



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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July 2, 2026
Sent via email.

Derek Newland, Planner II
San Bernardino County
Land Use Services – Planning Division
385 N. Arrowhead Avenue, 1st Floor
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Dear Mr. Newland:

PROJ-2024-00123 Skanska Essex Sand & Gravel Mine Project (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026060236

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the County of San Bernardino (County) for the 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, 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

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.

PROJECT DESCRIPTION SUMMARY

Proponent: Skanska USA Civil West

Objective: The objective of the Project is to expand mining operations of the existing Essex Sand & Gravel Mine (Mine). The Mine totals 90 acres, where only 40 acres are currently being mined. The Project will expand operations to the remaining 50 acres as follows.

Extraction will occur on 40 acres east of the unnamed wash within existing tortoise-exclusion fencing. The Project will deepen the existing pit to 30 feet and continue to use portable processing equipment within a 10-acre operations area. The Project will maintain 15 acres of setbacks, avoid a 25-acre reclaimed wash, and install additional desert tortoise exclusionary fencing to separate the active mining area from the wash. No increase in the 400,000-tons-per-year production limit is proposed. The Mine's reclamation plan will be implemented to restore the Project site.

Primary Project activities include grubbing and grading, excavation of aggregate materials, hauling, stockpiling, and portable on-site processing of mined materials through crushing, screening, and asphalt production. Overburden and surface materials will be stockpiled and redistributed for reclamation.

Location: The Project is located near the community of Essex in unincorporated San Bernardino County, one-half of a mile southeast of U.S. Highway 66 (known as National Trails Highway) and two miles south of Interstate 40, on Assessor's Parcel Number 0655-181-16, at approximately latitude 34.78334° N and longitude - 115.153020° W (Project Site). Most of the Project Site occurs on public lands managed and protected by the Bureau of Land Management (BLM).

Timeframe: Mining and processing activities would occur over a 50-year period, with progressive reclamation occurring during this time and final reclamation completed after mining ceases.

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. Editorial comments or other suggestions may also be included to improve the document.

COMMENT 1: Desert Tortoise (*Gopherus agassizii*)

Section IV, XXI, and Appendix B; Pages 22–24 and 69–70

Issue: The draft MND acknowledges that the Project occurs within suitable habitat for desert tortoise. Desert tortoise is protected under CESA and take of the species requires appropriate authorization (e.g., a CESA Incidental Take Permit). California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" (Take).

The draft MND does not demonstrate that protocol-level focused desert tortoise surveys were conducted even though according to the 2023 Biological Resources Assessment (BRA), surveys were conducted using the 2018 USFWS Desert Tortoise Protocol. However, because the methods and survey results were not provided, CDFW cannot confirm that the surveys were adequate to conclude absence of desert tortoise. Nonetheless, the draft MND

acknowledges that suitable habitat is present throughout the Project Site and that the species may occur during construction. Since the BRA is from 2023, surveys for desert tortoise most likely occurred prior to 2023. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period only. Thus, CDFW recommends recent protocol-level focused surveys for desert tortoise be conducted prior to initiation of Project Activities, including grading and grubbing. Similarly, the BRA recommends, “However, because the site does contain suitable habitat and tortoise have been documented within the region, it is recommended that pre-construction surveys be completed for this species prior to any ground-disturbing activities or desert tortoise fence installation. These surveys should be conducted by a qualified biologist and at an appropriate time of day/year to observe signs of desert tortoise. Surveys should also be conducted using the current survey protocol from the USFWS.” However, a mitigation measure requiring pre-construction surveys for desert tortoise was not included in the draft MND.

CDFW is also concerned that the draft MND proposes installation of desert tortoise exclusion fencing, which may result in Take.

Specific Impact: Project activities, including grading, trenching, equipment operation, staging, foot traffic, and installation of desert tortoise exclusionary fencing may result in crushing or injuring of individuals; collapsing of occupied burrows; and entrapping of tortoises in trenches, excavated areas, pipes, or stored materials. Additional potential impacts include displacement; mortality from vehicle strikes (particularly during the active seasons); and increased predation from ravens or other predators if waste is improperly managed.

Why Impacts Would Occur: Although no live desert tortoises were found during surveys, the Project Site is within Critical Habitat for desert tortoise, contains suitable burrows, and is immediately adjacent to occupied desert tortoise habitat (i.e., desert wash).

