



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Bay Delta Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



December 4, 2025

Cesar Orozco
 City of Vallejo
 555 Santa Clara Street
 Napa, CA 95490
Cesar.Orozco@cityofvallejo.net

Subject: Vista Cove Planned Development Project, Subsequent Initial Study/Mitigated Negative Declaration, SCH No. 2025030788, Solano County

Dear Cesar Orozco:

The California Department of Fish and Wildlife (CDFW) received a Subsequent Initial Study/Mitigated Negative Declaration (IS/MND) from the City of Vallejo (City) for the Vista Cove Planned Development Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines. The IS/MND was preceded by a Notice of Preparation (NOP) for a Draft Environmental Report (EIR), for which CDFW provided comments in a letter dated April 18, 2025. However, rather than prepare an EIR it appears that the Lead Agency changed course and prepared a Subsequent IS/MND tiered from the General Plan 2040 and Sonoma Boulevard Specific Plan Draft Environmental Impact Report.

CDFW is submitting comments on the IS/MND to inform the City as the Lead Agency, of potentially significant impacts to biological resources associated with the Project. The comments in this letter are similar to those provided in CDFW's NOP comment letter.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

PROJECT DESCRIPTION SUMMARY

Proponent: Sancerra Vista Cove, LLC

Objective: The Project would rezone, subdivide, and develop the 20.13-acre Project area, of which approximately 10 acres would be developed, while the remaining

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acreage would be retained as undeveloped open space. The residential portion of the Project would include approximately 10.39 acres of residential space and 51 single-family residential units and associated improvements, including front and rear yards, front driveways, two-car garages, fencing, and landscaping.

The Project would include 9.74 acres of undisturbed open space, to remain undeveloped. The Project would remove or potentially remove several trees within the riparian zone of two unnamed tributaries to Southampton Creek within the Project area, and would result in the permanent loss of a 0.49-acre seasonal on-stream wetland located on the northern unnamed tributary and the conversion of this wetland to a stormwater basin.

Location: The Project is located near the northeast corner of Shady Lane and Wildflower Avenue; Assessor's Parcel Numbers 0079-171-170 and 0079-120-100; in the City of Vallejo, CA 945490, Solano County; with a Project area center at approximately 38.08128 °N, -122.20112 °W.

REGULATORY REQUIREMENTS

California Fully Protected Species

California Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code, § 2081.15). Project proponents should consult with CDFW early in the project planning process. **The Project has the potential to impact nesting white-tailed kite (*Elanus leucurus*), as further described below.**

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in “take” of plants or animals listed or candidate species under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Swainson’s hawk (*Buteo swainsoni*), CESA listed as threatened; tricolored**

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blackbird (*Agelaius tricolor*), CESA listed as threatened; and burrowing owl (*Athene cunicularia*), a CESA candidate species, as further described below.

Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065.). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et. seq. is required for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that will substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. **It appears the Project would impact two unnamed tributaries to Southampton Creek, including a seasonal on-stream wetland connected to the northern unnamed tributary; therefore, an LSA Notification is likely warranted as further described below.** Work within ephemeral streams, washes, wetlands hydrologically connected to streams, watercourses with a subsurface flow, and floodplains are subject to LSA Notification requirements. CDFW, as a Responsible Agency under CEQA, would consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below and included in **Attachment 1** Draft Mitigation Monitoring and Reporting Program, CDFW concludes that an MND is appropriate for the Project.

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

And,

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Burrowing Owl, Environmental Setting and Related Impact Shortcoming

Issue: The IS/MND does not adequately evaluate potential impacts to wintering burrowing owl. Page 22 of Appendix C states that burrowing owl has been documented numerous times within 5 miles of the Project area but dismisses the species due to no ground squirrel burrows being observed on February 28, 2022.

