STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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October 15, 2026
Sent via email

Alan Molina
Planner II
County of Imperial
801 Main Street
El Centro, CA 92243
alanmolina@co.imperial.ca.us

Subject: Rainbow East Exploration Project (PROJECT)
Initial Study and Addendum to a certified Final Environmental Impact Report/Environmental Impact Statement
SCH# 1998121054

Dear Alan Molina:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of an Initial Study and Addendum (IS/ADM) to a certified 2002 Mesquite Mine Final Environmental Impact Report/Environmental Impact Statement from the County of Imperial (County) 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;

[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.

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.

PROJECT DESCRIPTION SUMMARY

Proponent: Western Mesquite Mines, Inc.

Objective: The Project proposes a short-term exploratory drilling program for minerals within the Project Area on Bureau of Land Management-administered lands east of the Rainbow Pit area of the existing Mesquite Mine. The Project would construct up to 22 drill pads for drilling 23 exploration holes; each pad would include a lined drill sump to contain drilling fluids and cuttings. Other proposed features include five new short-term access roads totaling up to 4,500 linear feet and permanent widening of approximately 1,315 linear feet of existing BLM Route 949 by four feet. Approximately 91,000 pounds of material would be removed for testing. The project would result in approximately 2.34 acres of surface disturbance. All short-term disturbance, including the drill pads and access roads, would be reclaimed following completion of exploration activities. No mineral production or permanent mining facilities are proposed.

Location: The approximately 214.9-acre Project Area is located on Bureau of Land Management-administered lands east of State Route 78 in unincorporated eastern Imperial County, approximately 6 miles northeast of Glamis and 35 miles east of Brawley. The Project Area is east of the Rainbow Pit area of the existing Mesquite Mine on Assessor's Parcel Numbers 039-330-019-000 and 039-330-022-000.

Timeframe: The IS/ADM indicates that Project activities may start as early as 2026 and would occur intermittently over a period of up to 24 months.

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 County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The IS/ADM 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 IS/ADM are explained in greater detail below and summarized here. CDFW is concerned that the IS/ADM 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 IS/ADM that avoid or reduce impacts to less than significant.

Mitigation Measures

CDFW is concerned that the mitigation measures proposed in the IS/ADM are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the County in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for desert tortoise (*Gopherus agassizii*) and CDFW's Lake and Streambed Alteration Program, as well as revising the mitigation measures for nesting birds and burrowing owl (*Athene cunicularia hypugaea*).

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, page 34 of the IS/ADM indicates that the "Project Area contains various shrubs and trees in the ephemeral drainage habitats and creosote bush scrub habitat that could be used by migratory birds for foraging

and/or nesting habitat." CDFW clarifies that the Project site and surrounding area contain suitable habitat for both resident and migratory birds that nest in trees and shrubs, as well as on the ground.

The IS/ADM includes Mitigation Measure BIO-3 for nesting bird surveys, which indicates that "prior to initiation of ground-disturbing activities or vegetation removal during the nesting bird season (February 15 through September 15), a qualified biologist shall conduct a preconstruction nesting bird survey within suitable nesting habitat located within and adjacent to the Project disturbance areas." CDFW considers the measure to be inadequate in scope and timing to avoid or reduce impacts to nesting birds to a level less than significant. CDFW recommends to the greatest extent feasible that initial ground disturbing and vegetation removal activities are conducted outside of the peak nesting bird season. Also, CDFW 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., 20172). 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. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

To support the County in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-3 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-3: 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 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. Following documentation of baseline conditions, the qualified biologist familiar with the

nesting phenology of the nesting species may choose to adjust the buffers based on nest and buffer monitoring results. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall increase the buffers accordingly. Construction and any ground-disturbing 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.
~~*Prior to initiation of ground-disturbing activities or vegetation removal during the nesting bird season (February 15 through September 15), a qualified biologist shall conduct a preconstruction nesting bird survey within suitable nesting habitat located within and adjacent to the Project disturbance areas. Surveys shall be conducted no more than three (3) days prior to commencement of Project activities. If Project activities are delayed for more than fourteen (14) days following completion of the survey, an updated nesting bird survey shall be conducted prior to commencement of activities. If active nests are identified, an appropriate no-disturbance buffer shall be established around the nest. Buffer distances shall generally be 500 feet for raptors and 300 feet for passerines and other migratory birds, unless a qualified biologist determines that a smaller or larger buffer is warranted based on species-specific behavior, site conditions, and level of disturbance. No Project activities shall occur within the buffer until the nest is no longer active, as determined by the qualified biologist. A qualified biological monitor shall be present during initial grounddisturbing activities to verify compliance with this measure and to identify any previously undetected nesting activity.*~~

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-3 and MM BIO-2, as well as CDFW-recommended MM BIO-[A] and MM BIO-[B].

