



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Jun 14 2022**

June 14, 2022  
*Sent via email*

## STATE CLEARINGHOUSE

Mallory Crecelius, Interim City Manager and City Clerk  
City of Blythe  
235 N. Broadway  
Blythe, CA 92225

Subject: Draft Environmental Impact Report (DEIR)  
Edelweiss Sustainable Farms Commercial Cannabis Project  
State Clearinghouse No. 2021120031

Dear Ms. Crecelius:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the City of Blythe (City) for the Edelweiss Sustainable Farms Commercial Cannabis Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

### CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed

<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.

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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**

The proposed Project includes the development of a commercial complex for indoor cannabis cultivation on Assessor Parcel Number (APN) 836-100-007, an approximately 33.04-acre parcel. The Project is located south of Hobsonway, north of Interstate 10, and approximately 0.25 miles west of South Carlton Avenue in the City of Blythe, Riverside County, California. The Project includes development of twelve buildings, two retention basins, landscaped areas, parking spaces, and gated entry points.

**Timeframe:** Project construction will occur in three primary phases. Each Project phase will occur one after the other, a year apart.

## **COMMENTS AND RECOMMENDATIONS**

Biological resources of concern to CDFW that the Project could potentially impact include burrowing owl (*Athene cunicularia*), nesting birds, western yellow bat (*Lasiurus xanthinus*), special-status plants, and Fish and Game Code section 1602 resources.

The DEIR discloses that, in conjunction with a preliminary literature review and search of the California Natural Diversity Database (CNDDDB), general field surveys were conducted by James W. Cornett of Ecological Consultants on October 25, 26, 27, 28, and 29, November 15, 16, 17, 18, and 19; and December 8, of 2021 to determine the biological resources that might exist within the general area of the Project site. Of these surveys, none appear to be focused except for burrowing owl surveys which were conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012) and mammal trapping surveys which were conducted on the evenings of October 27 and 28, during which thirty live-animal traps were set for large and small mammals on the same evenings. Although the focus species and results of the live-animal trap surveys were not provided, the DEIR reports that no sensitive mammal species were observed during the surveys.

The DEIR also discloses that field surveys were only conducted within the boundaries of the Project site and not within buffers to the Project, since the Project site is bordered by private properties to the east, west, and north and, as such, binocular surveys were conducted to observe burrowing owl and bird species adjacent to the Project site. CDFW is therefore concerned that the Project’s potential impacts to burrowing owl,

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nesting birds, and western yellow bats may not have been fully assessed. CDFW is further concerned with the Project's potential impacts to nesting birds considering that the DEIR's Biological Memo recommends not to conduct any nesting bird surveys solely based on the absence of nesting birds on-site during the 2020 nesting season. Considering that the results of the October 2021 field surveys identified several bird species on-site including the great-tailed grackle (*Quiscalus quiscula*), Brewer's blackbird (*Euphagus cyanocephalus*), house finch (*Carpodacus mexicanus*), common raven (*Corvus corax*), mourning dove (*Zenaida macroura*), house sparrow (*Passer domesticus*) and prairie falcon (*Falco mexicanus*), CDFW offers Biological Resource (BIO) Mitigation Measure (MM)-2 below to address the Project's potential impacts to nesting birds.

CDFW recognizes the presence of riparian habitat located within and outside of the Project boundary in the southwestern corner of the Project site and which the DEIR refers to as an "artificial oasis". CDFW believes that the "artificial oasis" may be subject to Fish and Game Code section 1602. The Biological Memo recognizes that the "artificial oasis" has the "potential to lure bird and mammal species" but mentions that preservation or mitigation for the removal of the "artificial oasis" is inappropriate since the habitat is artificially created by spillage from irrigation channels within the Project boundary. For these reasons, and because it is immediately adjacent to the Interstate 10 freeway, there is no recommendation to preserve the "artificial oasis". Therefore, CDFW is concerned with the Project's potential impacts to Fish and Game Code section 1602 resources. Additionally, CDFW is concerned with the removal of the "artificial oasis" expected to occur despite the Project through maintenance and repair of the irrigation channel by the Palo Verde Irrigation District.