Specific impacts, why they may occur and be potentially significant: The absence of burrows in 2022 does not preclude the potential for fossorial animals to excavate new burrows and for burrowing owl to occupy them in later years. If the Project proceeds without assessing whether burrowing owl currently uses the Project area or adjacent habitat, the Project could result in injury or mortality of adult burrowing owl wintering in burrows or other suitable refugia on or within up to 500 meters (1,640 feet) of the Project site, and permanent wintering (i.e., non-nesting) habitat loss. Burrowing owl have been extirpated from 16 percent of their former range and are at risk of being extirpated from another 13 percent of their range in the State (CDFW 2024). Information indicates a decline in burrowing owl's range over time, burrowing owl has experienced population declines in regions of California and threats to BUOW, coupled with long-term population declines, suggest a high degree and immediacy of threat to burrowing owl in California (CDFW 2024). Burrowing owl population viability and survival are adversely affected by risk factors such as precipitous declines from habitat loss, fragmentation, and degradation; evictions from nesting sites without habitat mitigation; wind turbine mortality; human disturbance; and eradication of California ground squirrels resulting in a loss of suitable burrows required by burrowing owl for nesting, protection from predators, and shelter (Shuford and Gardali 2008; Department of Fish and Game Staff Report on Burrowing Owl Mitigation (2012); personal communication, CDFW Statewide Burrowing Owl Coordinator Esther Burkett, May 13, 2022). Preliminary analyses of regional patterns for breeding populations of burrowing owl have detected declines both locally in their central and southern coastal breeding areas, and statewide where the species has experienced breeding range retraction (Department of Fish and Game Staff Report on Burrowing

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Owl Mitigation 2012). Burrowing owl is a candidate species under CESA. Based on the foregoing, if burrowing owl are wintering on or within up to 500 meters of the Project site, Project impacts to burrowing owl would be *potentially significant*.

The Project area appears to overlap with Valley Floor Grassland habitat which may be used by burrowing owl for foraging according to the Draft Solano Habitat Conservation Plan (HCP). The HCP includes mitigating burrowing owl foraging habitat at a minimum 1:1 ratio according to the Draft Solano HCP Mitigation Measure BO 2 for burrowing owl (see Section 6.4.9 and Figure 4-22 of the draft Solano HCP at: <https://www.scwa2.com/solano-multispecies-habitat-conservation-plan/>).

Recommended Mitigation Measures: To reduce potential impacts to burrowing owl to less-than-significant and comply with CESA and Fish and Game Code section 3500 et seq., CDFW recommends including the below mitigation measures in the MND.

Mitigation Measure BIO-5a: Burrowing Owl Habitat Assessment, Surveys, and Protection: A qualified biologist shall conduct a habitat assessment and surveys for wintering burrowing owl prior to construction if construction starts during the burrowing wintering season (September 1 to January 31). Surveys shall be conducted if warranted based on the habitat assessment and shall begin on or within three days of August 1. The habitat assessment and surveys shall follow the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012) methodology (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) and the qualified biologist shall prepare a report documenting the survey results. The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. Habitat assessments and surveys shall occur annually for the duration of the Project, as conditions may change annually and suitable refugia for burrowing owl, such as small mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW. Surveys for non-breeding burrowing owl shall be spread over four visits during the nonbreeding season (i.e., wintering) and shall start on or within 3 days of August 1 and continue to January 31, unless otherwise approved in writing by CDFW. Time lapses between surveys or Project activities shall trigger subsequent surveys including, but not limited to, a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the above methodology. The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the *Department of Fish and Game Staff Report on Burrowing Owl Mitigation* (2012), which may be up to 500 meters (1,640 feet). Any

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detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities. If take of burrowing owl cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence.

Mitigation Measure 5b: Covering of Entrapment Hazards: To prevent burrowing owl from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each workday and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.

Mitigation Measure 5c: Burrowing Owl Wintering Burrow Mitigation: If the Project would impact an unoccupied wintering burrowing owl burrow or burrow surrogate (i.e., a burrow known to have been used in the past three years for wintering), the following habitat mitigation shall be implemented prior to Project construction.

Impacts to each unoccupied burrowing owl wintering site shall be mitigated by permanent preservation of two burrowing owl occupied wintering sites with appropriate foraging habitat, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity. If the Project would impact burrowing owl and obtains an ITP, any more rigorous requirements of the ITP shall apply.

The Project may implement alternative methods for preserving habitat with written acceptance from CDFW.

Mitigation Measure 5d: Burrowing Owl Foraging Habitat Mitigation: Impacts to burrowing owl foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide burrowing owl foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of burrowing owl foraging habitat credits at a CDFW-approved mitigation bank, unless otherwise approved in writing by CDFW. If the Project would impact burrowing owl and obtains an ITP, any more rigorous requirements of the ITP shall apply.

