



STATE OF CALIFORNIA  
DEPARTMENT OF FISH AND WILDLIFE

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May 15, 2026  
*Sent via email*

Miriam Rosales  
Administrative General Manager and Secretary of the Board  
Seeley County Water District  
1898 W. Main Street, PO Box 161  
Seeley, CA 92273

**Seeley County Water District Wastewater Treatment Plant Improvements (PROJECT)  
Mitigated Negative Declaration (MND)  
SCH# 2026040820**

Dear Miriam Rosales:

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

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<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.

## PROJECT DESCRIPTION SUMMARY

**Proponent:** Seeley County Water District (SCWD)

**Objective:** The objective of the Project is to improve SCWD Wastewater Treatment Plant (WWTP) treatment performance to conform and resolve recent effluent violations with its existing National Pollutant Discharge Elimination System (NPDES) permit<sup>2</sup>, which allows the WWTP's effluent discharge to the New River; and allow the WWTP to adjust operations to accommodate future changes in effluent limits. Such improvements to the WWTP involve upgrading its existing secondary treatment system from a pressure sand filter system to a membrane bioreactor (MBR) system.

Primary Project activities are divided into 2 phases: Site preparation and facilities construction. Site preparation includes minor demolition of an existing pre-aeration lagoon (Pond 2), vegetation removal from construction and staging areas, temporary installation of an unpaved construction access road to the west side of the WWTP, and improvements to an existing access road off of New River Boulevard. Facilities construction involves site work and yard piping; construction of office buildings, sludge drying beds, equipment slabs for screw press dewatering area, MBR system treatment area, and lagoon pump station; and installation of electrical wiring, piping, and equipment for the new facilities.

**Location:** Seeley County Water District Wastewater Treatment Plant at 1898 W. Main Street, Seeley, CA 92273; Seeley County; Latitude/Longitude: 32.7934, -115.7001; Assessor's Parcel Numbers: 051-430-007, 051-430-008, 051-430-009, and 051-430-010.

**Timeframe:**

Project start date: December 2028

Project end date: February 2030

## COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist SCWD in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

### I. Environmental Setting and Related Impact Shortcoming

**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 USFWS?**

#### COMMENT 1: Assessment of Biological Resources

#### Section IV: Biological Resources, Page 53

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<sup>2</sup> Order R7-2023-0003 NPDES CA0105023, issued by the Colorado River Basin Colorado River Regional Water Quality Control Board (RWQCB).

**Issue:** The MND lacks a recent general field assessment of biological resources located within the Project footprint and surrounding areas and includes no mitigation measures to avoid or reduce impacts to biological resources to less than significant. CDFW is concerned about the potential for special-status species to occur on the Project site. Without a field assessment or focused surveys, the MND does not adequately identify the Project's significant or potentially significant impacts to biological resources.

**Specific impact:** The draft MND bases its analysis of the Project site's existing biological resources on a desktop review of several natural resource databases<sup>3</sup>; however, no field assessment was conducted to document biological resources present on the Project site and in the surrounding areas. CDFW is concerned about the potential for special-status species to occur on the Project site. No focused or protocol-level surveys were performed for the detection of special-status species. CDFW generally considers field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Recent surveys during the appropriate times of the year are needed to inform appropriate avoidance, minimization, and mitigation measures, as well as to determine whether impacts to biological resources have been mitigated to a level that is less than significant.

The Project is surrounded by undeveloped and agricultural land including the New River, associated tributaries, diversion channels, riparian habitat, and meadow and seasonal pond habitat with various tree species located downstream of the WWTP outfall to the unnamed tributary to the New River; and therefore, there is potential for special-status species to be impacted either directly or indirectly by Project activities.

**Why impact would occur:** Field verification to support the desktop biological assessment has not been conducted for the Project site to evaluate the potential for biological resources, including special-status species to occur on or adjacent to the Project site.