The BRA states that the Project boundary will be fenced with desert tortoise exclusionary fencing to avoid impacts to desert tortoise, since a class 5 desert tortoise carcass was found adjacent to the Project Site within the desert wash. Based on the BRA, the desert tortoise exclusionary fencing will be installed following currently acceptable guidelines from the U.S. Fish and Wildlife Service (USFWS). No other details were provided regarding the exclusionary fencing, but if relocation or handling of desert tortoise is anticipated, or if exclusionary fencing will be permanent this would constitute Take under CESA and an CESA Incidental Take Permit (ITP) is needed.

Construction activities, such as vegetation removal, excavation, grading, and equipment/vehicle operation may injure or kill tortoises, collapse occupied burrows, or entrap individuals in open trenches. Noise, dust, and habitat fragmentation may also degrade habitat quality and restrict movement necessary for foraging, mating, nesting, and hibernation.

Evidence the Impact Would Be Significant: Desert tortoise populations have experienced long-term declines due to human disturbance, vehicle collisions, predation, habitat fragmentation, and development. Recovery is slow because individuals may require up to 20 years to reach reproductive maturity. Desert tortoise populations in the western Mojave Desert have declined by approximately 90% since the 1980s. Given the species' slow reproductive rate, any additional habitat loss or Take even at any scale may contribute to significant impacts.

Recommended Mitigation Measures to Minimize Significant Impacts: CDFW recommends the Project Proponent adopts Mitigation Measure BIO-6 in the

final MND (additions in **bold** and edits in ~~strike through~~) to avoid and minimize potential significant impacts to desert tortoise:

Mitigation Measure BIO-6: Desert Tortoise Pre-construction Surveys

Pre-construction surveys for desert tortoise shall be conducted by a qualified biologist during the active season for desert tortoise (generally, April to May and September to October). Surveys shall be conducted within a year of commencement of Project-related ground disturbance in accordance with current USFWS Survey Protocols (e.g., 2019 Desert Tortoise (Mojave Population) Field Manual).

Pre-construction surveys shall cover 100% of all the areas within the footprint of disturbance for the Project, as well as within a 50-foot buffer around these areas. If desert tortoise is detected, CDFW shall be contacted to discuss full avoidance of impacts to desert tortoise or if impacts to desert tortoise cannot be fully avoided a CESA ITP shall be obtained.

COMMENT 2: Western Burrowing Owl (*Athene cunicularia* ssp. *hypugaea*)

Section IV and Appendix B; Pages 22–24 and 70–71

Issue: Western burrowing owl is a CESA candidate species, and the draft MND concludes that no burrowing owls were observed during surveys. However, the survey conducted to determine absence of western burrowing owl was not appropriate, since it was not focused nor based on accepted protocols. For proper detection, CDFW recommends the survey protocol outlined in the 2012 *Staff Report on Burrowing Owl Mitigation, Appendix D* (Staff Report), which includes a total of four focused surveys: three breeding-season visits at least three weeks apart between mid-April and mid-July to coincide with laying, nesting, and late-nestling stages, plus one non-breeding-season visit between September 1 to January 31 to document occupancy

Specific Impact: The BRA states that since there is suitable habitat for western burrowing owl within and adjacent to the Project Site, “prior to the start of any construction, a 30-day pre-construction survey should be conducted for the presence of western burrowing owl”. Consequently, the draft MND included Mitigation Measure BIO-1, requiring pre-construction surveys for western burrowing owl following the recommendations and guidelines provided within the Staff Report. However, breeding and non-breeding surveys are needed to properly detect western burrowing owl.

Due to the presence of suitable habitat, the Project could disturb or remove nesting, foraging, and overwintering habitat for western burrowing owl. Suitable burrows are present on the Project Site and these burrows could be subject to collapse, abandonment, or destruction due to prolonged ground disturbance (i.e., mining), heavy equipment use, vehicle traffic, noise, and vibration.

Why Impact Would Occur: The BRA identifies multiple suitable burrows within the Project Site although they were deemed unoccupied during surveys. Western burrowing owls are known to occupy burrows at any time. Given that mining operations would extend for roughly 50 years, reliance on a single non-focused survey is not appropriate to conclude that impacts to western burrowing owl would be less than significant.

