



State of California – Natural Resources Agency  
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**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



Governor's Office of Planning & Research

**Oct 20 2022**

## STATE CLEARINGHOUSE

October 18, 2022

Kimberley Jordan, Associate Planner  
Town of Windsor Community Development Department  
9291 Old Redwood Highway, Building 400  
Windsor, CA, 95492  
[kjordan@townofwindsor.com](mailto:kjordan@townofwindsor.com)

Subject: Clearwater at Windsor Project, Mitigated Negative Declaration,  
SCH No. 2022090316, Town of Windsor, Sonoma County

Dear Ms. Jordan:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the Town of Windsor (Town) for the Clearwater at Windsor Project (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

CDFW is submitting comments on the MND to inform the Town, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the project.

### CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

### REGULATORY REQUIREMENTS

#### California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. **The project has the potential to result in take of Sonoma sunshine (*Blennosperma bakeri*), Burke's goldfields**

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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.

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**(*Lasthenia burkei*), and Sebastopol meadowfoam (*Limanthes vinculans*), all listed as endangered species, as further described below.** Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

### **Lake and Streambed Alteration**

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The project would realign Pruitt Creek, and CDFW appreciates that the MND includes a mitigation measure requiring the project to obtain an LSA Agreement from CDFW. If any wetlands hydrologically connected to Pruitt Creek will be impacted, please include such impacts in the LSA Notification. Note that the LSA Agreement will likely include protection measures for roosting bats, reptiles, amphibians, and other species.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

### **Fully Protected Species**

Fully Protected species, such as white-tailed kite (*Elanus leucurus*), may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research, relocation of the bird species for the protection of livestock, or if they are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

### **Raptors and Other Nesting Birds**

CDFW has jurisdiction over actions that may result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include sections 3503 (regarding unlawful take, possession or needless destruction of the nests or eggs of any bird), 3503.5 (regarding the take, possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

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## PROJECT DESCRIPTION SUMMARY

**Proponent:** Tony Ferrero, Clearwater Living

**Objective:** The project would involve the development of a continuum of care senior living community and commercial space including 141 senior apartments, 71 assisted living units, and 34 memory care units for a total of 246 units. The senior apartments would be four-stories and would include 18 studios, 76 one bedroom, and 47 two-bedroom units. A boardwalk with educational signage and a seating area would be located south of the senior living community. Commercial development on the site would include approximately 26,000 square feet consistent of five buildings and outdoor dining and exercise areas. Pruitt Creek forms the southern border of the project site. The project includes realigning Pruitt Creek and creating a new northern creek channel next to the existing channel and impacting approximately 460 linear feet of the existing channel to connect both channels. The project would also include installation of two outfall structures along the northern bank of Pruitt Creek below the ordinary high-water mark. Primary project activities include site preparation and grading, construction of housing buildings, paved parking, realigning Pruitt Creek, and landscaping.

**Location:** The project site is in the southern portion of the Town at 376 Shiloh Road in Windsor, Sonoma County, California. The approximately 24.8-acre undeveloped site comprises Assessor's Parcel Number 059-271-059 and is located south and adjacent to Shiloh Road and east and adjacent to Highway 101. The project site is located on the Healdsburg, California, United States Geographical Survey 7.5-minute Topographic Quadrangle Map, Township 8 North, Range 8 West, Section 19 (Latitude 38.5239226° North; Longitude -122.7859935° West).

**Timeframe:** May 2023 to April 2025

## COMMENTS AND RECOMMENDATIONS

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

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## I. Environmental Setting and Related Impact Shortcoming

***Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?***

### COMMENT 1: Chapter 4, Page 39

**Issue:** The MND indicates that three CESA and federally listed as endangered plants have a low potential to occur within the project site: Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. "Low potential" indicates that these species could potentially occur within the project site.

Burke's goldfields were identified within the project site in 2014 and prior years according to the California Natural Diversity Database (CNDDDB) (Occurrence Number: 7, CDFW 2022). Appendix B of the MND states that protocol-level rare plant surveys were conducted in 2008, 2012, and 2016 and that no CESA and federally listed plants were observed. However, these results do not appear to be consistent with the 2014 detection; for example, if Burke's goldfields was present in 2014 it was likely present in 2012. Additionally, the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*, states "project sites with inventories older than 3 years from the current date of project proposal submission will likely need additional survey" (U.S. Fish and Wildlife Service (USFWS) 2005). Given that Burke's goldfields have been previously documented within the project site, the last protocol survey was completed in 2016, and the 2012 survey results appear questionable, CDFW concludes that Burke's goldfields or other CESA and federally listed plants may occur within the project site.

In addition, the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain* and CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* provide guidelines for acceptable survey documentation for protocol-level surveys for CESA and federally listed plants on the Santa Rosa Plain. While Appendix B in the MND provides a partial list of the information required, a full report of the protocol-level surveys was not provided. Therefore, it is unclear if surveys were conducted according to the Santa Rosa Plain Conservation Strategy and CDFW 2018 protocols.

