Owls should be excluded from burrows in the immediate impact zone and within a 250 feet buffer zone by installing one-way doors in burrow entrances. One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation. One alternate natural or artificial burrow should be provided for each burrow that will be excavated in the project impact zone. The project area should be monitored daily for one week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone.
- (c) Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags should be inserted into burrow tunnels to prevent tunnel collapse while soil is excavated around that portion of a tunnel.

Swainson's Hawk

Swainson's hawk typically nests and rears young from March through August. In order to avoid and minimize impacts on nesting Swainson's hawks, a 1,320-foot buffer will be established around active nesting sites. No project related activities would be allowed to occur within this zone. The project's biological monitor will monitor the nest site on a regular schedule to ensure no impacts are occurring to nesting Swainson's hawks. Monitoring protocol shall be determined in consultation with CDFW. The buffer area can be removed prior to August if a qualified biologist determines that all juveniles have fledged from occupied nests.

White-Tailed Kite

White-tailed kites typically nest and rear young from mid-February through June. In order to avoid and minimize impacts on white-tailed kites, a 250-foot buffer will be established around active nests. No project related activities will be allowed to occur within this buffer until young have fledged or the species are no longer attempting to nest. The buffer area can be removed prior to June if a qualified biologist determines that all juveniles have fledged from occupied nests.

Northern Harrier Hawk

Northern harrier hawks typically nests and rear young from early April through August. If these species are found to be nesting, impacts will be avoided and minimized by establishing a 250-foot buffer around active nests. No project related activities would be allowed to occur within this buffer until young have fledged or the species are no longer

attempting to nest. The buffer area can be removed prior to August if a qualified biologist determines that all juveniles have fledged from occupied nests.

Salt Marsh Common Yellowthroat

Salt marsh common yellowthroat typically nests and rears young from April through August. In order to avoid and minimize impacts on nesting salt marsh common yellowthroat, a 250-foot buffer will be established around active nests. No project-related activities would be allowed to occur within this buffer until young have fledged or the species are no longer attempting to nest. The buffer area can be removed prior to August if a qualified biologist determines that all juveniles have fledged from occupied nests.

Suisun Song Sparrow

Suisun song sparrow typically nests and rears young from April through August. In order to avoid and minimize impacts on nesting song sparrows, a 250-foot buffer will be established around active nests. No project related activities would be allowed to occur within this buffer until young have fledged or the species are no longer attempting to nest. The buffer area can be removed prior to August if a qualified biologist determines that all juveniles have fledged from occupied nests.

California Black Rail

California black rail typically nests and rears young from early August through late February. In order to avoid and minimize impacts on nesting California black rails, a 250-foot buffer will be established around active nests. No project related activities will be allowed to occur within this buffer until young have fledged or the species are no longer attempting to nest. The buffer area can be removed prior to June if a qualified biologist determines that all juveniles have fledged from occupied nests.

California Clapper Rail

California clapper rail typically nests and rears young from mid-March through late July. In order to avoid and minimize impacts on nesting California clapper rails, 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 or the species are no longer attempting to nest. The buffer area can be removed prior to June if a qualified biologist determines that all juveniles have fledged from occupied nests.

Migratory Song Birds

Migratory bird species typically nest and rear young from February through August. In order to avoid and minimize impacts on migratory bird species, a 250-foot buffer will be established around active nesting sites when construction activities will occur during their active nesting period. No project-related activities will occur within this zone. The buffer area can be removed prior to August if a qualified biologist determines that all juveniles have fledged from occupied nests.

Swallow Species

Swallows typically nest and rear their young from May through July. If this species is found to be nesting in the project area, impacts will be avoided and minimized by establishing a 250-foot buffer around active nests. No project related activities would be allowed to occur within this buffer until young have fledged or 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.

Hérons and Egrets

Nesting herons and egrets typically nest and rear young from late February through August. In order to avoid and minimize impacts on nesting herons and egrets, a 400-foot buffer will be established around active nesting sites when project activities will occur during their breeding period. No project activities will be allowed to occur within this zone. The buffer area can be removed prior to August if a qualified biologist determines that all juveniles have fledged from occupied nests.

Raptor Species

Raptor species typically nests and rear young from early April through August. If these species are found to be nesting, impacts will be avoided and minimized by establishing a 250-foot buffer around active nests. No project related activities would be allowed to occur within this buffer until young have fledged or the species are no longer attempting to nest. The buffer area can be removed prior to August if a qualified biologist determines that all juveniles have fledged from occupied nests.

Verification: The applicant shall submit a letter from its biologist stating the results of the pre-construction survey. If species specific measures are required, Venoco's biologist shall submit documentation that verifies that the necessary mitigation measure(s) has/have been properly implemented.

