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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243 - 4005
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

November 17, 2025

Gabrielle Myers, Senior Planner
City of Hanford
317 North Douty Street
Hanford, California 93230
(559) 585-2578
gmyers@hanfordca.gov

Subject: Neves Residential Project (Project)
Draft Environmental Impact Report (DEIR)
State Clearinghouse No.: 2024120645

Dear Gabrielle Myers:

The California Department of Fish and Wildlife (CDFW) received a DEIR from the City of Hanford (City), as Lead Agency, for the above-referenced Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802.). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, reasonably foreseeable future projects may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of reasonably foreseeable future projects may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful take, possession or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened on any State or federal list pursuant to CESA and/or the federal Endangered Species Act (ESA) to be considered Endangered, Rare, or Threatened under CEQA. If a species can be shown to meet the criteria specified in the CEQA Guidelines (Cal. Code Regs., tit. 14, Chapter 3, § 15380), it should be fully considered in the environmental analysis for the Project.

PROJECT DESCRIPTION SUMMARY

Proponent: San Joaquin Valley Homes

Objective: The Project proposes to develop up to 615 single-family residential units within the Project site. Development will also include a 5.87-acre storm basin and a seven-acre park along with access roads, lighting, landscaping, and other associated improvements.

Location: The Project site is located on approximately 135.28 acres within the City of Hanford limits, on the northwest corner of Fargo and 12th Avenue. The Assessor's Parcel Numbers (APNs) associated with the Project are: 009-020-021, 009-020-047, 009-020-023, and 009-020-046.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Editorial comments or other suggestions may also be included to improve the DEIR prepared for the Project.

The DEIR prepared for the Project states the site currently supports an active orchard, and is bordered by rural residences, a ponding basin, and orchards to the north; rural residences, orchards, and a drainage ditch to the west; agricultural row crops to the east; and residential development to the south.

CDFW submitted a comment letter on January 14, 2025, (January 2025 Letter) (Attachment 1), in response to the Project's Notice of Preparation (NOP), which provided recommendations identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on biological resources. Within the January 2025 Letter, CDFW recommended mitigation measures for the State threatened Swainson's hawk (*Buteo swainsoni*). While not included in the January 2025 Letter, western burrowing owl (*Athene cunicularia hypugaea*), a recently approved State candidate, may also be present within the Project and Project vicinity. CDFW also provided recommendations related to streams and when notification would be required pursuant to Fish and Game Code Section 1602. The DEIR acknowledges receiving the January 2025 Letter and summarizes the CDFW recommendations in Section 1.5 of the DEIR. CDFW is concerned the measures provided in the DEIR are not sufficient to mitigate for potential significant impacts to Swainson's hawk (SWHA). Additionally, the DEIR does not include measures to mitigate for potential impacts to western burrowing owl (BUOW) during construction of the Project. As such, CDFW offers the following recommendations and comments.

Swainson's Hawk

The DEIR includes Mitigation Measure (MM) BIO-1 to mitigate for potential significant impacts to SWHA and avoid unauthorized take of the species. BIO-1 requires that a qualified biologist conduct focused surveys for SWHA following the survey methodology developed by the SWHA Technical Advisory Committee (SWHA TAC 2000). BIO-1 also requires that a qualified biologist consult with CDFW in the event an active SWHA nest is documented during surveys. CDFW concurs with MM BIO-1 and recommends that a minimum ½-mile no-disturbance buffer be delineated and maintained around an active nest, regardless of whether it was detected by surveys or observed incidentally. CDFW also recommends the following:

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Recommended Mitigation Measure 1: SWHA Take Authorization
In the event an active SWHA nest is detected, and a ½-mile no-disturbance buffer is not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Western Burrowing Owl

The California Fish and Game Commission (FGC) approved western burrowing owl (BUOW) as a candidate for potential listing as a protected species under CESA on October 10, 2024, and published these findings in the California Regulatory Notice Register (Notice Register) on October 25, 2024. As such, BUOW is now a candidate under CESA and receives the same legal protection afforded to an endangered or threatened species (Fish & G. Code, §§ 2074.2 & 2085).

