



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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Ontario, CA, 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 24, 2025  
*Sent via email*

Daisy Kawasaki  
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PLAN24-00021-Victorville AutoZone Project (PROJECT)  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH# 2025060509

Dear Daisy Kawasaki:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Victorville for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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, we appreciate 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 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, the Project may be subject to CDFW’s lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed 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.

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** Mitch Bramlitt, AutoZone Parts, Inc.

**Objective:** The Project proposes the construction of a 7,380 square-foot commercial retail building on approximately 1.33 acres of undeveloped land. In addition, the Project includes paved drive aisles and parking areas, loading zones, a storm water infiltration basin and landscaping.

<sup>1</sup> 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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**Location:** The Project site is located near the northwest corner of El Evado Road and Mojave Drive in the City of Victorville, San Bernardino County. The corresponding Assessor Parcel Number (APN) is 0394-031-41 at latitude 34.529057 N and longitude -117.348422 W. Surrounding land use includes a mix of undeveloped land and commercial and residential development.

**Timeframe:** Construction will commence during the first quarter of 2025, and last for approximately 7 months.

**COMMENTS AND RECOMMENDATIONS**

CDFW offers the comments and recommendations below 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 document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in Attachment A, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

**I. Environmental Setting and Related Impact Shortcoming**

**COMMENT #1 Western Joshua tree (*Yucca brevifolia*)**

**IS/MND- page 42 and Biological Technical Report page 12.**

**Issue:** The IS/MND recognizes the presence of western Joshua tree (WJT), a candidate species under California Endangered Species Act (CESA), on the proposed Project site. Based on the review of aerial photography it appears that some vegetation clearing and grading has already occurred on the Project site.

**Specific impact:** CDFW appreciates that the IS/MND includes Mitigation Measure BIO-1. As stated in the measure the Project proponent would need to obtain the appropriate incidental take permit (ITP) through CDFW under CESA section 2081 or the [Western Joshua Tree Conservation Act](#) for any living or dead western Joshua trees present within the Project site prior to ground-disturbing activities. Currently, CDFW is working with the applicant to secure their ITP under Section 2081 for the AutoZone Victorville Project. The ITP application dated August 7, 2023, stated construction crews not affiliated with the applicant were actively crossing the project site with heavy machinery without the authorization of the Applicant. If these trespass activities have resulted in take of WJT, CDFW recommends the applicant proceed with the CESA section 2081 permit application. Permitting through the Western Joshua Tree Conservation Act (WJTCA) may not be a viable option. More information regarding the WJTCA can be found here: [Western Joshua Tree Conservation Permitting](#).

**Why impact would occur:** Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill”. Grading, ground disturbance, vegetation clearing, staging of construction equipment, vehicles, and foot traffic may result in the permanent loss of WJT on Project site and may result in the disruption to the WJT seedbank.

**Evidence impact would be significant:** The western Joshua tree is a species designated as candidate for listing as threatened pursuant to CESA (Fish & G. Code, § 2050 et seq.). The western Joshua tree is granted full protection of a threatened species under CESA. Take of any endangered, threatened, candidate species that results from the Project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9). Additionally, western Joshua tree is protected under the WJTCA. The WJTCA was enacted in July 2023 and prohibits the importation, export, take, possession, purchase, or sale of any western Joshua tree in California unless authorized by CDFW.

**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:** CDFW recommends the following revisions to MM BIO-1 (edits are in strikethrough and **bold**):

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**Biological Resources Mitigation Measure No. 1 (MM BIO-1)**

Take of western Joshua tree within the project site shall be avoided with the implementation of avoidance buffers; the size of the avoidance buffers shall be determined by a qualified biologist in conjunction with the City of Victorville and California Department of Fish and Wildlife (CDFW). If take of western Joshua tree individuals cannot be avoided take authorization in the form of an Incidental Take Permit (ITP) shall be obtained from CDFW under California Endangered Species Act (CESA) Section 2081 or the Western Joshua Tree Conservation Act (WJTCA) prior to the issuance of a grading permit or permit allowing site disturbance that would result in potentially impacts to the species. **To obtain a WJTCA ITP, a current census of WJT is required.** Consultation with CDFW shall determine the appropriate compensatory mitigation for impacts on western Joshua tree. Compensatory mitigation for western Joshua trees could include, but is not limited to, (1) Joshua tree replacement, (2) purchase of habitat conservation areas to protect existing Joshua tree habitats, or (3) payment to an existing in-lieu fee program, if available.