**Evidence impact would be significant:** Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting with respect to biological resources has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of biological resources, the MND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed. CDFW suggests SCWD conduct a biological resource assessment prior to adoption of the CEQA document to inform the impact analysis and mitigation measures ultimately adopted. However, if SCWD chooses not to take this approach, at a minimum, the following measure should be included in the MND.

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<sup>3</sup> The following sources were used to inform Tables 3-7 and 3-8 of the draft IS/MND: United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC), California Natural Diversity Database (CNDDDB), Biogeographic Information and Observation System (BIOS), and California Native Plant Society (CNPS), Rare Plant Program Inventory of Rare and Endangered Plants of California.<sup>4</sup> Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. *Proceedings of the National Academy of Sciences* 114(49): 12976-12981.

**Recommended Potentially Feasible Mitigation Measure to Reduce Impacts to Less than Significant:**

To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised MND include the results of recent biological surveys, as described in the following mitigation measure, as well as any necessary mitigation measures:

**MM BIO-1: Biological Resources Assessment**

**Prior to the initiation of Project activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those that meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys shall be completed by a CDFW-approved qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.**

**COMMENT 2: Nesting Birds**

**Section IV: Biological Resources, Page 53**

**Issue:** The MND analyzes special-status avian species including Yuma Ridgway's rail (*Rallus obsoletus yumanensis*), California black rail (*Laterallus jamaicensis coturniculus*), and southwestern willow flycatcher (*Empidonax traillii extimus*). However, the MND lacks an analysis of potential impacts of the Project to nesting birds in general and does not include a mitigation measure to avoid or reduce impacts to nesting birds to less than significant.

**Specific impact:** Page 28 of the MND indicates that the Project site includes vegetation that could support nesting birds (i.e., "some trees and other shrubs on-site near the parking area and to the north of Pond 1 and 2"). In addition, the MND indicates that the New River is located approximately 400 feet from the construction site (p. 55) and that the WWTP is "surrounded by vacant land directly to the north, west, and south" (p. 28). These areas have the potential to provide foraging and nesting habitat for avian species. CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Construction noise and disturbance during the breeding season could cause nesting failure or nest abandonment.

**Why impact would occur:** Project activities may disturb nesting birds, which can lead to failure of the nest or unauthorized take. Take of individual birds and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Lack of adequate avoidance, minimization, and mitigation measures for nesting birds could result in adverse significant impacts.

**Evidence impact would be significant:**

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protections as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto; section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by the Fish and Game Code or any regulation adopted pursuant thereto; section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

**Recommended Potentially Feasible Mitigation Measure to Reduce Impacts to Less than Significant:** CDFW recommends to the greatest extent feasible that Project activities, including ground disturbing and vegetation removal activities, are conducted outside of the peak nesting bird season. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds and their nests and eggs are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017<sup>4</sup>). CDFW staff have observed that climate change conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of resident and migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site.

To support SCWD in avoiding or reducing impacts to nesting birds to less than significant, CDFW recommends the following mitigation measure for inclusion in a revised MND:

#### **MM BIO-2: Nesting Bird Surveys**

**To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be conducted by a CDFW-approved qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of the survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until the qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed.**

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<sup>4</sup> Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. *Proceedings of the National Academy of Sciences* 114(49): 12976-12981.

**The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.**

**COMMENT 3: Burrowing owl (*Athene cunicularia*)**

**Section IV: Biological Resources, Page 52**

**Issue:** The MND lacks an analysis of the potential for impacts of the Project to burrowing owl and does not include a mitigation measure to avoid or reduce impacts to burrowing owl to less than significant.

**Specific impact:** The MND does not acknowledge the potential for burrowing owl to occur, despite the Project area occurring within its geographic range and having highly suitable predicted habitat for burrowing owl (California Wildlife Habitat Relationships, 2016). Because appropriate surveys were not conducted prior to circulation of the MND, the MND does not adequately identify potentially significant impacts to burrowing owl. In addition, without avoidance, minimization, and mitigation measures, the MND does not avoid or reduce impacts to burrowing owl to less than significant.

