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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



March 25, 2025  
*Sent via email*

Carlos Huerta  
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Fiscal Year (FY) 2024-2025 Non-Potable Water (NPW) Pipeline Connection Project  
(PROJECT)  
Mitigated Negative Declaration (MND)  
SCH# 2020100292

Dear Carlos Huerta:

The California Department of Fish and Wildlife (CDFW) received an Addendum to a Mitigated Negative Declaration from the Coachella Valley Water District (CVWD) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

## CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during

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<sup>1</sup>CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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:** Coachella Valley Water District

**Objective:** The Project proposes the expansion of CVWD's Water Reclamation Plan (WRP) #7 and WRP #10 NPW services and deliver an average of approximately 2,993 acre-feet per year (AFY) of Non-Potable Water (NPW) to five new NPW customers and would expand the low pressure pipeline capacity within the WRP #10 service area. The proposed Project would involve the installation of approximately 34,200 linear feet (6.48 miles) of pipeline ranging from 12-inch to 36-inch diameter. All excavations would be approximately 5 feet deep with an average width of approximately 3 feet. Most of the activities would be located within the City of Palm Desert and City of Indio rights-of-way with approximately 4,200 linear feet of pipeline within customer-owned properties. Construction activities associated with the Modified Project would involve the installation of pipelines, concrete-work, and installation of metering and control vaults, flow meters, control valves, and telemetry systems. The new NPW pipeline segments would be constructed via open trench and/or by a jack and bore technique at major intersections. Project construction activity is anticipated to occur continuously, between the hours of 7:00 a.m. and 6:00 p.m. The Project does not propose use of artificial nighttime lighting.

**Location:** The Project site is located across an approximately 6.48-mile linear alignment in the Cities of Racho Mirage, Palm Desert, and Indio, in the County of Riverside, California. Below, Table 1 identifies the locations of the end user connections for the Project; Table 2 indicates the length of new pipeline within the three Cities where the Project is located; and Table 3 lists the Assessor's Parcel Numbers (APNs) where the Project is located.

**Table 1. Proposed Project Non-Potable Water End User Connections**

Land Use Type	Connection Name	Location
Golf Course	Desert Island CC	71-777 Frank Sinatra Drive Rancho Mirage, CA 92270
Golf Course	The Springs	1 Duke Drive Rancho Mirage, CA 92270
Water Infrastructure	WRP #10 Low Pressure Pipeline Capacity Expansion	Hovley Lane and Portola Avenue Palm Desert, CA 92260
High School	Shadow Hills HS	39-225 Jefferson St Indio, CA 92203
Residential Neighborhood	Talavera	Westwick Street Indio, CA 92203
Golf Course	Shadow Hills Golf Club (North Course)	81-420 N Sun City Boulevard Indio, CA 92203
Golf Course	Shadow Hills Golf Club (East Course)	80875 Avenue 40 Indio, CA 92203
Golf Course	Shadow Hills Golf Club (West Course)	80814 Sun City Blvd Indio, CA 92203

**Table 2. New NPW Pipeline Segments per Jurisdiction**

City	Length of New Pipeline (LF)
Rancho Mirage	3,608
Palm Desert	11,972
Indio	18,466

**Table 3. APNs for Properties Traversed by the Proposed Project**

APNs		
624040034	688130002	691180005
624040035	688160045	691180006
688050002	691100029	691180006
688050005	691100030	691180010
688060006	691110011	
688060023	691130007	

**Timeframe:** The MND does not indicate a timeframe for construction of the Project.

**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 CVWD 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 information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures 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 and appropriate assessment of biological resources within the Project site and surrounding area specifically as it relates to burrowing owl (*Athene cunicularia*). 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 CVWD in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends revising the mitigation measure for nesting birds and adding a mitigation measure for 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.).