Please note that the Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have a Lake and Streambed Alteration (LSA) Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the Environmental Permit Information Management System (EPIMS) at <https://epims.wildlife.ca.gov> and learn more about permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. Therefore, CDFW offers MM BIO-5 below to address the Project's potential impacts to Fish and Game Code section 1602 resources.

CDFW disagrees with the Biological Memo's statement that the "artificial oasis" does not have significant value to wildlife, because CDFW believes the "artificial oasis" has the potential to serve as nesting, foraging, and refugia habitat for nesting birds and mammals, specifically western yellow bat. Western yellow bat is a species of special concern and is known to occur in riparian and palm oasis habitats and the Biological

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Memo reports that Fremont cottonwood (*Populus fremontii*), desert fan palm (*Washingtonia filifera*), Mexican fan palm (*Washingtonia robusta*), and date palm (*Phoenix dactylifera*) occur within the Project site. Although the location of these trees is not reported by the Biological Memo, CDFW determined based on aerials that they occur within the “artificial oasis”. Because the “artificial oasis” is suitable habitat for western yellow bat, CDFW offers MM BIO-3 below (see Biological Mitigation Measures section) to address the Project’s potential impacts to special-status bat species within and adjacent to the Project site.

CDFW is also concerned that the Project’s potential impacts to special-status plant species were not properly assessed considering the DEIR acknowledges the potential for the rare Desert unicorn plant (*Proboscidea althaeifolia*; state rank (S) 4 (S4)) to occur on-site but did not conduct any floristic surveys within its blooming season (May-August) and instead determined Desert unicorn plant absent based on the lack of dried remains. Additionally, CDFW identified that Hardwood’s milk vetch (*Astragalus insularis* var. *harwoodii*; S2) has the potential to occur on-site. Please note, according to CDFW’s 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities botanical field surveys should be conducted in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Reference sites (nearby accessible occurrences of the plants) should also be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities. As such, CDFW recommends the City adopt MM BIO-4 below to properly identify special-status plants within or adjacent to the Project site prior to initialing all Project activities.

Considering the abovementioned, CDFW recommends the revision of MM BIO-1 and the adoption of MM BIO-2 through MM BIO-5, as per below and also found in Attachment 1 (Mitigation Monitoring and Reporting Program), all for inclusion in a final EIR (termed hereafter as ‘final EIR’).

## **Biological Mitigation Measures**

### Burrowing Owl

CDFW appreciates the inclusion of MM BIO-1 to mitigate for impacts to burrowing owl. CDFW offers the following revisions to MM BIO-1 (edits are in ~~strike through~~ and **bold**):

MM BIO-1:

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A burrowing owl **pre-construction** clearance survey shall be performed by a qualified biologist ~~not more~~ **no less** than 14 days prior to any site disturbance (grubbing, grading, and construction). The pre-construction survey **shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012)** ~~is required to use accepted protocol (as determined CDFW).~~ Prior ~~to construction,~~ ~~a~~ **The** qualified biologist **will shall** survey the construction area and an area up to 500 feet outside the project limits for burrows that could be used by burrowing owls. **If no burrowing owl(s) or sign thereof are observed onsite during the pre-construction clearance survey, a letter shall be prepared by the qualified biologist documenting the results. The letter shall be submitted to the California Department of Fish and Wildlife (CDFW) prior to issuance of any grading permits, and no further action is required.** If an active burrow **or burrowing owl(s) or sign thereof is** located, ~~(1) earth disturbance must be immediately delayed for two weeks.~~ **observed onsite during the pre-construction clearance survey, areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 300 meters of an occupied burrow. A smaller buffer may be established if the qualified biologist determines a reduced buffer would not adversely affect the burrowing owl(s).** ~~If earth disturbance was~~ **Project activities** are scheduled to commence during the breeding season of the burrowing owl (February 1 to August 31), ~~grading/grubbing~~ **Project activities** must be delayed until September 1 or until another clearance survey finds that every owl nestling has fledged (permanently left the nesting burrow).

