



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
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September 18, 2026

Angela Alvarez-Cendejas, Associate Planner
City of Napa
1600 First Street
Napa, CA 94559
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Subject: 1030 Kaiser Road Project, Initial Study/Mitigated Negative Declaration, SCH No. 2026081098, Napa County

Dear Angela Alvarez-Cendejas:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (MND) from the City of Napa (City) for the 1030 Kaiser Road Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the MND to inform the City, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

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

PROJECT DESCRIPTION SUMMARY

Proponent: Michael Jaeger, Jaeger McHugh & Company, Inc.

Objective: The Project would involve vegetation clearing and tree removal in order to accommodate the construction of a 153,380-square-foot, multi-tenant light-industrial building in the City of Napa. The work would include addition of a pedestrian path connecting the Kaiser Road sidewalk to internal pedestrian walkways, 242 parking spaces for

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.

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employees and visitors, exterior lighting in surface parking areas, a driveway on Kaiser Road and three additional driveways on Syar Way. The Project would also include landscaping throughout the site and construction of four bioretention areas, which will occupy approximately 20,969 square feet.

Location: The Project would occur in Napa County, State of California, with an approximate centroid of 38.258564° Latitude, -122.278082° Longitude.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in “take” of plants or animals listed under CESA, either during construction or over the life of the Project. **The Project has the potential to impact Swainson's hawk (*Buteo swainsoni*) and tricolored blackbird (*Agelaius tricolor*), both CESA listed as threatened species; and burrowing owl (*Athene cunicularia*) and Crotch's bumble bee (*Bombus crotchii*), both candidate species for CESA listing, as further described below.** Issuance of an ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain an ITP.

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

COMMENTS AND RECOMMENDATIONS

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

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

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And,

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

COMMENT 1: Swainson's Hawk (SWHA)

Issue, specific impacts, why they may occur and be potentially significant: The MND and biological resource assessment (BRA) does not adequately evaluate and mitigate potential impacts to SWHA. Page 16 of the BRA states that while the Project area is surrounded by development and is relatively small, there are trees on and near the Project area that could potentially support nesting SWHAs. Thank you for including Mitigation Measure (MM) BIO-2 (MND pages 4-26 and 4-27); however, the April 1 to July 31 dates outlined within each of the three options do not align with SWHA nesting period, which is March 1 to September 15, therefore they may not adequately protect nesting SWHA. MM BIO-2 also does not clearly outline what to do if an active nest is identified during surveys, which should include implementing a protective 0.5 mi buffer zone around the nest. Figure 2 in the BRA depicts the California Natural Diversity Database (CNDDB) occurrences of SWHA within 5 miles of the Project area, including one within 350 feet South of the Project area (occurrence #2841, Figure 2, BRA). The Project notes that the eucalyptus tree where the SWHA nests were documented was cut down in early 2025, but that does not necessarily indicate that SWHA will not nest in potentially suitable habitat nearby and along the Project area. The Project has the potential to impact nesting SWHA through auditory or visual disturbances above ambient levels within 0.5 miles of Project activities. Direct or indirect disturbances from Project activities may result in SWHA nest abandonment, loss of nests, and loss of eggs or reduced health and vigor and loss of young.

If a SWHA nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: To reduce potential impacts to SWHA, to less-than-significant and comply with CESA, and Fish and Game Code section 3503.5, CDFW recommends revising MM BIO-2 to include the below measure.

Mitigation Measure BIO-1 (Swainson's Hawk Surveys and Avoidance Buffer): If Project activities are scheduled during the nesting season for SWHA (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for SWHA Nesting Surveys in California's Central Valley (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between

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March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project area or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology. If active SWHA nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting SWHA shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of SWHA cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence.

COMMENT 2: Crotch's bumble bee

Issue, specific impacts, why they may occur and be potentially significant: The MND and BRA do not adequately evaluate and mitigate potential impacts to Crotch's bumble bee. There is a 2024 CNDDDB record 3.5 miles southwest of the Project area, and there appears to be suitable habitat within the Project area. On page 14 of the BRA, the Project identifies a low potential to impact the species but qualifies this statement by noting the native flowering plants species that could be suitable for Crotch's bumble bee on the Project area which would be subject to ongoing routine disturbance. MM BIO-3 (MND page 4-25) indicates that "surveys" will be conducted no later than 14 days prior to Project activities; however, it is unclear if protocol surveys will be conducted which require a minimum of three focused surveys for Crotch's bumble bee, spaced at least three weeks apart, if ground-disturbing work occurs between March 16 and August 14.