With regard to the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), per its associated Implementing Agreement and Permits from CDFW and the U.S. Fish and Wildlife Service (USFWS), Take associated with Covered Activities will not be in violation of the Migratory Bird Treaty Act and will be consistent with Fish and Game Code sections 3503 and 3503.5; therefore, all Covered Activities within and outside Conservation Areas must undertake measures to avoid the take of individuals, nests, and eggs of nesting birds.

Page 17 of the MND indicates that there is “some limited potential for native birds to nest within or adjacent to the Study Area, mainly within landscaped trees and shrubs. Native nesting birds are protected by the MBTA, BGEPA, and by sections of the California Fish and Game Code. If ground disturbance and vegetation/tree trimming or removal is required during the nesting bird season, the Modified Project may impact nesting birds through injury, mortality, or disruption of normal adult behaviors resulting in the abandonment or harm to eggs and nestlings. Construction occurring within the vicinity of nesting birds may also indirectly impact individuals with construction noise and dust.” Page 12 of the Project’s Update to the Biological Resources Technical Study (Updated Biological Study), dated October 9, 2024, states that “there are a few portions of the proposed NPW pipeline segments that are located adjacent to undeveloped areas with remnant or moderately disturbed natural plant communities. [...] Disturbed fourwing saltbush scrub is primarily present near the Study Area along the roadway shoulders adjacent to the proposed NPW pipeline segment along the paved Varner Road. [...] Most of the undeveloped areas with remnant or disturbed sand field habitats are also located on the western portion of the proposed NPW pipeline segments. [...] There is one area of Sonoran creosote bush scrub present north of the eastern terminus of the proposed NPW pipeline segment, just west of The Golf Club at Terra Lago properties.” The Project has the potential to impact nesting birds within both undeveloped areas within and adjacent to the pipeline alignment, as summarized above, and developed areas with landscaped trees and shrubs.

The MND includes mitigation measure BIO-1, which indicates that “Project-related activities should occur outside of the bird breeding season (typically February 1 to August 31) to the extent practicable. If construction occurs within the bird breeding season (January 1 through September 15), then no more than one week prior to initiation of ground disturbance and/or vegetation removal, a nesting bird and raptor pre-construction survey shall be conducted by a qualified biologist within the disturbance footprint plus a 300-foot buffer (500-foot for raptors), where practicable.” Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought,

warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017<sup>2</sup>). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of 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 CVWD in reducing impacts to nesting birds to a level less than significant level, CDFW recommends that CVWD revised Mitigation Measure BIO-1 with the following additions in **bold** and removals in ~~strikethrough~~:

### **Mitigation Measure BIO-1: Nesting Birds**

**To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season (February 1 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to all vegetation removal or ground-disturbing activities throughout all portions of the Project. 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, a 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 a 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.**

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

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<sup>2</sup> Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.

## **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 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.).

With regard to the CVMSHCP, the CDFW Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 does not provide Take Authorization for burrowing owl individuals, nests, or eggs. To the contrary, section 3.5.6 of the NCCP Permit states burrowing owl “pairs or individuals will not be Taken” and reiterates that the “HCP/NCCP does not authorize Take of [burrowing owl] nests [or] eggs[.]” Therefore, throughout the CVMSHCP area—both within and without Conservation Areas—Permittees must ensure that activities occurring within their jurisdictions do not result in the take, possession, or destruction of burrowing owl individuals, nests, or eggs. Any activity occurring within the CVMSHCP area that results in the take of burrowing owl individuals, nests, or eggs would be unlawful and would not be a Covered Activity under the CVMSHCP.