**If burrowing owls cannot be avoided by the Project, then a qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation to CDFW for review/approval prior to the commencement of Project activities. Only ~~(2)~~ Resident non-breeding owls (owls occupying burrows between approximately September 1 and January 31) may be passively ~~forced~~ **excluded** from their burrows **through the installation of** ~~by~~ **exclusion gates (one-way doors)** that allow the owls to leave the burrow but not reenter. ~~Prior to exclusion, at least three artificial burrows must be created with 250 feet of the existing burrow.~~ **passive relocation, suitable replacement burrows site(s) shall be provided at a minimum ratio of 2:1 and permanent conservation and management of burrowing owl habitat, such that the habitat acreage, number of burrows and burrowing owl impacts are replaced shall be consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared for CDFW review and approval. The objective shall be to manage the replacement burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years. A final****

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**letter report shall be prepared by the qualified biologist documenting the results of the passive relocation.** Since all the land surrounding the project is private property, the project proponent must obtain in writing the landowner's approval before constructing the artificial burrows. A qualified biologist ~~would~~ **shall** lead and coordinate this endeavor with the California Department of Fish and Wildlife. ~~If the burrow is unoccupied, the burrow will be made inaccessible to owls, and construction may proceed.~~

### Nesting Birds

CDFW recommends the adoption of MM BIO-2 below to address potential impacts to nesting birds.

#### **MM BIO-2:**

**All Project activities on-site shall be conducted outside of nesting season (non-nesting season is typically from September 16 through December 31) to the maximum extent feasible. If Project activities begin during the nesting bird season, a qualified biologist shall conduct a pre-project nesting bird survey to verify the absence of nesting birds within the work area and surrounding 300-foot buffer no more than two hours prior to initiating Project activities. For any Project activity occurring during the nesting season, typically January 1 through September 15 for raptors in southern California and February 1 through September 1 for passerine birds, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the qualified biologist, within three (3) days prior to initiation of Project-related activities. If active nests containing eggs or young are found, no work shall be permitted near the nest until the young birds have fledged or the nest is no longer active. A qualified biologist shall establish an appropriate nest avoidance buffer to be marked on the ground. Nest avoidance buffers are species specific and shall be about 100 feet for passerines and 300 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. Established buffers 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 is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.**

### Western Yellow-Bat

CDFW recommends the adoption of MM BIO-3 below to address potential impacts to special-status bats.

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**MM BIO-3:**

**To avoid impacts to special-status bat species and identify roosting habitat, bat surveys shall be conducted in the spring, summer, fall, and winter by a qualified bat biologist prior to initiation of Project activities. Surveys shall be conducted within the Project site and 100-foot buffer during appropriate weather conditions.**

**The qualified bat biologist shall identify the bats to the species level and evaluate the colony to determine its size and significance, and presence of a maternal colony. If any evidence of bat occupation is identified during surveys, the qualified bat biologist shall then provide additional measures to avoid impacts to roosting bats as recommended by the California Department of Fish and Wildlife (CDFW) and shall include replacing existing bat roosts with new roosting habitat in conjunction with a three (3) year monitoring period by a CDFW-approved bat biologist. Measures provided shall be specific to the individual roost species present, and proposed construction activities, and shall include, but not be limited to the following: a) postponement of Project activities to outside of the bat maternity season (typically, maternity season is April 1 through August 31) if a maternity colony is identified to be present and b) monitoring of Project activities by a qualified bat biologist. Project activities that do not produce noise or vibrations substantially higher than ambient conditions may be conducted if a non-maternal roosting colony is present at the qualified bat biologist's discretion and if recommended by CDFW. If the qualified bat biologist determines that non-maternal colony roosting bats are disturbed by construction activities, construction activities shall cease immediately and additional avoidance measures (e.g., installation of a noise shroud or sound curtain) and coordination with CDFW shall be required before activities resume.**

**If a maternity colony is present, tree removal and/or modification shall occur outside the bat maternity season (typically April 1 through August 31) in the fall (after flightless young have become volant as determined by the qualified bat biologist) and under the supervision of a qualified bat biologist. The qualified bat biologist shall supervise the following two-step process of tree removal that shall occur over a 2-day period to avoid direct mortality of foliage-roosting species: (1) On Day 1, branches and limbs that do not contain crevices or cavities shall be removed using hand tools or chainsaws. The goal is to create a disturbance sufficient to cause any bats roosting in the tree to leave that night and not return, but not at a level of intensity that will cause bats to fly out of the tree during the disturbance itself (i.e., during the daytime, when leaving the roost will likely result in predation) and (2) On Day 2, the remainder of the tree may be removed.**

Sensitive Plants

CDFW recommends the adoption of MM BIO-4 below to address potential impacts to special-status plants.