43. Implement measures to protect Salt Marsh Harvest Mouse

Venoco shall implement the following conservation measures to protect individual and small populations of SMHM potentially present in the project disturbance zone:

- A. During the construction of the well pad and access road to the well site, a qualified biologist will assist the construction crew in establishing a rodent proof barrier (exclusion fencing) around the entire perimeter of these areas. Exclusion fencing will be installed using 36-inch tall aluminum flashing or other suitable material that will be erected in a trench dug approximately 12 inches deep. The trench will be dug by hand. Prior to trenching a qualified biologist will survey the proposed trench line for nests, sign of SMHM, as well as individual SMHM. Vegetation along the edges (inside and outside) of the flashing will be removed by hand trimming so that SMHM will not use vegetation to access the site (i.e., by climbing, etc.). Flashing will be supported by wooden lath stakes (or other suitable material – i.e., steel rebar, etc.) placed on alternating sides of the flashing approximately every 5 to 6 feet as needed. Any unions of lengths of flashing will be joined using pop rivets. An entrance gate will be constructed for the disturbance area. The gate will be approximately 20 feet wide and constructed of aluminum flashing supported by metal framing. The gate will be held in place by the metal frame to keep it in contact with the exclusion fencing. In addition, the entrance will be "carpeted" with sheet steel or similarly functional material to prevent vehicles from producing ruts under the gate that might allow SMHM to enter the construction area in ruts underneath the gate. The gate will be open only at times when vehicles need to enter or exit the well site. No vehicle access will be allowed into the exclusion zone until the following measures are implemented. The gate will be left open till all vegetation is cleared from the disturbance zone (see below).
- B. After exclusion fencing has been established at the project site, a qualified and agency permitted biologist will work with the construction crew to remove all vegetation in the disturbance area by hand methods.

- C. If SMHM are observed, they will be allowed to leave the disturbance zone on their own. No handling of individual mice will take place. This method was recently used on the Venoco Roaring River Project, and was approved by both CDFG and USFWS.
- D. Once all vegetation is removed from the disturbance zone, construction of the well pad and access road will begin. As stated previously, the gate providing access to the disturbance zone will be kept closed at all times, except when vehicles must enter or exit the disturbance zone. If at any time a SMHM is observed within the disturbance zone during construction activities, all work will cease immediately, and the mouse will be allowed to leave the site under its own volition. CDFG and USFWS will be contacted for guidance if the mouse will not willingly leave the area.
- E. Exclusion zone flashing will remain up and in place throughout the site preparation, construction, and drilling phases of the project.

During the installation of the pipeline, the alignment will be divided into segments, and individual segments will be constructed as work progresses along the alignment. Each segment will be readied for construction according to the methods described above.

- F. An environmental monitor will be present throughout the site preparation, construction, and drilling phases of the project to ensure compliance with the above measures.
 - G. In addition to the above conservation measures, Venoco will provide one of the following forms of compensation for loss of Suisun Marsh Harvest Mouse habitat:
 - Venoco will purchase SMHM compensation credits from one or more USFWS and/or CDFW-approved conservation banks that include the Project site within their service area; or
 - Venoco will provide acreage at the Lang Tule conservation easement (once established), prior to ground disturbance or grading activities associated with the project.
44. Conduct Pre-Construction Surveys for Northwestern Pond Turtle. Relocate Northwestern Pond Turtles from Project Disturbance Zone to Adjacent Habitat Areas.

Venoco will implement the following conservation measures to avoid impacts to northwestern pond turtle during project implementation:

A qualified biologist will conduct pre-construction surveys for northwestern pond turtles within the project area. If northwestern 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 this species is observed within the project disturbance zone at any time during construction activities, construction work shall cease within 150 feet of the area until the turtle(s) can be moved by a biological monitor to a safe location consistent with CDFG regulations.

Verification: The applicant shall submit a letter from its biologist stating the results of the pre-construction field survey. If northwestern pond turtle is identified within the project disturbance zone, a letter shall be submitted by Venoco's biologist clarifying whether or not the proposed mitigation measures have been properly implemented.

45. Minimize physical disturbance in wetland habitat. Where wetland habitat is disturbed, restore disturbed wetland habitat and provide wetland mitigation to offset impacts.

Venoco will minimize disturbance to wetland habitat to the smallest amount feasible when working in this habitat type. Where wetland impacts are temporary in nature, Venoco will restore disturbed wetlands to pre-disturbance conditions after temporary project activities are complete. Where wetland impacts are permanent, Venoco will provide compensatory mitigation pursuant to United States Army Corps of Engineers Compensatory Mitigation Rules, USACE approval, and through one of the following methods:

- 1) Mitigation Bank(s): the permittee may obtain credits from a mitigation bank. A mitigation bank is a wetland, stream or other aquatic resource area that has been restored, established, enhanced, or preserved. The resource area is then set aside to compensate for future impacts to aquatic resources resulting from permitted activities. The value of a bank is determined by quantifying the aquatic resource functions restored, established, enhanced, and/or preserved in terms of "credits". The permittee, upon approval by USACE, may acquire credits to meet their compensatory mitigation requirements.
- 2) In-Lieu Mitigation: the permittee may make a payment to an in-lieu fee program that will conduct wetland, stream or other aquatic resource restoration, creation, enhancement, or preservation activities. In-lieu fee programs are generally administered by government agencies or non-profit organizations that have established an agreement with the regulatory agencies to use in-lieu fee payments collected from permit applicants.
- 3) Permittee-Responsible Mitigation: the permittee may be required to provide compensatory mitigation through an aquatic resource restoration, establishment, enhancement and/or preservation activity. This compensatory mitigation may be provided at or adjacent the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The permittee retains responsibility for the implementation and success of the mitigation project.