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.).

Page 31 of the IS/ADM indicates that suitable habitat for burrowing owls exists within the Project site, including suitable burrows for burrowing owl. Focused surveys for burrowing owl were conducted on June 17, June 25, and July 10, 2025. This timing misses the early breeding season. CDFW's *Staff Report on Burrowing Owl Mitigation*[2] recommends four survey visits (at least one site visit between February 15 and April 15, and a minimum of three survey visits, at least three weeks apart, between April 15 and July 15, with at least one visit after 15 June). The focused surveys conducted in 2025 did not detect burrowing owls or sign; however, seven suitable burrows were detected on-site. CDFW concurs that the Project site contains suitable habitat for burrowing owl.

The IS/ADM includes Mitigation Measure BIO-2, which requires pre-construction surveys for burrowing owl but does not specify any timelines to conduct pre-construction surveys or protocols for conducting surveys. CDFW recommends that pre-construction surveys for burrowing owl follow the guidelines described in Appendix D (pp. 29 and 30) of the *Staff Report on Burrowing Owl Mitigation,* 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-2 to be inadequate in scope and timing to avoid or reduce impacts to burrowing owl to a level less than significant.

To support the County in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends that Mitigation Measure BIO-2 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-2: Burrowing Owl Pre-Construction Surveys

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

[2] 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.

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 (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). 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. If impacts to 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. ~~*Prior to the initiation of ground disturbing activities, a qualified biologist shall conduct a preconstruction burrowing owl survey only if more than two years have elapsed since completion of the most recent burrowing owl survey. If no burrowing owls or occupied burrows are identified, no additional surveys shall be required. A qualified biological monitor shall be present during initial ground disturbing activities to verify that burrowing owls have not colonized the Project rea since completion of the survey. If burrowing owls are identified within or adjacent to the Project disturbance area, the Project proponent shall immediately notify the BLM and coordinate with the appropriate wildlife agencies regarding avoidance and minimization measures. If Project activities, including burrow exclusion and closure, could result in take of burrowing owl, appropriate authorization pursuant to the California Endangered Species Act and other applicable regulations shall be obtained prior to commencement of the applicable Project activities. If Project activities are suspended for more than two years following completion of the most recent burrowing owl survey, an updated preconstruction survey shall be conducted prior to resumption of ground disturbing activities.*~~

3) Desert Tortoise

Regarding the potential presence of desert tortoise within the Project site, page 32 of the IS/ADM states that "based on the observed tortoise, multiple sign observations, and habitat assessment, HES determined that the Project Area has desert tortoise present, and that they have a high probability of being present throughout the Project Area." The Project site contains suitable and occupied habitat for desert tortoise.

The IS/ADM includes Mitigation Measure BIO-1, which requires monitoring for desert tortoise during initial ground disturbing activities and periodically throughout Project activities; however, the measure lacks a requirement for focused and pre-construction surveys for desert tortoise prior to Project activities and lacks information on survey methods and timing. CDFW recommends conducting focused surveys far enough in advance of Project activities to obtain California Endangered Species Act (CESA) authorization (i.e., Incidental Take Permit) if needed. CDFW considers Mitigation Measure BIO-1 to be inadequate in scope and

timing to avoid or reduce impacts to desert tortoise to a level less than significant.

To avoid or reduce impacts to desert tortoise to a level less than significant, CDFW recommends the County add the following mitigation measure to the IS/ADM:

Mitigation Measure BIO-[A]: Desert Tortoise Focused and Pre-Construction Surveys

Prior to commencing Project activities throughout all phases of the Project, a focused survey for desert tortoise , following the Linear Project Surveys method, shall be conducted by a CDFW-approved qualified biologist, according to protocols in *Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise* (USFWS 2019; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2019.pdf), during the species' most active periods (April through May or September through October). CDFW recommends working with USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning survey work and that biologists retained to complete desert tortoise protocol-level surveys submit their qualifications to CDFW and USFWS prior to initiation of surveys. If desert tortoise is found to be present, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures. If complete avoidance cannot be achieved, the Project proponent shall not undertake Project activities until appropriate authorization (i.e., California Endangered Species Act Incidental Take Permit under Fish and Game Code section 2081) is obtained.