**Specific impacts and why they may occur and be significant:** If Burke's goldfields or other CESA and federally listed plants that may be impacted by the project go undetected, the project may result in mortality of individuals from direct

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impacts or degradation of habitat adjacent to ground disturbance. Burke's goldfields and the other CESA and federally listed plant mentioned above are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if Burke's goldfields or other CESA and federally listed plants are present on or directly adjacent to the project site, the project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

**Recommended mitigation measure:** For an adequate environmental setting and to reduce impacts to CESA and federally listed plants to less-than-significant, CDFW recommends implementing the following additional mitigation measure:

The project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results. The botanical survey results shall follow CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*. If CDFW is unable to accept the survey results, the project applicant shall conduct additional surveys prior to initiation of project activities or may assume presence of Sebastopol meadowfoam, Burke's goldfields, and Sonoma sunshine. Please be advised that for CDFW to accept the results, they must be completed in conformance with CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* and the Santa Rosa Plain Conservation Strategy, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*, including but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts, such as altering offsite hydrological conditions where these species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of CESA listed plants that may be impacted by the project, including Sebastopol meadowfoam, Burke's goldfields, and Sonoma sunshine, or the presence of these species is assumed, the project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.

***Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS?***

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## **COMMENT 2: Chapter 4, Page 40**

**Issue:** The project is within the wintering distribution of burrowing owl (*Athene cunicularia*) and contains and is adjacent to grasslands that may be suitable wintering habitat for the species (Klute et al. 2003). Burrowing owls have been documented overwintering in the project vicinity (CNDDDB Occurrence Numbers 564, 921, 2023; CDFW 2022). The MND indicates that burrowing owl would not be impacted by the project because no suitably sized burrows or evidence of potential burrows are present on or immediately adjacent to the project site. However, suitable burrows may be excavated within a single day by, for example, American badger (*Taxidea taxus*) (Ministry of Environment Ecosystems 2007 as cited in Brehme et al. 2015). Additionally, burrowing owls can be impacted up to 500 meters or 1,640 feet away from a project from auditory and visual disturbances and may utilize burrow surrogates, such as culverts, piles of concrete rubble, piles of soil, burrows created along soft banks of ditches and canals, pipes, and similar structures (CDFW 2012). Therefore, the absence of natural burrows does not necessarily exclude burrowing owls.

**Specific impacts and why they may occur and be significant:** If the proposed surveys fail to detect burrowing owls that may be impacted by the project, the project may result in reduced health and vigor, or mortality, of owls from direct impacts to occupied wintering habitat or from wintering burrow abandonment caused by auditory and visual disturbances. Burrowing owl is a California Species of Special Concern and protected under Fish and Game Code sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act. Therefore, if wintering burrowing owls are present on or within 1,640 feet of the project site, project impacts to burrowing owl would be *potentially significant*.

**Recommended mitigation measure:** For an adequate environmental setting and to reduce impacts to burrowing owl to less-than-significant, CDFW recommends implementing the following mitigation measure:

A qualified biologist shall conduct a habitat assessment for wintering burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) *2012 Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified

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biologist, including but not limited to a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.

Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to project construction.

## **II. Mitigation Measures and Related Impact Shortcoming**

### **COMMENT 3: Page 41-42**

**Issue:** Mitigation Measure BIO-3 requires a pre-construction nesting bird survey within 200 feet of the project site, which may not be adequate to avoid impacts to special-status and common nesting raptors such as white-tailed kite, a California Fully Protected species. In addition, Mitigation Measure BIO-3 states that surveys should be conducted no earlier than 14 days before construction activities are scheduled. A time lapse of this length between pre-construction surveys and construction activities increases the risk of nesting birds establishing nests undetected, and therefore, being vulnerable to impacts as a result of construction activities.

**Recommended mitigation measure:** To reduce impacts to nesting birds to less-than-significant, CDFW recommends replacing Mitigation Measure BIO-3 with the following mitigation measure:

If construction, grading, vegetation removal, or other project-related activities are scheduled during the nesting season, February 1 to August 31, a focused survey for active nests shall be conducted by a Qualified Biologist within 7 days prior to the beginning of project-related activities. The survey shall consist of the entire project limits, as well as a minimum 500-foot buffer. If a lapse in project-related work of 7 days or longer occurs, another focused survey shall be required before project work can be reinitiated. If an active nest is found during surveys, qualified biologist shall establish site- and species-specific no-work buffers. The buffer distances shall be

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specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.

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

**Please be advised that the above recommended mitigation measures would likely be included in an LSA Agreement for the project, as applicable.**

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **ENVIRONMENTAL DOCUMENT FILING FEES**

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for 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).