The Project site is within the known geographic range of BUOW and the species is known to occupy grassland and agricultural habitats. Based on aerial imagery, it appears that suitable BUOW habitat may be present within the immediate vicinity of the Project site, particularly within the agricultural basin and drainage ditch located along the northwest boundary of the Project site. As BUOW have the potential to be present within the Project site or Project vicinity, CDFW recommends the following:

Recommended Mitigation Measure 2: BUOW Focused Surveys
Prior to the initiation of Project activities, CDFW recommends that a qualified biologist conduct focused surveys, following the 2012 Staff Report on Burrowing Owl Mitigation (2012 Staff Report) (CDFG 2012). Please note that the 2012 Staff Report necessitates multiple surveys prior to the initiation of the Project.

Recommended Mitigation Measure 3: BUOW Avoidance Buffer
Should a BUOW or known BUOW den (active or inactive) be detected, either during pre-construction surveys or Project activities, CDFW recommends that no disturbance buffers, as outlined in the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012), be implemented prior to and during any ground-disturbing activities. CDFW also recommends that these buffers be implemented for both wintering and breeding BUOW.

Recommended Mitigation Measure 4: BUOW Take Authorization
If a BUOW or known BUOW den (active or inactive) is detected, and the no disturbance buffers outlined in the 2012 Staff Report on Burrowing Mitigation are not feasible, consultation with CDFW is warranted to discuss how to implement the Project and avoid take. If take cannot be avoided, take authorization through the

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acquisition of an ITP, pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Editorial Comments and/or Suggestions

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is a compelling biological or ecological reason to do so, such as when the Project site would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Lake and Streambed Alteration: According to the DEIR, approximately 130 feet of the People's Ditch is located outside of the Project site along the Project's western boundary. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use

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any material from the bed, bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. “Any river, stream, or lake” includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW’s website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

California Natural Diversity Database: Please note that the California Natural Diversity Database (CNDDB) is populated by voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

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CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols

A Mitigation and Monitoring Program (MMRP) (Attachment 2) is included to assist the City with incorporating the recommended mitigation measures provided above. If you have any questions regarding this letter or further coordination, please contact John Riedel, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 807-1453, or by electronic mail at john.riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

Attachments

Attachment 1 - CDFW January 2025 Letter

Attachment 2 - MMRP

ec: State Clearinghouse
Land Use and Climate Innovation
State.Clearinghouse@lci.ca.gov

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REFERENCES

California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. California Department of Fish and Game, Sacramento, California, USA.

Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

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Attachment 1

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Central Region
1234 East Shaw Avenue
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

January 14, 2025

Gabrielle Myers, Senior Planner
City of Hanford
317 N. Douty St.
Hanford, California 93230
(559) 585 – 2578
gmyers@hanfordca.gov

Subject: Neves Residential Project (Project)
Notice of Preparation (NOP)
State Clearinghouse No.: 2024120645

Dear Gabrielle Myers:

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

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PROJECT DESCRIPTION SUMMARY

Proponent: San Joaquin Valley Homes

Objective: The Project proposes to construct up to 615 single-family residential units on approximately 135.28 acres within the City of Hanford. Development will also include a 5.87-acre storm basin and a seven-acre park along with access roads, lighting, landscaping, and other associated improvements.

Location: The Project site is located on approximately 135.28 acres within the City of Hanford limits, on the northwest corner of Fargo and 12th Avenue. The Assessor's Parcel Numbers (APNs) associated with the Project are: 009-020-021, 009-020-047, 009-020-023, and 009-020-046.

Timeframe: Project construction is anticipated to begin in 2025.

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COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City of Hanford in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the CEQA document prepared for this Project.

Aerial imagery of the Project site and its surroundings show the area contains agricultural lands comprised of a walnut orchard. The Project site is bordered by rural residences, a ponding basin, and almond orchard to the north; rural residences, orchards, and a drainage ditch to the west; 12th avenue and a vineyard to the east; and residential development to the south. Based on a review of the Project description, the California Natural Diversity Database (CNDDB) (CDFW 2024), and the nature of the surrounding habitat, the Project site is within the geographic range of several special-status species which may be impacted by the proposed Project, including, but not limited to, the State threatened Swainson's hawk (*Buteo swainsoni*).

Swainson's Hawk

Swainson's hawks (SWHA) are known to breed within the Central Valley of California and prefer to nest and forage in alfalfa, fallow fields, field crops, and grassland habitats with a sufficient source of small mammals (CDFG 1994). Based on aerial imagery, the Project's Biological Resource Evaluation, and Google Earth, the Project site contains suitable habitat for SWHA foraging. Trees located in the surrounding area may also provide suitable nesting habitat. SWHA exhibit high nest-site fidelity year after year and lack of suitable habitat limits their local distribution and abundance (CDFW 2016).