Evidence the Impact Would Be Significant:

The impact analysis for western burrowing owl was conducted in 2023, when western burrowing owl was a CDFW species of special concern. On October 10,

2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under CESA (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl is afforded the same protection as a threatened or endangered species under CESA. The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of the species. CDFW considers the direct and indirect Take of burrowing owl, and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant and in compliance with State (i.e., Fish & G. Code, § 3503.5, etc.) and Federal laws (i.e., Migratory Bird Treaty Act). If Project activities could result in Take of burrowing owl, appropriate CESA authorization (i.e., ITP under Fish & G. Code, § 2081) should be obtained prior to commencement of Project Activities.

Recommended Mitigation Measures to Minimize Significant Impacts: CDFW recommends the following edits to Mitigation Measure BIO-1 are adopted into the final MND (additions in **bold** and edits in ~~strike through~~):

Mitigation Measure BIO-1: **Within a year p**~~Prior to the start of any construction, a 30-day pre-construction~~ **breeding season and non-breeding season** survey ~~should~~ **shall** be conducted for the presence of BUOW. Surveys shall be completed following the recommendations and guidelines provided within the 2012 BUOW Staff Report provided by the CDFW. **If performing both breeding and non-breeding season surveys is infeasible, Project Proponent shall coordinate with CDFW regarding survey timing. If impacts to occupied western burrowing owl habitat, burrow(s) or western burrowing owl individuals, nests, or eggs cannot be fully avoided, CESA authorization (i.e., Incidental Take Permit under California Fish and Game Code section 2081(b)) shall be obtained from CDFW prior to commencement of any Project activities, including vegetation- or ground disturbing activities.**

ADDITIONAL COMMENTS

COMMENT 3: Desert Kit Fox (*Vulpes macrotis*), American Badger (*Taxidea taxus*), and Ringtail (*Bassariscus astutus*)

Desert kit fox is addressed in Title 14 of the California Code of Regulations. California Code of Regulations, Title 14, section 460 states that "Fisher, marten, river otter, desert kit fox and red fox may not be taken at any time". American badger is a CDFW species of special concern. Thus, CDFW appreciates the requirement for pre-construction surveys for desert kit fox and American badger in Mitigation Measure BIO-2 (Desert Kit Fox) and Mitigation Measure BIO-3 (American Badger). However, ringtail is a Fully Protected species by CDFW and shares a similar life history as American badger and desert kit fox and should have been considered in the impact analysis as well, since the Project Site is within the range of ringtail and the species has been observed in the vicinity. Thus, CDFW recommends the adoption of Mitigation Measure BIO-7 and Mitigation Measure BIO-8 below to avoid and minimize impacts to these species to less than significant:

Mitigation Measure BIO-7: Ringtail Pre-Construction Survey

Prior to any ground disturbing activities, a pre-construction survey for ringtail shall be conducted by a qualified biologist. The surveys shall be conducted during the appropriate times to observe the target species and using the most current survey protocol.

Mitigation Measure BIO-8: Desert Kit Fox, American Badger, and Ringtail Avoidance

Any active dens that are confirmed to be presently occupied by ringtail, desert kit fox, and/or American badger during the species' breeding season (typically February to October) shall not be excavated and a minimum of 500-foot no-disturbance buffer shall be maintained until the den is confirmed by a qualified biologist as no longer active. Reduction of the no-disturbance buffer may occur at the discretion of the qualified biologist. The qualified biologist shall monitor the den during Project Activities at least every other day if it is a natal den or weekly otherwise. The frequency and duration of monitoring shall be dependent upon the age and behavior of the species and the efficacy of the exclusion buffers, as determined by the qualified biologist. Passive relocation methods may be employed for non-natal dens that cannot be avoided by Project Activities. Excavation and backfill of inactive and unoccupied dens within the Project Site, shall only occur with dens in which the entirety of the den can clearly be seen (e.g., the den isn't deep and doesn't curve). In cases where the entirety of the den cannot be clearly seen, the qualified biologist shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of ringtail, desert kit fox, or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment.