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**MM BIO-4:**

**Prior to start of Project activities, and during the appropriate season, the Project proponent shall conduct botanical field surveys following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the City shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the City shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special-status species. If the Project has the potential to impact a state-listed species, the City should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.**

Lake and Streambed Alteration Agreement

CDFW recommends the adoption of MM BIO-5 below to address potential impacts to Fish and Game Code section 1602 resources.

**MM BIO-5:**

**Prior to construction and issuance of any grading permit, the City should 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 City should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.**

**ENVIRONMENTAL DATA**

CEQA requires that information developed in Environmental Impact Reports and Negative Declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [Submitting Data to the CNDDDB \(ca.gov\)](#). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [CNDDDB - Plants and Animals \(ca.gov\)](#).

**FILING FEES**



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The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 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 requests that the City include in the final DEIR the suggested mitigation measures (Attachment 1) offered by CDFW to avoid, minimize, and mitigate Project impacts on California fish and wildlife resources.

CDFW appreciates the opportunity to comment on the Edelweiss Sustainable Farms Commercial Cannabis Project (SCH No. 2021120031) and hopes our comments will assist the City in identifying, avoiding, minimizing, and mitigating Project impacts on fish and wildlife resources.

If you should have any questions pertaining to the comments provided in this letter, please contact Corina Jimenez, Environmental Scientist at [Corina.Jimenez@wildlife.ca.gov](mailto:Corina.Jimenez@wildlife.ca.gov).

## ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

Sincerely,

DocuSigned by:  
  
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Alisa Ellsworth  
Environmental Program Manager

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

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## REFERENCES

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=true>

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available for download at:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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

### **PURPOSE OF THE MMRP**

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

### **TABLE OF MITIGATION MEASURES**

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

<b>Biological (BIO) Mitigation Measures (MM)</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>
<p>MM BIO-1:</p> <p>A burrowing owl pre-construction clearance survey shall be performed by a qualified biologist no less than 14 days prior to any site disturbance (grubbing, grading, and construction). The pre-construction survey shall be conducted in accordance with the 2012 Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). The qualified biologist shall survey the construction area and an area up to 500 feet outside the project limits for burrows that could be used by burrowing owls. If no burrowing owl(s) or sign thereof are observed onsite during the pre-construction clearance survey, a letter shall be prepared by the qualified biologist documenting the results. The letter shall be submitted to the California Department of Fish and Wildlife (CDFW) prior to issuance of any grading permits, and no further action is required. If an active burrow or burrowing owl(s) or sign thereof is observed onsite during the pre-construction clearance</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>