**COMMENT #2 Burrowing Owl (*Athene cunicularia hypugaea*) and Mitigation Measure BIO-2**

**IS/MND page 42, Biological Technical Report pages 15-16**

**Issue:** Western burrowing owl is a candidate listed species under CESA, as such is granted the full protection of a threatened species under CESA. The Project has the potential to result in permanent and temporary loss and degradation of burrowing owl habitat.

**Specific impact:** Although no evidence of burrowing owls was detected within the Project site, burrowing owls have been documented within a mile of the Project site. Additionally, California ground squirrels were observed on site, and the Biological Technical Report states that suitable foraging habitat is present on site. CDFW is concerned that Mitigation Measure BIO-2, as currently written, is not sufficient to prevent impacts to burrowing owls. The Project may result in take of burrowing owl during construction and the life of the Project.

**Why impact would occur:** Burrowing owls have been known to use highly degraded and marginal habitats where existing burrows are available. The nest and roost burrows of the burrowing owl are most commonly dug by ground squirrels, but they have also been known to use a variety of other species' dens or holes (Gervais, J.A., Rosenberg, D.K., & Comrack, L.A., 2008). Burrowing owls may use small mammal burrows throughout the Project site and adjacent areas as overwintering, breeding, and nesting habitat. Additionally, the California Natural Diversity Database (CNDDB) dataset, [Burrowing Owl Predicted Habitat - CWHR B269 \[ds2184\] - Dataset - California Open Data](#) (CDFW 2025) displays a high potential for burrowing owl presence within the Project area, along with several observations of burrowing owls within 5 miles of the Project site (CDFW 2025). Project implementation, including grading, vegetation clearing and construction, may result in direct mortality, population declines, or local extirpation of burrowing owl not previously identified. Burrowing owls also have a high potential to move into disturbed areas since they are adapted to highly modified habitats (Chipman et al., 2008; Coulombe, 1971).

**Evidence impact would be significant:** Habitat loss is a threat to burrowing owls (CDFG, 2012). As a candidate species, western burrowing owl is granted full protection of a threatened or endangered species under CESA. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." CESA allows CDFW to authorize project proponents to take state-listed threatened, endangered, or candidate species if certain conditions are met. Take must be incidental to an otherwise lawful activity. The issuance of an incidental take permit (ITP) cannot jeopardize the continued existence of the species, and the impacts must be minimized and fully mitigated.

**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:** CDFW recommends the following revision to MM BIO-2 (edits are in strikethrough and **bold**):

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**Biological Resources Mitigation Measure No. 2 (MM BIO-2)**

Fourteen days prior to the onset of site disturbance/construction activities (e.g., grading, grubbing, construction), a qualified biologist shall survey the construction limits of the project site, **the surveys shall include 100 percent coverage** and a 500-foot buffer for the presence of burrowing owls and occupied nest burrows. The survey shall be conducted in accordance with the most current California Department of Fish and Wildlife (CDFW) survey methods **(2012 CDFW’s Staff Report on Burrowing Owl Mitigation). Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys.** Another survey shall be conducted no less than 24 hours prior to the start of construction. If burrowing owls ~~are~~ **or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are** not observed during the clearance survey, no additional conditions are required to avoid impacts on burrowing owl.

If burrowing owl **or signs thereof**, is documented on the site, either during pre-construction clearance surveys or during construction, **Project activities shall be immediately halted. The Project Proponent shall consult with CDFW on the next steps, which might include obtaining** an Incidental Take Permit (ITP) ~~shall be obtained from CDFW~~ under California Endangered Species Act (CESA) Section 2081 if take of burrowing owl cannot be avoided.