If Crotch's bumble bee go undetected, the Project may result in mortality of individuals from direct impacts or indirect impacts via degradation of habitat. Crotch's bumble bee is a CESA candidate species, which affords it the same protections as formally listed species. Therefore, if Crotch's bumble bee are present on or adjacent to the Project area where they may be directly or indirectly impacted, the Project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommendation: For an adequate environmental setting and to reduce impacts to Crotch's bumble bee to less-than-significant, CDFW recommends revising MM BIO-3 to include the following mitigation measure in the MND.

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Mitigation Measure BIO-2 (Crotch's Bumble Bee Avoidance): All ground-disturbing work, including, but not limited to, staging of equipment on bare soil, grass, or other vegetation and trenching to remove underground infrastructure such as water and sewer lines, shall take place between the period of August 15 to March 15. This period has been developed using local Crotch's bumble bee data and may not be applicable to other regions or projects. If ground-disturbing work must occur between March 16 and August 14, a minimum of three focused surveys for Crotch's bumble bee, spaced at least three weeks apart and with at least one survey occurring during the peak flight season of Crotch's bumble bee and at least one survey occurring during the peak bloom period for the site, shall be conducted prior to the start of ground-disturbing activities, in accordance with CDFW's 2023 Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline>). **Surveys shall be conducted annually for the duration of the project.** The biologist conducting the survey and the survey protocol must be approved in writing by CDFW prior to the survey. The Project shall submit a survey report to CDFW prior to ground disturbing work and shall notify CDFW within 24 hours if Crotch's bumble bee or other special-status bumble bees are detected. The project shall obtain a CESA ITP from CDFW if impacts to Crotch's bumble bee cannot be avoided.

COMMENT 3: Nesting Birds

Issue, specific impacts, why they may occur and be potentially significant: The MND does not adequately evaluate and mitigate potential impacts to nesting birds. MM BIO-4b requires nesting bird surveys within 250 feet of the Project area; however, nesting passerine birds can be disturbed at a greater distance than 250 feet. The appropriate minimum survey radius around the Project area should be 500 feet. Nesting birds are protected by Fish and Game Code section 3500 et seq. and the federal Migratory Bird Treaty Act (MBTA). Human activity and removal of habitat has contributed to the loss of a significant portion of the total number of birds in the United States and Canada since the 1970s (Rosenburg et al. 2019). Nesting birds may be disturbed by habitat removal or noise and visual disturbances above ambient levels, which could result in active nest loss or abandonment or reduced health and vigor of young, resulting in *a potentially significant impact*.

Recommended Mitigation Measure: To reduce potential impacts to nesting birds to less-than-significant and comply with Fish and Game Code section 3500 et seq. and MBTA, CDFW recommends revising MM BIO-4b as follows.

Mitigation Measure BIO-3 (Nesting Bird Surveys): If construction, grading, vegetation removal, or other project-related activities are scheduled during the avian nesting season, February 1 to August 31, a qualified biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of Project-related activities. The survey shall cover the entire project area and a *minimum 500-foot buffer* or the distance necessary as determined by a qualified biologist. If a lapse in project-related work of 7 days or longer occurs, another survey shall be

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conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify CDFW and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

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

COMMENT 4: Tricolored Blackbird

Issue, specific impacts, why they may occur and be potentially significant: The MND does not adequately evaluate and mitigate potential impacts to tricolored blackbird. Mitigation Measure BIO-4b requires a buffer distance of 250 feet for surveys and detected passerine nests; however, this species can be disturbed at greater distance than 250 feet.

There is one CNDDDB documented occurrences of tricolored black bird within 0.68 miles of the Project area. Tricolored blackbird utilizes grassland and wetland habitats for nesting and foraging, and it appears that there is suitable habitat within the Project area. The Project has the potential to impact nesting tricolored blackbird through direct nest impacts or auditory or visual disturbances above ambient levels. Project activities that occur between February 15 and August 31 could disturb nesting tricolored blackbirds leading to reduced nest and colony success, nest abandonment, and potential loss of eggs and mortality of young. Birds may initiate nesting during intensive construction and then abandon the nest when construction intensifies.

The statewide tricolored blackbird population has declined between 75 percent and 90 percent over the last 25 years and remains at or near its smallest recorded size (CDFW 2018). Tricolored blackbird is a CESA listed as threatened species and therefore is considered to be a threatened species pursuant to CEQA Guidelines section 15380. Therefore, if an active tricolored blackbird nest is disturbed by the Project, the Project may result in a substantial reduction in the number of a threatened species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

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Recommended Mitigation Measure: To reduce potential impacts to tricolored blackbirds to less-than-significant and comply with CESA and Fish and Game Code section 3500 et seq., CDFW recommends revising MM BIO-4b to include the below mitigation measure.