COMMENT 4: LeConte's Thrasher (*Toxostoma lecontei*) and Bendire's Thrasher (*Toxostoma bendirei*)

Bendire's thrasher and LeConte's thrasher occur within desert scrub and arid grassland ecosystems found throughout the Mojave–Sonoran transition region and may be present on the Project Site. As of April 29, 2026, LeConte's thrasher and Bendire's thrasher are CESA-candidate species and therefore receive full protection as threatened and endangered species under CESA. Species specific protocols are needed to properly detect these species. For this reason, the general pre-construction survey for nesting birds in Mitigation Measure BIO-4 is not appropriate to detect LeConte's thrasher and Bendire's thrasher. Thus, CDFW recommends Mitigation Measure BIO-9 (Desert Thrasher Avoidance) be incorporated into the final MND to reduce impacts to these species to less than significant:

Mitigation Measure BIO-9: Desert Thrasher Avoidance

If suitable habitat is present, a qualified biologist with the appropriate CESA authorization shall conduct pre-construction surveys for LeConte's thrasher and Bendire's thrasher in accordance with the Desert Thrasher Working Group Clearance Protocol ([Clearance Survey Protocol - Google Drive](#)). The qualified biologist shall conduct the surveys 30 minutes before sunrise and up to 4 hours after sunrise during appropriate weather conditions (not be conducted in rainy or windy conditions (> 12 mph sustained)). The qualified biologist shall perform three surveys spaced 20-35 days apart between January 15th and April 30th. If Project activities are set to commence outside of the recommended survey period, the Project Proponent shall contact CDFW to review and approve alternative methodology and protocol. If Le Conte's thrasher or Bendire's thrasher is detected during surveys, Project Proponent shall fully avoid impacts by maintaining a buffer of 500 feet or shall obtain a CESA ITP if impacts cannot be fully avoided.

COMMENT 5: CDFW 1602 Jurisdictional Resources (Lake and Streambed Alteration Program)

The BRA identifies the presence of one main wash onsite. However, based on CDFW's review of aerial imagery several smaller drainages transverse the Project Site as well. To comply with Fish and Game Code Section 1602 et seq., CDFW

recommends that the final MND adopt Mitigation Measure BIO-10 (Lake and Streambed Alteration Agreement Notification) below:

Mitigation Measure BIO-10: LSA Agreement Notification

Prior to construction, the Project Proponent shall notify pursuant to Fish and Game Code Section 1602 et seq., and shall obtain written correspondence from the CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project or if CDFW determines that the Project may substantially affect fish and wildlife resources, shall obtain a Streambed Alteration Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code Section 1602 et seq., resources.

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 MND to assist the County of San Bernardino in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Scott Jakubowski, Senior Environmental Scientist (Specialist), at (909) 354-0919 or scott.jakubowski@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Cindy Castaneda
58B2E2CAD6624CD...

For Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
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Derek Newland, Planner II

San Bernardino County, Land Use Services – Planning Division
Derek.newland@lus.sbcounty.gov

Attachments

Attachment A: Mitigation Monitoring and Reporting Program (MMRP)

REFERENCES

- Borderlands Avian Data Center. "Desert Thrashers – Borderlands Avian Data Center." Borderlands Avian Data Center, 2026, Accessed 27 Apr. 2026. https://drive.google.com/drive/folders/1erHjULK9oamL_qRJY84nDdMFuYTcFyMp.
- California Department of Fish and Game (CDFG). 2012. *Staff report on burrowing owl mitigation*. State of California, Natural Resources Agency. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>.
- Desert Thrasher Working Group. Desert Thrasher Protocol Surveys. Desert Thrasher Working Group, 2024. <https://docslib.org/doc/2394448/survey-protocol-andhabitat-evaluation-for-lecontes>.
- US Fish and Wildlife Service. 2009. *Desert Tortoise (Mojave Population) Field Manual: (Gopherus agassizii)*. Region 8, Sacramento, California.