**COMMENT #3 Nesting Birds Survey and Mitigation Measure BIO-3**

**IS/MND page 42 and Biological Technical Report pages 20-21.**

**Issue:** CDFW is concerned that Mitigation Measure BIO-3, as currently written, is not sufficient in timing or scope to prevent impacts to nesting birds and raptors.

**Specific impact:** Various bird species were observed during the general survey including rock pigeon (*Columba livia*), California horned lark (*Eremophila alpestris*), house finch (*Haemorrhous mexicanus*) and verdin (*Auriparus flaviceps*). Mitigation Measure BIO-3 states that vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February through August). “If avoidance of the nesting season is not feasible, then a qualified biologist will conduct a nesting bird survey within three days prior to any disturbance of the site.”

**Why impact would occur:** While MM BIO-3 establishes dates for passerine and raptor general nesting season, it is important to remember that the timing of the nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have observed that changing climate conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. Species that nest outside the peak breeding season should also be considered (e.g., hummingbirds may nest year-round, and raptors may nest outside the peak breeding season). To adequately identify nesting bird presence in the Project area, nesting pre-construction surveys should be conducted by a qualified biologist no more than three (3) days prior to the initiation of project activities, at the appropriate time of day/night, during appropriate weather conditions regardless of the time of the year. If nesting birds are detected during surveys, CDFW recommends that buffers be established around nest sites with the following distances: a minimum of 300 feet for songbirds, and 500 feet for raptors. Reductions in buffer may be appropriate based on screening vegetation, ambient levels of human activities, or other factors.

**Evidence impact would be significant:** The biggest threat to birds includes habitat loss and the conversion of natural vegetation into commercial, residential, and industrial land uses. The Project will involve grading and removal of existing vegetation. In addition to direct removal of habitat, construction noise, vibration, dust, or human disturbance could result in temporary or long-term disturbance of nesting birds on the Project site. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (Code of Federal Regulations, Title 50, § 10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the MBTA).

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**Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant:** To address the above issues and help the Project applicant avoid unlawfully taking of nests and eggs, CDFW recommends that the measure be revised to the following (edits are in strikethrough and **bold**) for inclusion in the final MND:

***Biological Resources Mitigation Measure 3 (MM BIO-3)***

To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February through August). ~~If avoidance of the nesting season is not feasible, then a qualified biologist will conduct a nesting bird survey within three days prior to any disturbance of the site, including but not limited to vegetation clearing, disking, demolition activities, and grading.~~ **Regardless of the time of year, a pre-construction survey shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests or nesting bird activity are identified within the work area or the Project's zone of influence (generally 100-300 feet), a no disturbance buffer zone shall be established by the qualified biologist to be marked on the ground around each nest. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species.** ~~the qualified biologist shall establish suitable buffers around the nests depending on the level of activity within the buffer and species observed, and the buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are documented, avoidance and minimization measures may be adjusted, and construction activities stopped or redirected by the qualified biologist using their best professional judgement to avoid take of nesting birds.~~ **The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Active nest(s) and an established buffer distance(s) shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If there is no nesting activity, then no further action is needed for this measure. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws.**

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

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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 MND to assist the City of Adelanto in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Lydia Rodriguez, Senior Environmental Scientist via email [lydia.rodriguez@wildlife.ca.gov](mailto:lydia.rodriguez@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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For Alisa Ellsworth,  
Environmental Program Manager

cc: Office of Planning and Research, State Clearinghouse, Sacramento  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

**ATTACHMENTS**

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

**REFERENCES**

California Natural Diversity Database (CNDDB) Government [ds45]. 2023. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: Microsoft Word - [BUOW Staff Report final 030712 REV 1.doc](#)

Chipman, Erica D., et al. "Effects of human land use on western Burrowing Owl foraging and activity budgets." *Journal of Raptor Research* 42.2 (2008): 87-98

Coulombe, Harry N. "Behavior and population ecology of the burrowing owl, *Speotyto cunicularia*, in the Imperial Valley of California." *The Condor* 73.2 (1971): 162- 176