Mitigation Measure BIO-4 (Tricolored Blackbird Nest Avoidance): If nesting tricolored black birds are detected during nesting bird surveys or otherwise, a qualified biologist shall:

- Map the location of the nest site and immediately notify CDFW,
- Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances shall be site-specific and an appropriate distance to ensure impacts are avoided, as determined by a qualified biologist, *and not less than 500 feet for tricolored blackbird nests*, unless otherwise approved in writing by CDFW, and
- Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW.
- Construction may resume when a qualified biologist has confirmed that the birds have fledged and are no longer dependent on parental care around the nest site.
- If impacts to nesting tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence, and comply with the ITP.

COMMENT 5: Burrowing Owl

Issue, specific impacts, why they may occur and be potentially significant: The MND does not adequately evaluate and mitigate potential impacts to burrowing owl. Page 12 of the BRA claims there is no potential for burrowing owl to occur within the project area and does not include a MM in the MND. There is a CNDDDB record 2.25 miles south and, based on aerial review of the Project area, there may be potentially suitable habitat on or near the Project area. Burrowing owls have been known to nest in developed areas and while the BRA notes they did not identify any suitable burrows on site, burrowing owls do not exclusively nest in burrows. They have also been documented to nest in anthropogenic structures such as pipes, caps, culverts, and hoses and suitable burrows may be excavated within a single day by, for example, American badger (*Taxidea taxus*) (Ministry of Environment Ecosystems 2007 as cited in Brehme et al. 2015). Because there are CNDDDB records in the vicinity of the Project and there is potentially suitable habitat, there is potential to adversely impact burrowing owl through direct or indirect means which may result in "take." Take is prohibited under CESA and Fish and Game Code section 3503.5. The Project could result in burrowing owl nest abandonment, loss of young, reduced health and vigor of owlets, injury or mortality of adults, and permanent wintering (i.e., non-nesting) or nesting habitat loss. There has been a documented decline in burrowing owl range and population in California over time. Threats to burrowing owl, coupled with long-term population declines, suggest a high

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degree and immediacy of threat to burrowing owl in California (CDFW 2024). If burrowing owls are wintering or nesting on or within 500 meters of the Project area, Project impacts to burrowing owl would be *potentially significant* and mitigation may be warranted.

Recommended Mitigation Measures: To reduce potential impacts to burrowing owl to less-than-significant and comply with CESA and Fish and Game Code section 3503 et seq., CDFW recommends including the below measure.

Mitigation Measure B10-5 (Burrowing Owl Survey and Avoidance Buffer): A qualified biologist shall conduct a burrowing owl habitat assessment within 500 meters (1,640 feet) of the Project area pursuant to the *Department of Fish and Game* (now CDFW) *Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report, available at: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>), unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections. The habitat assessment shall focus on searching CNDDDB and potentially other sources for any burrowing owl records on or within one mile of the Project area, vegetation type and height, suitable burrows (with an opening of >11 cm in diameter and a depth of >150 cm), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. The results of the habitat assessment shall be emailed to the CDFW contact below, or if unavailable another CDFW representative, and the Project shall obtain CDFW's written approval of the habitat assessment prior to starting Project activities.

If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report. The site visits shall be spread evenly throughout the breeding or non-breeding season. The Project shall obtain CDFW's written approval of the survey results prior to starting Project activities. In addition, a survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report. Surveys shall occur during burrowing owl nesting and wintering seasons for the duration of the Project, unless otherwise approved in writing by CDFW.

If burrowing owl is detected, the Project shall immediately notify CDFW. The Project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no Project activities shall occur, unless otherwise approved in writing by CDFW. A qualified biologist shall monitor any detected owl to ensure it is not disturbed.

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If the Project cannot ensure burrowing owl and their burrows are fully avoided, the Project shall consult with CDFW and obtain a take authorization or otherwise demonstrate compliance with CESA. Take is likely to occur and the Project shall obtain an ITP if: 1) burrowing owl surveys of the Project area detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project area within the past three years and habitat has not substantially changed. Occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by burrowing owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If burrowing owl, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project area during burrowing owl surveys, but not on the Project area, the Project shall consult with CDFW to determine if avoidance is feasible or an ITP is warranted, and shall obtain an ITP if take cannot be avoided and comply with the ITP. The City shall mitigate the loss of unoccupied wintering or nest sites through preservation, through a conservation easement or purchase of wintering or nesting burrow credits from a CDFW approved conservation bank, of other known wintering or nest sites, as applicable, at a ratio of 2:1 unless another ratio is required by an ITP, in which case the Project shall comply with the ITP.