As discussed in the Nesting Bird section above, page 12 of the Project’s Updated Biological Study identified that the Project will directly and indirectly impact “undeveloped areas with remnant or moderately disturbed natural plant communities.” Regarding burrowing owl presence along the Project alignment, page 5 (Table 2) of the Updated Biological Study states that “no owls or suitable burrows/surrogates [are] present,” nesting habitat is absent, and foraging habitat is absent given “surrounding open areas [are] also degraded/disturbed.” The Updated Biological Study does not

indicate if a habitat assessment for burrowing owl or focused surveys for burrowing owl were conducted in the undeveloped areas adjacent to portions of the Project alignment. CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs,<sup>3</sup> and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat proximity.<sup>4</sup> Based on review of photos included in Updated Biological Study of undeveloped areas adjacent to portions of the Project alignment, the Project site and surrounding areas contain habitat with sparse cover of shrubs that is suitable nesting and foraging habitat for burrowing owl. Given the MND's lack of findings from a complete and recent habitat assessment and focused surveys for burrowing owl following the guidelines in the *Staff Report on Burrowing Owl Mitigation*,<sup>5</sup> the number of suitable and occupied burrows within the Project site and surrounding areas is unknown. Given the presence of suitable nesting and foraging habitat for burrowing owl location adjacent to portions of the Project's linear alignment, CDFW recommends that the MND is revised to include the results of focused surveys, including survey reports, for burrowing owl within the Project site and surrounding area following the guidelines outlined in Appendix D of the *Staff Report on Burrowing Owl Mitigation*, along with appropriate avoidance, minimization, and mitigation measures for burrowing owl.

In addition, burrowing owls frequently move into disturbed areas prior to and during construction activities since they are adapted to highly modified habitats.<sup>6,7</sup> CDFW recommends that pre-construction surveys for burrowing are conducted prior to any ground disturbing or vegetation removal activities associated with Project.

To support the CVWD in reducing impacts to burrowing owl to a level less than significant, CDFW recommends the CVWD add the following mitigation measure to a revised MND:

### **Mitigation Measure BIO-[A]: Burrowing Owl Focused and Pre-Construction Surveys**

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<sup>3</sup> Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*), in A. Poole and F. Gill, editors, The Birds of North America, The Academy of Natural Sciences, Philadelphia, Pennsylvania, and The American Ornithologists' Union, Washington, D.C., USA.

<sup>4</sup> Gervais, J. A., D. K. Rosenberg, R. G. Anthony. 2003. Space use and pesticide exposure risk of male burrowing owls in an agricultural landscape. *Journal of Wildlife Management* 67: 155-164.

<sup>5</sup> California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

<sup>6</sup> 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.

<sup>7</sup> Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162-176.



**Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. 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 prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance and monitoring actions, including measures necessary to avoid take of burrowing owl individuals, nests, and eggs. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site 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), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, CDFW recommends that appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) is obtained prior to commencement of Project activities.**

**For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.**

## **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

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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 CVWD 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](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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
<p><b>Mitigation Measure BIO-1: Nesting Birds</b></p> <p><b>To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season (February 1 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to all vegetation removal or ground-disturbing activities throughout all phases of the Project. 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, a 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</b></p>	<p><b>Timing:</b> No more than 3 days prior to all vegetation removal or ground-disturbing activities throughout all phases of the Project.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> CVWD</p> <p><b>Monitoring and Reporting:</b> CVWD</p>

<p>activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p><b>Mitigation Measure BIO-[A]: Burrowing Owl Focused and Pre-Construction Surveys</b></p> <p>Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation (2012 or most recent version)</i> prior to vegetation removal or ground-disturbing activities for all phases of Project construction. 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 prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance and monitoring actions, including measures necessary to avoid take of burrowing owl individuals, nests, and eggs. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site 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</p>	<p><b>Timing: Focused surveys:</b> Prior to vegetation removal or ground-disturbing activities for all phases of the Project. <b>Pre-construction surveys:</b> No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance for all phases of the Project and when there is a pause in construction of more than 30 days.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> CVWD</p> <p><b>Monitoring and Reporting:</b> CVWD</p>

<p><b>a burrow entrance or perch site), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, CDFW recommends that appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) is obtained prior to commencement of Project activities.</b></p> <p><b>For all phases of Project construction, preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</b></p>		
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