No more than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting more than 30 days, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS 2019 desert tortoise survey methodology (Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2019.pdf). Pre-construction surveys shall be completed using perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and 50-foot buffer zone. Pre-activity surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the surveys shall be submitted to CDFW and USFWS prior to construction start. If the pre-construction surveys confirm desert tortoise absence, the qualified biologist shall ensure desert tortoise do not enter the Project area. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

4) 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.

Regarding potential impacts to stream resources, page 22 of the IS/ADM indicates that "approximately 1.26 acres of ephemeral streams will be impacted by Project activities. These features are considered CDFW and Waters of the State jurisdictional waters. Any impacts to CDFW jurisdictional waters will require a 1602 Streambed Alteration Agreement." CDFW concurs that the Project site contains ephemeral streams regulated under Fish and Game Code section 1600 et seq. and that notification through CDFW's Lake and Streambed Alteration Program is required for proposed impacts to these wildlife resources. However, the IS/ADM lacks a Mitigation Measure requiring the Project Proponent to notify CDFW.

To support the Project Proponent in complying with requirements under Fish and Game Code section 1600 et seq., CDFW recommends the County add the following mitigation measure to a revised IS/ADM:

Mitigation Measure BIO-[B]: 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 (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of 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 IS/ADM to assist the County in identifying and mitigating Project impacts to biological resources. CDFW concludes that the IS/ADM 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 IS/ADM.

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:
Kim Freeburn
84F92FFEEFD24C8...

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
Mitigation Measure BIO-3: 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 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. Following documentation of baseline conditions, the qualified biologist familiar with the nesting phenology of the nesting species may choose to adjust the buffers based on nest and buffer monitoring results. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall increase the buffers accordingly. Construction and any ground-disturbing 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.**	**Timing:** No more than 3 days prior to vegetation removal or ground-disturbing activities. **Methods:** See Mitigation Measure	**Implementation**: Project Proponent **Monitoring and Reporting**: Project Proponent and County of Imperial

Mitigation Measure BIO-2: Burrowing Owl Pre-Construction Surveys **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 (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), 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. If impacts to 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.**	**Timing: 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. **Methods:** See Mitigation Measure	**Implementation**: Project Proponent **Monitoring and Reporting**: Project Proponent and County of Imperial
Mitigation Measure BIO-[A]: Desert Tortoise Focused and Pre-Construction Surveys **Prior to commencing Project activities throughout all phases of the Project, a focused survey for desert tortoise , following the Linear Project Surveys method, shall be conducted by a CDFW-approved qualified biologist, according to protocols in Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise (USFWS 2019; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2019.pdf), during the species' most active periods (April through May or September through October). CDFW recommends working with USFWS and CDFW concurrently to ensure a consistent and adequate approach to**	**Timing: Focused surveys:** In advance of Project activities. **Pre-construction surveys:** No more than 14 calendar days prior to start of Project activities and when there is a pause in construction of more than 30 days. **Methods:** See	**Implementation**: Project Proponent **Monitoring and Reporting**: Project Proponent and County of Imperial

planning survey work and that biologists retained to complete desert tortoise protocol-level surveys submit their qualifications to CDFW and USFWS prior to initiation of surveys. If desert tortoise is found to be present, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures. If complete avoidance cannot be achieved, the Project proponent shall not undertake Project activities until appropriate authorization (i.e., California Endangered Species Act Incidental Take Permit under Fish and Game Code section 2081) is obtained. **No more than 14 calendar days prior to start of Project activities and after any pause in Project activities lasting more than 30 days, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS 2019 desert tortoise survey methodology (Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise_Pre-project%20Survey%20Protocol_2019.pdf). Pre-construction surveys shall be completed using perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and 50-foot buffer zone. Pre-activity surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the surveys shall be submitted to CDFW and USFWS prior to construction start. If the pre-construction surveys confirm desert tortoise absence, the qualified biologist shall ensure desert tortoise do not enter the Project area. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.**	Mitigation Measure	
Mitigation Measure BIO-[B]: 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**	**Timing:** Prior to construction and issuance of any grading permit **Methods:** See	**Implementation**: Project Proponent **Monitoring and Reporting**: Project Proponent and

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.	Mitigation Measure	County of Imperial