Mitigation Measure BIO-6 (Caps, Pipes, and Hoses): To prevent burrowing owls from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than two inches in diameter stored at the Project area shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.

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 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

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the underlying project approval to be operative, vested, and final (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jessa Ehlinger, Environmental Scientist, at (707) 428-2002 or Jessa.Ehlinger@wildlife.ca.gov, or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

B77E9A6211EF486...
Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Land Use and Climate Innovation, State Clearinghouse No. 2026081098

REFERENCES

- Brehme, C.S., S.A. Hathaway, R. Booth, B.H. Smith and R.N. Fisher. 2015. Research of American Badgers in Western San Diego County, 2014. Data Summary prepared for California Department of Fish and Wildlife and the San Diego Association of Governments. 24pp. (42pp. with Appendix)
- CDFW. 2024. Petition Evaluation for Western Burrowing Owl (*Athene cunicularia hypugaea*). Report to the Fish and Game Commission. California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA.
- CDFW. 2018. Report to the Fish and Game Commission: A Status Review of the Tricolored Blackbird (*Agelaius tricolor*) in California. State of California Natural Resources Agency, Sacramento, CA. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=154287&inline>
- CDFW. 2012. Department of Fish and Game Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency, Sacramento, CA.
- Rosenberg, K.V., and A.M. Dokter. 2019. Decline of the North American Avifauna. <https://www.birds.cornell.edu/home/wp-content/uploads/2019/09/DECLINE-OF-NORTH-AMERICAN-AVIFAUNA-SCIENCE-2019.pdf>

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Attachment 1

Draft Mitigation Monitoring and Reporting Program (MMRP)

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

Biological Resources (BIO)			
Mitigation Measure	Description	Timing	Responsible Party
BIO-1	<u>Swainson's Hawk Surveys and Avoidance Buffer:</u> If Project activities are scheduled during the nesting season for SWHA (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for SWHA Nesting Surveys in California's Central Valley (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project area or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. <u>Surveys shall occur annually for the duration of the Project.</u> The qualified biologist shall have a minimum of two years of experience implementing the survey methodology. If active SWHA nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting SWHA shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of SWHA cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
BIO-2	<u>Crotch's Bumble Bee Avoidance:</u> All ground-disturbing work, including, but not limited to, staging of equipment on bare soil, grass, or other vegetation and trenching to remove underground infrastructure such as water and sewer lines, shall take place between the period of August 15 to March 15. This period has been developed using local Crotch's bumble bee data and may not be applicable to other regions or projects. If ground-disturbing work	Prior to ground disturbance	Project Applicant