In Imperial Valley, burrowing owls are highly dependent on banks of either earthen or concrete irrigation canals and other water-conveyance structures for nesting habitat (Wilkerson & Siegel, 2011<sup>5</sup>). Burrowing owls have a high potential to move into disturbed sites prior to and during construction activities, including any site preparation and construction of new facilities and appurtenances. Burrowing owls frequently move into disturbed areas since they are adapted to highly modified habitats (Chipman et al., 2008<sup>6</sup>; Coulombe, 1971<sup>7</sup>). Impacts to burrowing owl from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting the larger Imperial Valley burrowing owl population.

Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities. In Imperial Valley, activities associated with maintenance of roads inadvertently destroyed nests, causing direct mortality of nestlings and adults, and possibly spurring dispersal of surviving adults (Caitlin & Rosenberg, 2006<sup>8</sup>). Therefore, Project implementation that includes minor demolition of existing WWTP facilities, clearing and grubbing of existing brush vegetation, new road installation and improvement, and ultimately construction of the proposed project facilities, may result in direct mortality, population declines, or local extirpation of burrowing owl not previously identified.

**Why impact would occur:** Burrowing owls have been known to use highly degraded and marginal habitat in Imperial Valley, or where existing burrows are available. Burrowing owls are well-adapted to open, relatively flat expanses and prefer habitats with generally short sparse vegetation with few shrubs such as those occurring along the WWTP fence line and access roads. If burrowing owl burrows are not properly detected prior to ground disturbance, site preparation and facility

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<sup>5</sup> Wilkerson, R. L., & Siegel, R. B. (2011). Distribution and Abundance of Western Burrowing Owls (*Athene cunicularia hypugaea*) in Southeastern California. *The Southwestern Naturalist*, 56(3): 378-384.

<sup>6</sup> Chipman, E. D., McIntyre, N. E., Strauss, R. E., Wallace, M. C., Ray, J. D., & Boal, C. W. (2008). Effects of Human Land Use on Western Burrowing Owl Foraging and Activity Budgets. *J. Raptor Res.*, 42(2)

<sup>7</sup> Coulombe, H. N. (1971). Behavior and Population Ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Ecology of the Burrowing Owl*.

<sup>8</sup> Caitlin, D. H., & Rosenberg, D. K. (2006). Nest Destruction Associated with Mortality and Dispersal of Burrowing Owls in the Imperial Valley, California. *The Southwestern Naturalist*, 406-409.

construction could destroy habitat and result in take of burrowing owl. Occupied site or occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site.

**Evidence impact would be significant:** On October 10, 2024, the California Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities, including relocation, could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

Take of any endangered, threatened, or 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). Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. 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." Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

**Recommended Potentially Feasible Mitigation Measure to Reduce Impacts to Less than Significant:** CDFW recommends that prior to commencing Project activities, focused and preconstruction surveys for burrowing owl be conducted by a CDFW-approved qualified biologist consistent with the timing and frequency of surveys described in Appendix D of the *Staff Report on Burrowing Owl Mitigation* (2012<sup>9</sup>, or most recent version), or other protocol agreed upon by CDFW.

To support SCWD in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends including the following mitigation measure in a revised MND:

### **MM BIO-3: Focused and Pre-Construction Surveys for Burrowing Owl**

**Prior to any Project activities, including vegetation- or ground-disturbing activities, a burrowing owl habitat assessment shall be conducted by a CDFW-approved qualified biologist. CDFW strongly recommends that the habitat assessment is conducted according to the specifications in Appendix C of the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). If the habitat assessment demonstrates suitable burrowing owl habitat, focused burrowing owl surveys shall be conducted by a CDFW-approved qualified**

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<sup>9</sup> California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