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## CONCLUSION

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

Questions regarding this letter or further coordination should be directed to Nick Wagner, Senior Environmental Scientist (Specialist), at (707) 428-2075 or [Nicholas.Wagner@wildlife.ca.gov](mailto:Nicholas.Wagner@wildlife.ca.gov); or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or [Melanie.Day@wildlife.ca.gov](mailto:Melanie.Day@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
*Erin Chappell*  
Erin Chappell  
Regional Manager  
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse, Sacramento

## REFERENCES

Brehme, C.S., S.A. Hathaway, R. Booth, B.H. Smith and R.N. Fisher. 2015. Research of American Badgers in Western San Diego County, 2014. Data Summary prepared for California Department of Fish and Wildlife and the San Diego Association of Governments. 24pp. (42pp. with Appendix).

California Department of Fish and Wildlife (formerly California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Available online at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

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Klute, D. S., L. W. Ayers, M. T. Green, W. H. Howe, S. L. Jones, J. A. Shaffer, S. R. Sheffield, and T. S. Zimmerman. 2003. Status Assessment and Conservation Plan for the Western Burrowing Owl in the United States. U.S. Department of Interior, Fish and Wildlife Service, Biological Technical Publication FWS/BTPR6001-2003, Washington, D.C.

U.S. Fish and Wildlife Service. 2005. Santa Rosa Plain Conservation Strategy. Available online at <https://www.fws.gov/media/santa-rosa-plain-conservation-strategy>

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## Attachment 1

### Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p><b>MM-BIO-1: CESA and Federally Listed Plants:</b> The project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results. The botanical survey results shall follow CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities and the Santa Rosa Plain Conservation Strategy, Appendix D: Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain. If CDFW is unable to accept the survey results, the project applicant shall conduct additional surveys prior to initiation of project activities or may assume presence of Sebastopol meadowfoam, Burke's goldfields, and Sonoma sunshine. Please be advised that for CDFW to accept the results, they must be completed in conformance with CDFW's 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities and the Santa Rosa Plain Conservation Strategy, Appendix D: Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain, including but not limited to conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts, such as altering offsite hydrological conditions where these species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of CESA listed plants that may be impacted by the project, including Sebastopol meadowfoam, Burke's goldfields, and Sonoma sunshine, or the presence of these species is assumed, the project applicant shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

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<p><b>MM-BIO-2: Burrowing Owl Wintering Surveys:</b> A qualified biologist shall conduct a habitat assessment for wintering burrowing owl, and surveys if habitat is present. The qualified biologist shall follow the California Department of Fish and Game (now CDFW) <i>2012 Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012 Staff Report) habitat assessment and survey methodology prior to project activities occurring during the burrowing owl wintering season from September 1 to January 31. The habitat assessment and surveys shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet unless otherwise approved in writing by CDFW. Surveys shall include four non-breeding season surveys spread evenly throughout the nonbreeding season pursuant to the CDFW 2012 Staff Report. Time lapses between surveys or project activities shall trigger subsequent surveys, as determined by a qualified biologist, including but not limited to a final survey within 24 hours prior to ground disturbance and before construction equipment mobilizes to the project area. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections.</p> <p>Detected burrowing owls shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owls (i.e., passive removal of an owl from its burrow or other shelter) as a “take” avoidance, minimization, or mitigation measure; therefore, off-site habitat compensation shall be included in the eviction plan. Habitat compensation acreages shall be approved by CDFW, as the amount depends on site-specific conditions, and completed before project construction unless otherwise approved in writing by CDFW. It shall also include placement of a conservation easement and preparation and implementation of a long-term management plan prior to project construction.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>
<p><b>MM BIO-3: Nesting Bird Surveys:</b> If construction, grading, vegetation removal, or other project-related activities are scheduled during the nesting season, February 1 to August 31, a focused survey for active nests shall be conducted by a Qualified Biologist within 7 days prior to the beginning of project-related activities.</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

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<p>The survey shall consist of the entire project limits, as well as a minimum 500-foot buffer. If a lapse in project-related work of 7 days or longer occurs, another focused survey shall be required before project work can be reinitiated. If an active nest is found during surveys, qualified biologist shall establish site- and species-specific no-work buffers. The buffer distances shall be specified to protect the bird's normal behavior to prevent nesting failure or abandonment. The buffer distance recommendation shall be developed after field investigations that evaluate the bird(s) apparent distress in the presence of people or equipment at various distances. Abnormal nesting behaviors which may cause reproductive harm include, but are not limited to, defensive flights/vocalizations directed towards project personnel, standing up from a brooding position, and flying away from the nest. The qualified biologist shall have authority to order the cessation of all nearby project activities if the nesting birds exhibit abnormal behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) until an appropriate buffer is established.</p> <p>The qualified biologist shall monitor the behavior of the birds (adults and young, when present) at the nest site to ensure that they are not disturbed by project work. Nest monitoring shall continue during project work until the young have fully fledged (have completely left the nest site and are no longer being fed by the parents), as determined by the qualified biologist, unless otherwise approved in writing by CDFW.</p>		
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