Attachment A:
Mitigation Monitoring and Reporting Program

Measure Number	Biological (BIO) Mitigation Measure	Implementation Schedule	Responsible Party
BIO-6	Desert Tortoise Pre-construction Surveys. Pre-construction surveys for desert tortoise shall be conducted by a qualified biologist during the active season for desert tortoise (generally, April to May and September to October). Surveys shall be conducted within a year of commencement of Project-related ground disturbance in accordance with current USFWS Survey Protocols (e.g., 2019 Desert Tortoise (Mojave Population) Field Manual). Pre-construction surveys shall cover 100% of all the areas within the footprint of disturbance for the Project, as well as within a 50-foot buffer around these areas. If desert tortoise is detected, CDFW shall be contacted to discuss full avoidance of impacts to desert tortoise or if impacts to desert tortoise cannot be fully avoided a CESA ITP shall be obtained.	Prior to commencement of Project Activities	Project Proponent and Qualified Biologist
BIO-1	Western Burrowing Owl Surveys. Within a year prior to the start of any construction, breeding season and non-breeding season survey shall be conducted for the presence of BUOW. Surveys shall be completed following the recommendations and guidelines provided within the 2012 BUOW Staff Report provided by the CDFW. If performing both breeding and non-breeding season surveys is infeasible, Project Proponent shall coordinate with CDFW regarding survey timing. If impacts to occupied western burrowing owl habitat, burrow(s) or western burrowing owl individuals, nests, or eggs cannot be fully avoided, CESA authorization (i.e., Incidental Take Permit under California Fish and Game Code section 2081(b)) shall be obtained from CDFW prior to commencement of any Project activities, including vegetation- or ground disturbing activities.	Prior to commencement of Project Activities	Project Proponent and Qualified Biologist

BIO-7	Ringtail Pre-Construction Survey. Prior to any ground disturbing activities, a pre-construction survey for ringtail shall be conducted by a qualified biologist. The surveys shall be conducted during the appropriate times to observe the target species and using the most current survey protocol.	Prior to commencement of Project Activities	Project Proponent and Qualified Biologist
BIO-8	Desert Kit Fox, American Badger, and Ringtail Avoidance. Any active dens that are confirmed to be presently occupied by ringtail, desert kit fox, and/or American badger during the species' breeding season (typically February to October) shall not be excavated and a minimum of 500-foot no-disturbance buffer shall be maintained until the den is confirmed by a qualified biologist as no longer active. Reduction of the no-disturbance buffer may occur at the discretion of the qualified biologist. The qualified biologist shall monitor the den during Project Activities at least every other day if it is a natal den or weekly otherwise. The frequency and duration of monitoring shall be dependent upon the age and behavior of the species and the efficacy of the exclusion buffers, as determined by the qualified biologist. Passive relocation methods may be employed for non-natal dens that cannot be avoided by Project Activities. Excavation and backfill of inactive and unoccupied dens within the Project Site, shall only occur with dens in which the entirety of the den can clearly be seen (e.g., the den isn't deep and doesn't curve). In cases where the entirety of the den cannot be clearly seen, the qualified biologist shall monitor the den for 3 consecutive nights using infrared camera stations at the entrance(s). If no tracks or sign are observed at the den or no photos of ringtail, desert kit fox, or American badger are captured after 3 nights, then the den shall be excavated by hand and backfilled with handheld equipment or mechanized equipment.	Prior to commencement of Project Activities	Project Proponent and Qualified Biologist

BIO-9	Desert Thrasher Avoidance. If suitable habitat is present, a qualified biologist with the appropriate CESA authorization shall conduct pre-construction surveys for LeConte's thrasher and Bendire's thrasher in accordance with the Desert Thrasher Working Group Clearance Protocol (Clearance Survey Protocol - Google Drive). The qualified biologist shall conduct the surveys 30 minutes before sunrise and up to 4 hours after sunrise during appropriate weather conditions (not be conducted in rainy or windy conditions (> 12 mph sustained)). The qualified biologist shall perform three surveys spaced 20-35 days apart between January 15th and April 30th. If Project activities are set to commence outside of the recommended survey period, the Project Proponent shall contact CDFW to review and approve alternative methodology and protocol. If Le Conte's thrasher or Bendire's thrasher is detected during surveys, Project Proponent shall fully avoid impacts by maintaining a buffer of 500 feet or shall obtain a CESA ITP if impacts cannot be fully avoided.	Prior to commencement of Project Activities	Project Proponent and Qualified Biologist
BIO-10	LSA Agreement Notification. Prior to construction, the Project Proponent shall notify pursuant to Fish and Game Code Section 1602 et seq., and shall obtain written correspondence from the CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project or if CDFW determines that the Project may substantially affect fish and wildlife resources, shall obtain a Streambed Alteration Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code Section 1602 et seq., resources.	Prior to commencement of Project Activities	Project Proponent and Qualified Biologist