Verification: The permittee shall submit documentation from the U.S. Army Corps of Engineers that verifies that the permittee has obtained the authorization(s) discussed above prior to grading permit issuance and/or commencement of development.

46. Implement best management practices during implementation of the proposed project

Venoco shall implement the following best management practices during project implementation to minimize adverse effects to special status wildlife species and sensitive habitats.

- A. Hazardous materials, fuels, lubricants or solvents that may accidentally spill during well drilling activities shall be cleaned up and disposed of according to applicable federal, state, and local regulations.

- B. If hazardous materials are stored on-site, the applicant shall meet the requirements of Solano County Environmental Health, Hazardous Materials Section, and shall secure any necessary permits for the construction and operation of the gas wells and equipment.
- C. On-site water tanks shall accommodate the largest volume of water possible to reduce the number of trips required to remove water from the site.
- D. The speed of project-related vehicular traffic should be limited to 15 miles per hour once vehicles have left paved roadways and are traveling along unpaved dirt roadways to and from the project site.
- E. All equipment storage during site development and operation should be confined to the project area or to previously disturbed off site areas that are not habitat for sensitive species. Staging areas should be approved by a qualified biologist prior to use for staging activities.
- F. Sediment-control devices (e.g., weed-free straw wattles, silt fence, straw bales, etc.) should be installed around construction work zones to prevent runoff to adjacent wetlands and sensitive wildlife habitats not proposed for disturbance.
- G. To prevent entrapment of wildlife species during the implementation of the project, all pipes, culverts, or similar structures that are stored at the project site overnight shall be thoroughly inspected for trapped animals before the structure is buried, capped, or otherwise used or moved. Pipes laid in trenches overnight shall be capped. If an animal is discovered inside a pipe, that section of pipe should not be capped or buried until the animal has escaped.
- H. All construction pipes, culverts, or similar structures that are stored at a construction site overnight should be thoroughly inspected for trapped animals before the pipe is buried, capped, or otherwise used or moved. Pipes laid in trenches overnight should be capped. If an animal is discovered inside a pipe, that section of pipe should not be capped or buried until the animal has escaped.
- I. All trash items such as wrappers, cans, bottles, and food scraps generated both during construction and subsequent operation should be disposed of in closed containers only and regularly removed from the site. Food items may attract animals onto a project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife should be allowed.
- J. To prevent harassment, mortality, or unauthorized "take" of sensitive species and/or their habitat by domestic dogs and cats, no pets should be permitted onsite.
- K. Night lighting may have an adverse effect on sensitive habitats and wildlife species near the project site. If night lighting is required, the lighting should be directed at the facilities and not at adjacent areas.
- L. Impacts associated with wild fires can be minimized by maintaining firefighting equipment on site during project related activities. The use of shields, protective mats or use of other fire preventive methods during grinding and welding activities will prevent or minimize the potential for fire. Personnel should be trained regarding fire hazard for wildlife and their habitats.

- M. Any take (harming, harassment, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or any attempt to conduct the previous), injury or illness of species of special concern, threatened, or endangered species shall be reported promptly to the Planning Services Division of Resource Management, USFWS, and CDFW.

- N. Project activities, including site preparation, fill placement, drilling, and establishment of production equipment is restricted to the period of April 15 through October 15 (but no later than two weeks prior to the opening of duck hunting season). Ongoing reworking of existing production wells shall occur during the same yearly timeframe, but may occur as long as the production wells are in existence.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on November 5, 2015, by the following vote:

AYES:	Commissioners	<u>Cayler, Walker, & Chairperson Rhoads-Poston</u>
NOES:	Commissioners	<u>None</u>
EXCUSED:	Commissioners	<u>Hollingsworth & Castellblanch</u>

By: 
Bill Emlen, Secretary



VENOCO, INC.

November 14, 2016

Via Email and US Mail
ejwilberg@solanocounty.com

Mr. Eric Wilberg
Planning Technician - Dept. of Resource Management
SOLANO COUNTY
675 Texas Street
Fairfield, CA 94533

RE: WEST GRIZZLY ISLAND AREA
Solano County, California
HUNTERS POINT
Notice to Advise Permit Status
LAND USE PERMIT NO. U-14-01

Dear Mr. Wilberg:

This is to inform you that Venoco, LLC is exercising the rights so granted in the Land Use Permit referenced hereinabove, and is actively pursuing the drilling of new natural gas wells from the area known as the Hunters Point drillsite location in Solano County, CA.

We thank you for your kind and patient cooperation in this matter. Should you have any thoughts or comments please let me know at 805 745-2145, or 805 701-5556.

Sincerely,

Patrick T. Moran
Sr. Land Negotiator

ptm

X:\Property\CALIFORNIA (State)\SACRAMENTO BASIN\HUNTERS POINT\Permits\Cvr ltr-SOLANO CO., notice of use under HuntersPoint well permit (11.14.16).docx