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<p>survey, areas occupied by burrowing owls shall be avoided. No ground-disturbing activities shall be permitted within 300 meters of an occupied burrow. A smaller buffer may be established if the qualified biologist determines a reduced buffer would not adversely affect the burrowing owl(s). If Project activities are scheduled to commence during the breeding season of the burrowing owl (February 1 to August 31), Project activities must be delayed until September 1 or until another clearance survey finds that every owl nestling has fledged (permanently left the nesting burrow).</p> <p>If burrowing owls cannot be avoided by the Project, then a qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation to CDFW for review/approval prior to the commencement of Project activities. Only non-breeding owls (owls occupying burrows between approximately September 1 and January 31) may be passively excluded from their burrows through the installation of exclusion gates (one-way doors) that allow the owls to leave the burrow but not reenter. Prior to passive relocation, suitable replacement burrows site(s) shall be provided at a minimum ratio of 2:1 and permanent conservation and management of burrowing owl habitat, such that the habitat acreage, number of burrows and burrowing owl impacts are replaced shall be consistent with the Staff Report on Burrowing Owl Mitigation including its Appendix A within designated adjacent conserved lands identified through coordination with CDFW. A qualified biologist shall confirm the natural or artificial burrows on the conservation lands are suitable for use by the owls. Monitoring and management of the replacement burrow site(s) shall be conducted, and a reporting plan shall be prepared for CDFW review and approval. The objective shall be to manage the replacement</p>		
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<p>burrow sites for the benefit of burrowing owls (e.g., minimizing weed cover), with the specific goal of maintaining the functionality of the burrows for a minimum of 2 years. A final letter report shall be prepared by the qualified biologist documenting the results of the passive relocation. Since all the land surrounding the project is private property, the project proponent must obtain in writing the landowner's approval before constructing the artificial burrows. A qualified biologist shall lead and coordinate this endeavor with the California Department of Fish and Wildlife.</p>		
<p>MM BIO-2:</p> <p>All Project activities on-site shall be conducted outside of nesting season (non-nesting season is typically from September 16 through December 31) to the maximum extent feasible. If Project activities begin during the nesting bird season, a qualified biologist shall conduct a pre-project nesting bird survey to verify the absence of nesting birds within the work area and surrounding 300-foot buffer no more than two hours prior to initiating Project activities. For any Project activity occurring during the nesting season, typically January 1 through September 15 for raptors in southern California and February 1 through September 1 for passerine birds, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the qualified biologist, within three (3) days prior to initiation of Project-related activities. If active nests containing eggs or young are found, no work shall be permitted near the nest until the young birds have fledged or the nest is no longer active. A qualified biologist shall establish an appropriate nest avoidance buffer to be marked on the ground. Nest avoidance buffers are species specific and shall be about 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>

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<p>species and based on nest and buffer monitoring results. Established buffers 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 is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p>MM BIO-3:</p> <p>To avoid impacts to special-status bat species and identify roosting habitat, bat surveys shall be conducted in the spring, summer, fall, and winter by a qualified bat biologist prior to initiation of Project activities. Surveys shall be conducted within the Project site and 100-foot buffer during appropriate weather conditions.</p> <p>The qualified bat biologist will identify the bats to the species level and evaluate the colony to determine its size and significance, and presence of a maternal colony. If any evidence of bat occupation is identified during surveys, the qualified bat biologist shall then provide additional measures to avoid impacts to roosting bats as recommended by the California Department of Fish and Wildlife (CDFW) and shall include replacing existing bat roosts with new roosting habitat in conjunction with a three (3) year monitoring period by a CDFW-approved bat biologist. Measures provided shall be specific to the individual roost species present, and proposed construction activities, and shall include, but not be limited to the following: a) postponement of Project activities to outside of the bat maternity season (typically, maternity season is April 1 through August 31) if a maternity colony is identified to be present and b) monitoring of Project activities by a qualified bat biologist. Project activities that do not</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>

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<p>produce noise or vibrations substantially higher than ambient conditions may be conducted if a non-maternal roosting colony is present at the qualified bat biologist's discretion and if recommended by CDFW. If the qualified bat biologist determines that non-maternal colony roosting bats are disturbed by construction activities, construction activities shall cease immediately and additional avoidance measures (e.g., installation of a noise shroud or sound curtain) and coordination with CDFW shall be required before activities resume.</p> <p>If a maternity colony is present, tree removal and/or modification shall occur outside the bat maternity season (typically April 1 through August 31) in the fall (after flightless young have become volant as determined by the qualified bat biologist) and under the supervision of a qualified bat biologist. The qualified bat biologist shall supervise the following two-step process of tree removal that shall occur over a 2-day period to avoid direct mortality of foliage-roosting species: (1) On Day 1, branches and limbs that do not contain crevices or cavities shall be removed using hand tools or chainsaws. The goal is to create a disturbance sufficient to cause any bats roosting in the tree to leave that night and not return, but not at a level of intensity that will cause bats to fly out of the tree during the disturbance itself (i.e., during the daytime, when leaving the roost will likely result in predation) and (2) On Day 2, the remainder of the tree may be removed.</p>		
<p>MM BIO-4:</p> <p>Prior to start of Project activities, and during the appropriate season, the Project proponent shall conduct botanical field surveys following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>



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<p>special-status plants are identified, the City shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the City shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special-status species. If the Project has the potential to impact a state-listed species, the City should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.</p>		
<p><b>MM BIO-5:</b></p> <p>Prior to construction and issuance of any grading permit, the City should 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 City should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>