**biologist prior to any Project activities, including vegetation- or ground-disturbing activities. CDFW strongly recommends that focused surveys are conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall submit the results of focused surveys to CDFW and USFWS as soon results become available and before commencement of any Project activities, including any vegetation- or ground-disturbing activities. CDFW recommends that the information included in the survey results be consistent with Appendix D of the *Staff Report on Burrowing Owl Mitigation*, including a detailed map showing locations of all burrowing owls, burrowing owl sign, potential burrows, and occupied burrows (occupied means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site); a description of the behavior of burrowing owls during surveys; a description of survey methods; and other items listed in Appendix D of the *Staff Report on Burrowing Owl Mitigation* under "Survey Reports." Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities.**

**Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and again within 24 hours prior to ground disturbance. Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist, and CDFW strongly recommends that preconstruction surveys follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not begin until consultation with CDFW and USFWS is completed.**

## **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 SCWD in identifying and mitigating Project impacts on biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

Questions regarding this letter or further coordination should be directed to Bryant Luu, Environmental Scientist, at (760) 923-8666 or [bryant.luu@wildlife.ca.gov](mailto:bryant.luu@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
 Environmental Program Manager

**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

ec: Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@lci.ca.gov](mailto:state.clearinghouse@lci.ca.gov)

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**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p><b>MM-BIO-1: Biological Resources Assessment</b></p> <p>Prior to the initiation of Project activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (SSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those that meet the CEQA definition (CEQA Guidelines § 15380).</p>	<p><b>Timing:</b> Prior to adoption of the CEQA document</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> SCWD</p> <p><b>Monitoring and Reporting:</b> SCWD</p>

<p>The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys shall be completed by a CDFW-approved qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.</p>		
<p><b>MM-BIO-2: Nesting Bird Surveys</b></p> <p>To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be conducted by a CDFW-approved qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of the survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until the qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance 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.</p>	<p><b>Timing:</b> No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> SCWD</p> <p><b>Monitoring and Reporting:</b> SCWD</p>
<p><b>MM BIO-3: Focused and Pre-Construction Surveys for Burrowing Owl</b></p> <p>Prior to any Project activities, including vegetation- or ground-disturbing activities, a burrowing owl habitat assessment shall be conducted by a CDFW-approved qualified biologist. CDFW strongly recommends that the habitat assessment is conducted according to the specifications in Appendix C of the <i>Staff Report on Burrowing Owl Mitigation (2012 or most recent version)</i>. If the habitat assessment</p>	<p><b>Timing: Habitat assessment:</b> Consistent with timing in Appendix C of the Staff Report on Burrowing Owl Mitigation and prior to commencement of any Project activities, including</p>	<p><b>Implementation:</b> SCWD</p> <p><b>Monitoring and Reporting:</b> SCWD</p>

<p><b>demonstrates suitable burrowing owl habitat, focused burrowing owl surveys shall be conducted by a CDFW-approved qualified biologist prior to any Project activities, including vegetation- or ground-disturbing activities. CDFW strongly recommends that focused surveys are conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall submit the results of focused surveys to CDFW and USFWS as soon results become available and before commencement of any Project activities, including any vegetation- or ground-disturbing activities. CDFW recommends that the information included in the survey results be consistent with Appendix D of the <i>Staff Report on Burrowing Owl Mitigation</i>, including a detailed map showing locations of all burrowing owls, burrowing owl sign, potential burrows, and occupied burrows (occupied means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site); a description of the behavior of burrowing owls during surveys; a description of survey methods; and other items listed in Appendix D of the <i>Staff Report on Burrowing Owl Mitigation</i> under “Survey Reports.” Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities.</b></p> <p><b>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and again within 24 hours prior to ground disturbance. Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist, and CDFW strongly recommends that preconstruction surveys follow the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not begin until consultation with CDFW and USFWS is completed.</b></p>	<p>vegetation- or ground-disturbing activities. <b>Focused surveys:</b> Consistent with timing in Appendix D of the Staff Report on Burrowing Owl Mitigation and prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. <b>Pre-construction surveys:</b> No less than 14 days prior to start of Project-related activities and again within 24 hours prior to ground disturbance and when there is a pause in construction of more than 30 days.</p> <p><b>Methods:</b> See Mitigation Measure</p>	
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