CDFW recommends that a qualified biologist conduct a habitat assessment for nest sites suitable for SWHA within the Project area and a ½-mile buffer as part of the biological studies conducted in support of the Draft Environmental Impact Report (DEIR). CDFW recommends that the DEIR included measures to have a qualified biologist conduct protocol-level surveys for SWHA following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (2000) within the nesting season (i.e., March 1 through September 15) immediately prior to Project activity in areas of suitable nesting habitat within the Project area and a ½-mile buffer. Phasing of planned construction activities may require repetition of the protocol-level surveys in subsequent seasons. Additionally, CDFW recommends maintaining a minimum no-disturbance buffer of ½ mile around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest site for survival. If an active Swainson's hawk nest is detected during surveys and a ½-mile buffer is not feasible, CDFW recommends that the Project proponent consult with CDFW for guidance on how to implement the Project

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and avoid take or to obtain an Incidental Take Permit, pursuant to Fish and Game Code section 2081, subdivision (b).

Editorial Comments and/or Suggestions

Nesting birds: CDFW encourages that Project ground-disturbing activities occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season (February 1st through September 15th), the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Code sections as referenced above.

CDFW further recommends that a qualified biologist conduct a pre-construction survey for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected, either directly or indirectly, by the Project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. CDFW recommends that a qualified biologist establish a behavioral baseline of all identified nests. Once Project activities begin, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

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Lake and Streambed Alteration: According to the NOP, approximately 130 feet of the People's Ditch runs along the western boundary of the Project site. Project activities that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed,

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bank, or channel of any river, stream, or lake (including the removal of riparian vegetation): (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. “Any river, stream, or lake” includes those that are ephemeral or intermittent as well as those that are perennial and may include those that are highly modified such as canals and retention basins.

CDFW is required to comply with CEQA in the issuance of a Lake or Streambed Alteration Agreement (LSAA); therefore, if the CEQA document approved for the Project does not adequately describe the Project and its impacts to lakes or streams, a subsequent CEQA analysis may be necessary for LSAA issuance. For information on notification requirements, please refer to CDFW’s website (https://wildlife.ca.gov/Conservation/LSA) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593.

CNDDB: Please note that the CNDDB is populated by records through voluntary submissions of species detections. As a result, species may be present in locations not depicted in the CNDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record in the CNDDB does not mean a species is not present. In order to adequately assess any potential Project related impacts to biological resources, surveys conducted by a qualified biologist during the appropriate survey period(s) and using the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the Project site.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data. The completed form can be mailed electronically to the CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to the CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

FILING FEES

The Project, as proposed, could have an impact on biological resources, and an assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project

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approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City of Hanford in identifying and mitigating Project impacts on biological resources.

More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (https://www.wildlife.ca.gov/Conservation/Survey-Protocols). If you have any questions regarding this letter or further coordination, please contact Marile Colindres, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 974-3452, or by electronic mail at marile.colindres@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Julie Vance
FA83F09FE08945A...

Julie A. Vance
Regional Manager

ec: State Clearinghouse
Governor's Office of Planning and Research
State.Clearinghouse@opr.ca.gov

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REFERENCES

California Department of Fish and Game. 1994. Staff report regarding mitigation for impacts to Swainson's hawks (*Buteo Swainsoni*) in the Central Valley of California. Sacramento, California, USA.

California Department of Fish and Wildlife. 2016. Five year status review for Swainson's Hawk (*Buteo swainsoni*). Sacramento, California, USA.

California Department of Fish and Wildlife. 2024. Biogeographic information and observation system (BIOS). https://www.wildlife.ca.gov/Data/BIOS. Referenced December 30, 2024.

Swainson's Hawk Technical Advisory Committee. 2000. Recommended timing and methodology for Swainson's hawk nesting surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee.

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Attachment 2

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Attachment 1

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
RECOMMENDED MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

PROJECT: Neves Residential Project

SCH No.: 2024120645

RECOMMENDED MITIGATION MEASURE	STATUS/DATE/INITIALS
Before Disturbing Soil or Vegetation	
Swainson's Hawk (SWHA)	
Recommended Mitigation Measure 1: SWHA take authorization	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 2: BUOW focused surveys	
Recommended Mitigation Measure 4: BUOW take authorization	
During Construction	
Western Burrowing Owl (BUOW)	
Recommended Mitigation Measure 3: BUOW avoidance buffer	