

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



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May 28, 2026
Sent via email

Adrian Biggs
Senior Engineer
Desert Water Agency
1200 South Gene Autry Trail
Palm Springs, CA 92264
abiggs@dwa.org

**Subject: DWA/CVWD Interconnection No. 2 Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2026041309**

Dear Adrian Biggs:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the Desert Water Agency (Agency) for the Project pursuant to 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

¹CEQA 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.

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.

PROJECT DESCRIPTION SUMMARY

Proponent: Desert Water Agency

Objective: The Project proposes constructing a potable water pipeline between an existing Coachella Valley Water District (CVWD) pipeline and an existing Agency's pipeline to facilitate the transfer of water from CVWD's potable water system to the Agency's potable water system at a capacity of up to 2,500 gallons per minute. The Project includes approximately 1,450 linear feet of thermoplastic pipe installed beneath the Whitewater River at a location occupied by the Cimarron Golf Resort, connection of the pipe to an existing CVWD 12-inch waterline at an existing CVWD well site, connection of the pipeline to an existing Agency's 12-inch waterline located within an easement held by the Agency, and installation of associated valves, piping, and appurtenances. The pipeline will be installed using horizontal directional drilling.

Location: The Project is located primarily belowground within the Cimarron Golf Resort, which is within the Whitewater River, north of Ramon Road and between Landau Boulevard to the east and Sarah Street to the west. The Project also extends to an existing CVWD well site located easterly of the Cimarron Golf Resort and within an existing easement held by the Agency located westerly of the Cimarron Golf Resort and easterly of Sarah Street, all within the City of Cathedral City, Riverside County, California.

Timeframe: The MND lacks a discussion of the timeframe for Project construction activities.

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

the Agency 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.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant impacts to biological resources. CDFW requests that additional avoidance, minimization, and mitigation measures are added to a revised MND that avoid or reduce impacts to less than significant.

Existing Environmental Setting

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 has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND may provide an incomplete analysis of Project-related environmental impacts. The MND lacks a complete assessment of biological resources associated with potential impacts of a frac-out on stream resources.

A complete and accurate assessment of the environmental setting and Project-related impacts to biological resources is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to less than significant.

Mitigation Measures

CEQA requires that an MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the Agency in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for CDFW's Lake and Streambed Alteration Program, as well as revising the mitigation measures for nesting birds and burrowing owl.

1) Nesting Birds

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 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.).

Regarding the potential for the Project to impact nesting birds, the Project's Biological Resources Assessment (Biological Assessment), dated February 2026, indicates "The project site provides suitable nesting habitat for a special-status nesting bird species as identified above, and other non-special-status bird species." CDFW notes that the Project site and surrounding area contain suitable habitat for birds that nest in trees and shrubs, as well as on the ground. Impacts to nesting birds could result from, for example, vegetation removal and ground disturbance associated with construction staging, constructing entry and exit pits, or containment and clean-up activities associated with a frac-out within the Whitewater River.

The MND includes Mitigation Measure BIO-5 for nesting bird surveys, which indicates "Regardless of the time of year that construction commences, a preconstruction nesting bird survey will be performed by a qualified biologist no less than 3 days and not greater than 7 days prior to construction" [and] "If nesting birds or active nests are found during the preconstruction survey, then an exclusionary buffer will be established by the qualified biologist." CDFW recommends that surveys for nesting birds are conducted no more than 3 days prior to vegetation removal or ground-disturbing activities because birds can construct nests in as little as a single day², and even a short delay between surveys and construction activities can allow birds to construct a new nest. Also, the Mitigation Measure BIO-5 lacks details on appropriate nest buffers. CDFW considers Mitigation Measure BIO-5 to be inadequate in scope and timing to avoid or reduce impacts to nesting birds to a level less than significant.

To support the Agency in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-5 is revised with the following additions in **bold** and removals in ~~strike through~~:

Mitigation Measure BIO-5: Nesting Birds

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

² Matysioková, Beata & Vladimír Remeš. 2026. "Duration of nest-building in passerine birds: the roles of latitude, nest size, and nest type." Behavioral Ecology, 37(1), araf142. <https://doi.org/10.1093/beheco/araf142>

the time of year, nesting bird surveys shall be performed by a CDFW-approved qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing 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 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.

