



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



August 29, 2024

Hannah Spencer, Supervisor Planner
Permit Sonoma
2550 Ventura Avenue
Santa Rosa, CA 95403
Hannah.Spencer@sonoma-county.org

Subject: UPE17-0049 Croix Estate Winery Expansion, Subsequent Mitigated Negative Declaration, SCH No. 2024080048, Sonoma County

Dear Ms. Spencer:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Subsequent Mitigated Negative Declaration (MND) from the County of Sonoma (County) for the UPE17-0049 Croix Estate Winery Expansion (project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the subsequent MND to inform the County, 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.

PROJECT DESCRIPTION SUMMARY

Proponent: Venge Land Ventures LLC

Objective: The project proposes to develop a 15,700-square foot barrel storage room, 1,797-square foot tasting room, and associated landscaping and site improvements on a 9.92-acre parcel. The purpose of the new winery buildings is to supplement existing

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

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winery infrastructure. The site currently consists of a mix of developed and undeveloped land. Vegetation on-site consists of ruderal vegetation and vineyards.

Location: The 9.92-acre project site is located at 1406 Wood Road in unincorporated Sonoma County north of the City of Santa Rosa, in Section 5, Township 7 North, Range 8 West as depicted on the Mount Diablo Meridian Sebastopol U.S. Geological Survey 7.5' quadrangle map, on Assessor's Parcel Number 034-030-032, and at approximately Latitude 38.48075 °N, Longitude -122.77609 °W.

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 California tiger salamander (*Ambystoma californiense*), which is CESA listed as threatened, and Sonoma sunshine (*Blennosperma bakeri*), Sebastopol meadowfoam (*Limnanthes vinculans*), and Burke's goldfields (*Lasthenia burkei*), which are CESA 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.

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

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required 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 may impact one unnamed drainage, therefore an LSA Notification is likely**

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required as further described below. 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.

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 (MBTA).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the County in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. 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 subsequent MND is appropriate for the project. **Attachment 1** includes CDFW's recommended mitigation measures in a Draft Mitigation Monitoring and Reporting Program.

I. 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: Subsequent MND Pages 22-23, Environmental Setting and Related Impact Shortcoming

Issue: The subsequent MND states that the project site contains vineyards and ruderal vegetation, but that potential for upland habitat for California tiger salamander is limited. Ruderal vegetation may represent suitable upland habitat for California tiger salamander. In addition, California tiger salamander may utilize vineyards as upland habitat for dispersal, or if suitable upland refugia, such as small mammal burrows, is present, for estivating. California tiger salamander often disperse during the rainy season and estivate during the dry season. In 2023, California tiger salamander breeding was documented approximately 500 feet east of the project site within the area known as "Fulton Road Conservation Bank" (California Natural Diversity Database [CNDDDB] Unprocessed Data) and approximately 1,900 feet south of the project site within the Alton Lane Conservation Bank, which are both within the documented 1.3-mile dispersal distance for

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California tiger salamander (CNDDDB Occurrence Number 8). Note that “Fulton Road Conservation Bank” is not a CDFW approved conservation bank and it has not been proposed as a conservation bank to CDFW.

Additionally, based on aerial imagery and the California Aquatic Resources Inventory (CARI), the project site appears to contain wetlands in the southeast section that may be hydrologically connected to off-site wetlands which may support California tiger salamander breeding habitat in the parcel immediately to the east. Impacts to the on-site wetlands could hydrologically modify connected off-site California tiger salamander breeding habitat and therefore adversely impact breeding California tiger salamander.

Specific impacts and why they may occur and be significant: The project may result in injury or mortality of California tiger salamander from ground-disturbing activities on the project site or from modifying hydrological conditions of off-site California tiger salamander breeding habitat. California tiger salamander is considered threatened under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if California tiger salamander are present on or directly adjacent to the project site, or within breeding habitat 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 California tiger salamander to less-than-significant and comply with CESA, CDFW recommends that the subsequent MND include: 1) a thorough analysis of the potential for California tiger salamander to occur within the project site considering the information provided above; the subsequent MND should describe the potential for California tiger salamander occurrence at a greater likelihood based on the above information, and 2) the below mitigation measure.

MM-BIO-1. Prior to commencing construction-related activities on the project site, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. Copies of the ITP shall be provided to the County prior to the commencement of construction-related activities. The project shall obtain authorization from the U.S. Fish and Wildlife Service (USFWS) for impacts to California tiger salamander and comply with the authorization. The project shall also provide habitat compensation for California tiger salamander in accordance with the ITP and Santa Rosa Plain Conservation Strategy (Strategy). Please note that the CESA ITP habitat compensation requirements are often consistent the Strategy but may differ based on-site specific conditions.