COMMENT 2: General Nesting Birds, Swainson's Hawk, Tricolored Blackbird, and White-Tailed Kite, Mitigation Measure and Related Impact Shortcoming.

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Issue: MM BIO-1a of the IS/MND does not specify nesting bird survey distances nor does it specify response and/or agency coordination actions if Swainson's hawk, tricolored blackbird, or white-tailed kite may be impacted by the Project.

Specific impacts and why they may occur and be significant: The Project has the potential to impact nesting Swainson's hawk through auditory or visual disturbances above ambient levels within 0.5 miles of Project activities, or through direct removal of an active nest site. The Project area is within the mapped summer range of Swainson's hawk and includes tree removal. Disturbances from Project activities may result in Swainson's hawk nest abandonment and loss of eggs or reduced health and vigor and loss of young. Swainson's hawk is CESA listed as a threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active Swainson's hawk nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Page C-16 of the Biological Resources Reports and Peer Reviews (Appendix C) states that tricolored blackbird is unlikely to occur on the Project area, despite the Project's impact to 0.42 acres of seasonal wetland onsite because "The seasonal wetland lacks riparian thickets or tall, dense emergent vegetation suitable to support nesting for this species." However, according to aerial imagery, there is a patch of dense vegetation growing from the southern tributary less than 500 feet from the Project area shown in Figure 2-2 of the IS/MND. The IS/MND does not address potential disturbances to nesting tricolored blackbird that could result from Project activities within 500 feet of suitable habitat, including the vegetation patch.

Human activity and removal of habitat has contributed to the loss of a significant proportion of the total number of birds in the United States and Canada since the 1970s (Rosenburg et al. 2019). Nesting birds such as white-tailed kite, a California Fully Protected species for which take is prohibited except in limited circumstances as described above, may be disturbed by habitat removal, Project noise and visual disturbances, which could result in active nest loss or abandonment or reduced health and vigor of young, a *potentially significant impact*.

Recommended Mitigation Measures: To reduce impacts to Swainson's hawk, tricolored blackbird, white-tailed kite and other nesting birds to less-than-significant and comply with Fish and Game Code sections 3500 et seq. and the federal Migratory Bird Treaty Act (MBTA), CDFW recommends replacing the current Mitigation Measures BIO-1a and BIO-1b with the following mitigation measures:

Mitigation Measure BIO-1a: Nesting Bird Surveys. If construction, grading, vegetation removal, or other Project-related activities are scheduled during the

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avian nesting season, February 1 to September 15, a qualified biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of Project-related activities. The survey shall cover the entire Project site and a minimum 500-foot buffer around the Project site. If a lapse in Project-related work of 7 days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify the CDFW contact below, or if unavailable another CDFW representative, and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.

Mitigation Measure BIO-1b: Tricolored Blackbird Avoidance. If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys, CDFW shall be notified immediately, and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. If take of tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

Mitigation Measure BIO-1c: Swainson's Hawk Avoidance. If active Swainson's hawk nests are detected during nesting bird surveys or otherwise, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a Qualified Biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the Qualified Biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.

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II. Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or the USFWS?

COMMENT 3: Impacts to Unnamed Tributaries to Southampton Creek and Connected Seasonal Wetland, Environmental Setting and Related Impact Shortcoming

Issue: The Project would result in permanent impacts to stream and riparian habitat including the removal of a 0.49-acre on-stream seasonal wetland along the northern unnamed tributary to Southampton Creek (IS/MND page 4-42; Appendix C, Figure 2); and removal of riparian trees along both unnamed tributaries within the Project area (IS/MND Appendix C, Figure 4). However, the IS/MND does not clearly indicate stream habitat would be impacted or include a mitigation measure for notifying CDFW for impacts to the streams and connected wetland.

Specific impacts and why they may occur and be significant: Project activities would result in permanent loss of stream habitat from removal and conversion of the on-stream seasonal wetland habitat, and riparian tree removal. Removal of the on-stream wetland could result in reduction or loss of stream flows, loss of stream connectivity, and desiccation of existing stream habitat. Impacts could also include inputs of deleterious materials, obstructions, and disturbances to riparian corridors, special status wildlife and their habitats, and nesting birds. Due to the ecological importance and sensitivity of stream and connected wetland habitat, the above impacts would be *potentially significant*.