~~Regardless of the time of year that construction commences, a preconstruction nesting bird survey will be performed by a qualified biologist no less than 3 days and not greater than 7 days prior to construction, including vegetation removal or ground-disturbing activities. If no nesting birds or active nests are found during the preconstruction survey, then construction may commence within 7 days. If construction has not commenced within 7 days after the preconstruction survey, then another preconstruction survey must be performed within the prescribed time period (between 3 and 7 days prior to construction) prior to commencement of construction. If nesting birds or active nests are found during the preconstruction survey, then an exclusionary buffer will be established by the qualified biologist. The buffer will be clearly marked in the field by construction personnel under the guidance of the qualified biologist. No construction activities will be allowed within the exclusionary buffer area until the qualified biologist determines that the young have fledged or the nest is no longer active.~~

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for revised MM BIO-5 and MM BIO-4, as well as CDFW-recommended MM BIO-[A].

2) Burrowing Owl

On October 10, 2024, the 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 individual burrowing owls and their nests or eggs 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.). 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.

With regard to the status of burrowing owl within the Project site, page i of the Biological Assessment states “The project site contains habitat for four federally/State listed species, the Coachella Valley milkvetch (*Astragalus lentiginosus* var. *coachellae*), Crotch’s bumble bee (*Bombus crotchii*), Coachella Valley fringe-toed lizard (*Uma inornata*), and burrowing owl (*Athene cunicularia*). The burrowing owl was found to be present.” The Project site and surrounding area contain suitable and occupied nesting and foraging habitat for burrowing owl. CDFW also notes that the locations of suitable and occupied burrows within the Project site may change as burrowing owls frequently move into disturbed areas prior to and during construction activities since they are adapted to highly modified habitats (Chipman et al. 2008³; Coulombe 1971⁴).

The MND includes Mitigation Measure BIO-4 for burrowing owl, which indicates “to address potential Project effects on burrowing owl, a burrowing owl breeding season focused survey will be conducted prior to construction in accordance with the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (2012 or most recent version).” CDFW recommends focused surveys consistent with the timing and frequency of surveys described in Appendix D of the *Staff Report on Burrowing Owl Mitigation*⁵ (Staff Report), or

³ Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. *Journal of Raptor Research* 42(2): 87-98

⁴ Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162–176.

⁵ 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>

other protocol agreed upon by CDFW, are conducted prior to initiation of Project activities. Focused surveys are needed to provide adequate time to coordinate with CDFW on appropriate avoidance, minimization, and mitigation measures if burrowing owls are detected and to support the Project in avoiding or reducing impacts to burrowing owl to a level less than significant. CDFW notes that in addition to conducting focused surveys, pre-construction surveys are also needed close to the time of start of construction activities to both inform if there have been any changes in burrowing owl occupancy since the time of focused surveys and to inform appropriate avoidance, minimization, and mitigation measures. CDFW recommends that pre-construction surveys for burrowing owl follow the guidelines described in Appendix D (pp. 29 and 30) of the Staff Report, including surveys no less than 14 days prior to initiation of ground-disturbing activities and again within 24 hours prior to ground disturbance.

CDFW considers Mitigation Measure BIO-4 to be inadequate in scope and timing to avoid or reduce impacts to burrowing owl to a level less than significant. To support the Agency in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends that Mitigation Measure BIO-4 is revised with the following additions in **bold** and removals in ~~strike through~~:

Mitigation Measure BIO-4: Burrowing Owl Focused and Pre-Construction Surveys

Suitable burrowing owl habitat has been confirmed on the site; therefore, 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 *Staff Report on Burrowing Owl Mitigation (Staff Report; 2012 or most recent version)*⁶. 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*, 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* 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

⁶ California Department of Fish and Wildlife (CDFW). 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>.

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 Appendix D of 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.