Gervais, J.A., Rosenberg, D.K., and Comrack, L.A. Burrowing Owl (*Athene cunicularia*). 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 A

Draft Mitigation and Reporting Program and Draft Recommendations

**Draft Mitigation Monitoring and Reporting Program (MMRP)**  
CDFW provides the following language to be incorporated into the MMRP for the Project.

| Biological Resources (BIO)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                       |                          |
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| Mitigation Measure (MM) Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Implementation Schedule                                               | Responsible Party        |
| <p><b>MM BIO-1:</b></p> <p>Take of western Joshua tree within the project site shall be avoided with the implementation of avoidance buffers; the size of the avoidance buffers shall be determined by a qualified biologist in conjunction with the City of Victorville and California Department of Fish and Wildlife (CDFW). If take of western Joshua tree individuals cannot be avoided take authorization in the form of an Incidental Take Permit (ITP) shall be obtained from CDFW under California Endangered Species Act (CESA) Section 2081 or the Western Joshua Tree Conservation Act (WJTCA) prior to the issuance of a grading permit or permit allowing site disturbance that would result in potentially impacts to the species. To obtain a WJTCA ITP, a current census of WJT is required. Consultation with CDFW shall determine the appropriate compensatory mitigation for impacts on western Joshua tree. Compensatory mitigation for western Joshua trees could include, but is not limited to, (1) Joshua tree replacement, (2) purchase of habitat conservation areas to protect existing Joshua tree habitats, or (3) payment to an existing in-lieu fee program, if available.</p>                                                                                                                                                                                                                | <p>Prior to commencing ground or vegetation disturbing activities</p> | <p>Project Proponent</p> |
| <p><b>MM BIO-2:</b></p> <p>Fourteen days prior to the onset of site disturbance/construction activities(e.g., grading, grubbing, construction), a qualified biologist shall survey the construction limits of the project site, the surveys shall include 100 percent coverage and a 500-foot buffer for the presence of burrowing owls and occupied nest burrows. The survey shall be conducted in accordance with the most current California Department of Fish and Wildlife (CDFW) survey methods (2012 CDFW’s Staff Report on Burrowing Owl Mitigation). Burrowing owls may re-colonize a site after only a few days. Time lapses between Project activities trigger subsequent take avoidance surveys. Another survey shall be conducted no less than 24 hours prior to the start of construction. If burrowing owls are or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are not observed during the clearance survey, no additional conditions are required to avoid impacts on burrowing owl.</p> <p>If burrowing owl or signs thereof, is documented on the site, either during pre-construction clearance surveys or during construction, Project activities shall be immediately halted. The Project Proponent shall consult with CDFW on the next steps, which might include obtaining an Incidental Take Permit (ITP) under California Endangered Species Act</p> | <p>Prior to commencing ground or vegetation disturbing activities</p> | <p>Project Proponent</p> |

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------|
| (CESA) Section 2081 if take of burrowing owl cannot be avoided.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                |                   |
| <b>MM BIO-3:</b><br>To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the bird nesting season (generally February through August). Regardless of the time of year, a pre-construction survey shall be performed to verify absence of nesting birds. A qualified biologist shall conduct the pre-activity survey within the Project areas (including access routes) and a 500-foot buffer surrounding the Project areas, no more than three (3) days prior to the initiation of Project activities, including, but not limited to clearing, grubbing, and/or rough grading to prevent impacts to birds and their nests. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist shall make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests or nesting bird activity are identified within the work area or the Project's zone of influence (generally 100-300 feet), a no disturbance buffer zone shall be established by the qualified biologist to be marked on the ground around each nest. The buffer shall be a minimum of 500 feet for raptors and 300 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species. The buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. Active nest(s) and an established buffer distance(s) shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If there is no nesting activity, then no further action is needed for this measure. If an active nest is encountered during the Project construction, construction shall stop immediately until a qualified biologist can determine (1) the status of the nest, and (2) when work can proceed without risking violation to state or federal laws. | Prior to commencing ground or vegetation disturbing activities | Project Proponent |