Recommended Mitigation Measure: To comply with Fish and Game Code section 1600 et seq., the Clean Water Act, and the Porter Cologne Water Quality Control Act, CDFW recommends including the below mitigation measure in the IS/MND.

Mitigation Measure BIO-6: Impacts to Stream. Prior to the commencement of Project activities, the Project shall notify CDFW for Project impacts to the stream resulting from riparian tree and seasonal wetland removal and any additional Project impacts to stream and riparian habitat. More information for the notification process is available at <https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. The Project shall comply with all measures of the Lake and Streambed Alteration (LSA) Agreement, if issued, and shall not commence activities with the potential to impact the stream until the LSA Agreement process is completed. Restoration to mitigate impacts to any stream shall include a qualified biologist preparing and implementing a restoration plan with permanent impacts restored at a minimum 3:1 restoration to impact ratio, temporary impacts restored, success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria, unless otherwise approved in writing by CDFW. CDFW may consider the purchase of wetland or stream creation credits from an approved

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mitigation bank at a reduced ratio. The Project shall also obtain any necessary authorization from the U.S. Army Corps of Engineers (USACE) and Regional Water Quality Control Board (RWQCB) pursuant to the Clean Water Act and Porter Cologne Water Quality Control Act.

Please be advised that a Streambed Alteration Agreement, if issued for the Project, would likely include the above recommended mitigation measures, as applicable, and may include additional measures to protect fish and wildlife resources, such as protocol level plant surveys pursuant to *Protocol for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>).

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 California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (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 subsequent IS/MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nicholas Magnuson, Environmental Scientist, at (707) 815-4166 or Nicholas.Magnuson@wildlife.ca.gov; or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

Erin Chappell

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Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation (SCH No. 2025030788)

REFERENCES

California Department of Fish and Wildlife (CDFW). 2024. Petition Evaluation for Western Burrowing Owl (*Athene cunicularia hypugaea*). Report to the Fish and Game Commission. California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA.

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

Rosenburg, Kenneth V.; Dokter, Adriaan M.; Blancher, Peter J.; Sauer, John R.; Smith, Adam C.; Smith, Paul A.; Stanton, Jessica C.; Panjabi, Avrind; Helft, Laura; Parr, Michael; and Marra, Peter P. 2019. Decline of the North American Avifauna. *Science*: 120-124.

Shuford, W. D., and Gardali, T., editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento.

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)			
Mitigation Measure	Description	Timing	Responsible Party
MM BIO-1a, 1b, & 1c	<u>Mitigation Measure BIO-1a: Nesting Bird Surveys.</u> If construction, grading, vegetation removal, or other Project-related activities are scheduled during the avian nesting season, February 1 to September 15, a qualified biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of Project-related activities. The survey shall cover the entire Project site and a minimum 500-foot buffer around the Project site. If a lapse in Project-related work of 7 days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify the CDFW contact below, or if unavailable another CDFW representative, and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards Project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby Project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by Project work. Nest monitoring shall continue during Project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents),	Prior to Ground Disturbance and for Duration of Project	Project Applicant

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	as determined by the qualified biologist, unless otherwise approved in writing by CDFW. <u>Mitigation Measure BIO-1b: Tricolored Blackbird Avoidance.</u> If nesting tricolored blackbird or evidence of their presence is found during nesting bird surveys, CDFW shall be notified immediately, and work shall not occur without written approval from CDFW allowing the Project to proceed. Project activities shall not occur within 500 feet of an active nest unless otherwise approved in writing by CDFW. If take of tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP. <u>Mitigation Measure BIO-1c: Swainson's Hawk Avoidance.</u> If active Swainson's hawk nests are detected during nesting bird surveys or otherwise, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a Qualified Biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the Qualified Biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP.		
MM BIO-5a, 5b, 5c, & 5d	<u>Mitigation Measure BIO-5a: Burrowing Owl Habitat Assessment, Surveys, and Protection:</u> A qualified biologist shall conduct a habitat assessment and surveys for wintering burrowing owl prior to construction if construction starts during the burrowing wintering season (September 1 to January 31). Surveys shall be conducted if warranted based on the habitat assessment and shall begin on or within three days of August 1. The habitat assessment and surveys shall follow the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation</i> (2012) methodology (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds) and the qualified biologist shall prepare a report documenting the survey results. The habitat assessment and surveys shall encompass the Project site and a sufficient buffer zone to detect owls nearby that may be impacted, which is up to 500 meters (1,640 feet) around the Project site pursuant to the above methodology. <u>Habitat assessments and surveys shall occur annually for the duration of the Project</u>, as conditions may change annually and suitable refugia for burrowing owl, such as small	Prior to Ground Disturbance and for Duration of Project	Project Applicant