~~A wintering burrowing owl was found to be present on the Project site during the general biological survey conducted in December 2025. Burrowing owl is a State candidate for listing as endangered under the California Endangered Species Act and is a federal bird of conservation concern. Prior to commencement of construction, including vegetation removal or ground disturbance, DWA will consult with California Department of Fish and Wildlife (CDFW) to determine any appropriate avoidance, minimization, and mitigation measures. Additionally, to address potential Project effects on burrowing owl, a burrowing owl breeding season focused survey will be conducted prior to construction in accordance with the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (2012 or most recent version). The breeding season focused survey includes a total of four site visits conducted during the breeding season: one visit between February 15 and April 15, and three visits, at least 3 weeks apart, between April 15 and July 15, with at least one of these visits made after June 15. If required by CDFW, an incidental take permit will be obtained prior to commencement of construction, and the Project will comply with the conditions of said permit.~~

3) CDFW's Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass into any river, stream or lake. Note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

With regard to potential impacts to stream resources within the Whitewater River, page 25 of the MND states "Where the pipeline crosses the Cimarron Golf Resort within the Whitewater River Channel, it will be installed by horizontal directional drilling at depths of up to 50 feet below ground surface and will not impact any of the jurisdictional waters identified in the JD Report, nor will it impact the surface of the golf course. For these reasons, the Project would not have a substantial adverse effect on state or federally protected wetlands. If required, a Streambed Alteration Agreement with the CDFW will be obtained for the work beneath the Whitewater River." CDFW notes that the use of horizontal directional drilling under a stream has the potential to result in a frac-out and the associated release of drilling fluid onto the surface. Project activities have the potential to deposit drilling fluid into stream resources, an activity that would require notification to CDFW through its Lake and Streambed Alteration Program. CDFW recommends the MND is revised to include a discussion of the potential for Project's horizontal directional drilling activities to result in a frac-out and an assessment of impacts to biological resources associated with a frac-out and associated containment and clean-up activities, including potential impacts to stream resources.

To avoid or reduce impacts to stream resources subject to Fish and Game Code section 1600 et seq. to a level less than significant, CDFW recommends the Agency add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[A]: CDFW's Lake and Streambed Alteration Program

Prior to construction and issuance of any grading permit, the Project proponent shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project proponent shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

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 Agency in identifying and mitigating Project impacts to 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.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist Specialist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

| Mitigation Measures | Timing and Methods | Responsible Parties |
|---|--|---|
| <p>Mitigation Measure BIO-5: Nesting Birds</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 performed by a CDFW-approved qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing 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 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>Timing: No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: Desert Water Agency</p> <p>Monitoring and Reporting: Desert Water Agency</p> |
| <p>Mitigation Measure BIO-4: Burrowing Owl Focused and Pre-construction Surveys</p> <p>Suitable burrowing owl habitat has been confirmed on the site; therefore, 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 (Staff Report; 2012 or most</i></p> | <p>Timing: Focused surveys: Consistent with timing in Appendix D of the Staff Report on Burrowing Owl Mitigation and prior to commencement of any Project</p> | <p>Implementation: Desert Water Agency</p> <p>Monitoring and Reporting: Desert Water Agency</p> |

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| <p>recent version)⁷. 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</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</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.</p> <p>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 Appendix D of 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</p> | <p>activities, including vegetation- or ground-disturbing activities. Pre-construction surveys 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>Methods: See Mitigation Measure</p> | |
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⁷ California Department of Fish and Wildlife (CDFW). 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>.

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| <p>USFWS. Project activities shall not begin until consultation with CDFW and USFWS is completed.</p> | | |
| <p>Mitigation Measure BIO-[A]: CDFW's Lake and Streambed Alteration Program</p> <p>Prior to construction and issuance of any grading permit, the Project proponent shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project proponent shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p> | <p>Timing: Prior to construction and issuance of any grading permit</p> <p>Methods: See Mitigation Measure</p> | <p>Implementation: Desert Water Agency</p> <p>Monitoring and Reporting: Desert Water Agency</p> |