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	must occur between March 16 and August 14, <u>a minimum of three focused surveys for Crotch's bumble bee, spaced at least three weeks apart</u> and with at least one survey occurring during the peak flight season of Crotch's bumble bee and at least one survey occurring during the peak bloom period for the site, shall be conducted prior to the start of ground-disturbing activities, in accordance with CDFW's 2023 Survey Considerations for California Endangered Species Act Candidate Bumble Bee Species (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=213150&inline). Surveys shall be conducted annually for the duration of the project. The biologist conducting the survey and the survey protocol must be approved in writing by CDFW prior to the survey. The Project shall submit a survey report to CDFW prior to ground disturbing work and shall notify CDFW within 24 hours if Crotch's bumble bee or other special-status bumble bees are detected. The project shall obtain a CESA ITP from CDFW if impacts to Crotch's bumble bee cannot be avoided.		
BIO-3	<u>Nesting Bird Surveys</u>: If construction, grading, vegetation removal, or other project-related activities are scheduled during the avian nesting season, February 1 to August 31, a qualified biologist shall conduct a survey for active bird nests within 7 days prior to the beginning of Project-related activities. The survey shall cover the entire project area and a minimum 500-foot buffer or the distance necessary as determined by a qualified biologist. If a lapse in project-related work of 7 days or longer occurs, another survey shall be conducted before Project work can be reinitiated. If an active nest is found during surveys, the qualified biologist shall immediately notify CDFW and establish site- and species-specific no-work buffers to ensure the nest is not disturbed. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment and comply with Fish and Game Code section 3500 et seq. and the federal MBTA. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established. The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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BIO-4	<u><i>Tricolored Blackbird Nest Avoidance:</i></u> If nesting tricolored black birds are detected during nesting bird surveys or otherwise, a qualified biologist shall: • Map the location of the nest site and immediately notify CDFW, • Establish a clearly marked no-disturbance buffer around the nest site. Buffer distances shall be site specific and an appropriate distance to ensure impacts are avoided, as determined by a qualified biologist, <i>and not less than 500 feet for tricolored blackbird nests</i>, unless otherwise approved in writing by CDFW, and • Monitor any active nest daily and ensure that the no disturbance buffer is maintained, unless otherwise approved in writing by CDFW. • Construction may resume when a qualified biologist has confirmed that the birds have fledged and are no longer dependent on parental care around the nest site. • If impacts to nesting tricolored blackbird cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence, and comply with the ITP.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant
BIO-5	<u><i>Burrowing Owl Survey and Avoidance Buffer:</i></u> A qualified biologist shall conduct a burrowing owl habitat assessment within 500 meters (1,640 feet) of the Project area pursuant to the Department of Fish and Game (now CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012 Staff Report, available at: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds), unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections. The habitat assessment shall focus on searching the California Natural Diversity Database and potentially other sources for any burrowing owl records on or within one mile of the Project area, vegetation type and height, suitable burrows (with an opening of >11 cm in diameter and a depth of >150 cm), burrow surrogates (culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures), and presence of burrowing owl sign (tracks, molted feathers, cast pellets, prey remains, egg shell fragments, owl white wash, and nest burrow decoration material), and the presence of burrowing owl individuals or pairs. If the habitat assessment does not identify suitable habitat and surveys are not conducted as described below, an additional habitat assessment shall be conducted within 14 days prior to construction and if new potentially suitable burrowing owl refugia are present surveys shall be conducted as described below, unless otherwise approved in writing by CDFW. The results of the habitat assessment shall be emailed to the CDFW contact below, or if unavailable another CDFW representative, and the Project shall obtain CDFW's written approval of the habitat assessment prior to starting Project activities.	Prior to Ground Disturbance and for Duration of Construction	Project Applicant

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	If suitable burrowing owl habitat is observed, four surveys shall be conducted to detect the presence of burrowing owl pursuant to the CDFW 2012 Staff Report. The site visits shall be spread evenly throughout the breeding or non-breeding season. The Project shall obtain CDFW's written approval of the survey results prior to starting Project activities. In addition, a survey shall be completed within 14 days prior to the start of construction, as described in the CDFW 2012 Staff Report. Surveys shall occur during burrowing owl nesting and wintering seasons for the duration of the Project, unless otherwise approved in writing by CDFW. If burrowing owl is detected, the Project shall immediately notify CDFW. The Project shall avoid impacts to the burrowing owl and implement a 1,640-foot buffer area around the owl site in which no Project activities shall occur, unless otherwise approved in writing by CDFW. A qualified biologist shall monitor any detected owl to ensure it is not disturbed. If the Project cannot ensure burrowing owl and their burrows are fully avoided, the Project shall consult with CDFW and obtain a take authorization or otherwise demonstrate compliance with CESA. Take is likely to occur and the Project shall obtain an ITP if: 1) burrowing owl surveys of the Project area detect burrowing owl occupancy of burrows or burrow surrogates, or 2) there is sign of burrowing owl occupancy on the Project area within the past three years and habitat has not substantially changed. Occupancy means a site that is assumed occupied if at least one burrowing owl has been observed occupying a burrow or burrow surrogate within the last three years. Occupancy of suitable burrowing owl habitat may also be indicated by burrowing owl sign including its molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site. If burrowing owl, or their burrows or burrow surrogates, are detected within 500 meters (1,640 feet) of the Project area during burrowing owl surveys, but not on the Project area, the Project shall consult with CDFW to determine if avoidance is feasible or an ITP is warranted, and shall obtain an ITP if take cannot be avoided and comply with the ITP. The City shall mitigate the loss of unoccupied wintering or nest sites through preservation, through a conservation easement or purchase of wintering or nesting burrow credits from a CDFW approved conservation bank, of other known wintering or nest sites, as applicable, at a ratio of 2:1 unless another ratio is required by an ITP, in which case the Project shall comply with the ITP.		
BIO-6	<u>Burrowing Owl (Caps, Pipes, and Hoses)</u>: To prevent burrowing owls from sheltering or nesting in exposed material; all construction pipes, culverts, hoses or similar materials greater than 2 inches in diameter stored at the Project area shall be capped or covered before the end of each work day and shall be inspected thoroughly for wildlife before the pipe or similar structure is buried, capped, used, or moved.	For Duration of Construction	Project Applicant

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