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	mammal burrows, can be created within a few hours or days, unless otherwise approved in writing by CDFW. Surveys for non-breeding burrowing owl shall be spread over four visits during the nonbreeding season (i.e., wintering) and shall start on or within 3 days of August 1 and continue to January 31, unless otherwise approved in writing by CDFW. Time lapses between surveys or Project activities shall trigger subsequent surveys including, but not limited to, a final survey within 24 hours prior to ground disturbance. The qualified biologist shall have a minimum of two years of experience implementing the above methodology. The Project shall immediately notify CDFW if burrowing owl is detected and implement a construction avoidance buffer around any detected burrowing owl pursuant to the buffer distances outlined in the <i>Department of Fish and Game Staff Report on Burrowing Owl Mitigation</i> (2012), which may be up to 500 meters (1,640 feet). Any detected owl shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities. If take of burrowing owl cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities may commence. <u>Mitigation Measure 5b: Covering of Entrapment Hazards:</u> To prevent burrowing owl from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project site shall be capped or covered before the end of each workday and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved. <u>Mitigation Measure 5c: Burrowing Owl Wintering Burrow Mitigation:</u> If the Project would impact an unoccupied wintering burrowing owl burrow or burrow surrogate (i.e., a burrow known to have been used in the past three years for wintering), the following habitat mitigation shall be implemented prior to Project construction. Impacts to each unoccupied burrowing owl wintering site shall be mitigated by permanent preservation of two burrowing owl occupied wintering sites with appropriate foraging habitat, unless otherwise approved by CDFW, through a conservation easement and implementing and funding a long-term management plan in perpetuity. If the Project would impact burrowing owl and obtains an ITP, any more rigorous requirements of the ITP shall apply.		
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	The Project may implement alternative methods for preserving habitat with written acceptance from CDFW. <u>Mitigation Measure 5d: Burrowing Owl Foraging Habitat Mitigation:</u> Impacts to burrowing owl foraging habitat shall be quantified by a qualified biologist based on the final Project design plans, and the Project shall obtain written acceptance of the acreage of habitat impacts from CDFW. Prior to Project construction, the Project shall provide burrowing owl foraging habitat mitigation at a minimum 1:1 ratio, which shall include: 1) permanent preservation of the species' foraging habitat through a conservation easement and implementing and funding a long-term management plan in perpetuity, or 2) purchase of burrowing owl foraging habitat credits at a CDFW-approved mitigation bank, unless otherwise approved in writing by CDFW. If the Project would impact burrowing owl and obtains an ITP, any more rigorous requirements of the ITP shall apply.		
MM BIO-6	<u>Mitigation Measure BIO-6: Impacts to Stream.</u> Prior to the commencement of Project activities, the Project shall notify CDFW for Project impacts to the stream resulting from riparian tree and seasonal wetland removal and any additional Project impacts to stream and riparian habitat. More information for the notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA. The Project shall comply with all measures of the LSA Agreement, if issued, and shall not commence activities with the potential to impact the stream until the LSA Agreement process is completed. Restoration to mitigate impacts to any stream shall include a qualified biologist preparing and implementing a restoration plan with permanent impacts restored at a minimum 3:1 restoration to impact ratio, temporary impacts restored, success criteria, a minimum of five years of monitoring and maintenance, and achieving success criteria, unless otherwise approved in writing by CDFW. CDFW may consider the purchase of wetland or stream creation credits from an approved mitigation bank at a reduced ratio. The Project shall also obtain any necessary authorization from the USACE and RWQCB pursuant to the Clean Water Act and Porter Cologne Water Quality Control Act.	Prior to Ground Disturbance and for Duration of Project	Project Applicant