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COMMENT 2: Subsequent MND Page 21, Environmental Setting and Related Impact Shortcoming

Issue: The subsequent MND states that no suitable habitat for CESA-listed plants occurs within the project site. However, the subsequent MND does not address potential indirect impacts to seasonal wetlands that may result in take of Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields, such as modifying hydrological conditions. Sonoma sunshine is documented to occur 480 feet east of the project site, within the "Fulton Road Conservation Bank" (CNDDDB Occurrence Number 10). In addition, aerial imagery and CARI appears to show stream habitat including potential seasonal wetlands within the vineyards on the southeast section of the project site. These wetlands appear to be hydrologically connected to wetlands directly east and south of the project site that may contain undetected individuals of the above plant species. These wetlands also appear hydrologically connected to wetlands on the "Fulton Road Conservation Bank." Therefore, the project could result in indirect impacts to the wetlands east and south of the project site that may be occupied by Sonoma sunshine, Sebastopol meadowfoam, or Burke's goldfields, which may constitute take of CESA-listed plants. The project may also result in direct impacts to onsite wetlands mentioned above, which could contain habitat for the above CESA-listed plant species. Although the wetland habitat onsite appears to include vineyards and an unimproved access road, it is possible that the above plants species persist in them, particularly given the hydrological connection to higher quality offsite habitat and seed dispersal through connected waters.

Specific impacts and why they may occur and be significant: Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields are CESA and federally listed as endangered species. These species may be directly or indirectly impacted by the project due to removal of habitat onsite or potential modification of hydrological conditions or other factors affecting any on-site or off-site occurrences of these species, resulting in unevaluated and unmitigated mortality of individuals. These species are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if they are present on or adjacent to the project site where they would be directly or indirectly impacted, the project may substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an adequate environmental setting, to comply with CESA, and to reduce impacts to Sonoma sunshine, Sebastopol meadowfoam, and Burke's goldfields to less-than-significant, CDFW recommends including the following mitigation measure in the subsequent MND.

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MM-BIO-2. Prior to ground disturbance, the project shall submit a wetland assessment and an evaluation of potential direct and indirect impacts to any onsite and adjacent off-site wetland habitat, such as modification of hydrological conditions, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.

If direct or indirect impacts to wetlands may occur, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should follow CDFW's 2018 Protocols for *Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>) 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* (<https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy>). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with the above survey protocols and guidelines, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP including, but not limited to, providing habitat compensation. In addition, the project shall consult with the USFWS for any impacts to suitable habitat for plants listed under the federal Endangered Species Act (e.g., wetlands, ESA) and provide compensatory habitat mitigation as required.

II. *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?*

COMMENT 3: Subsequent MND Page 21, Environmental Setting and Related Impact Shortcoming

Issue: The project is within the wintering distribution of burrowing owl (*Athene cunicularia*) and contains ruderal vegetation and is adjacent to grasslands habitat

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that may be suitable wintering habitat for the species (Klute et al. 2003). Burrowing owl have been documented overwintering within 3.2 miles of the project (CNDDDB Occurrence Number 2023). The subsequent MND does not evaluate the suitability of the project site for burrowing owl.

Specific impacts and why they may occur and be significant: If burrowing owl that may be impacted by the project are not detected, 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 under review for CESA listing, a California Species of Special Concern, and protected under Fish and Game Code sections 3503 and 3503.5 and the federal MBTA. Therefore, if wintering, burrowing owl are present on or within 1,640 feet of the project site, the distance at which the species may be impacted, 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 including the following mitigation measure in the subsequent MND.

MM-BIO-3. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) 2012 *Staff Report on Burrowing Owl Mitigation* (CDFW 2012 Staff Report, available here: <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet where suitable habitat occurs, unless otherwise approved in writing by CDFW. 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. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections of burrowing owl.

Detected burrowing owl shall be avoided pursuant to the buffer zone prescribed in the CDFW 2012 Staff Report, unless otherwise approved in writing by CDFW, and

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any eviction plan shall be subject to CDFW review. Please be advised that CDFW does not consider eviction of burrowing owl (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, implementation, and funding of a long-term management plan prior to project construction.

III. *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or USFWS?*

COMMENT 4: Subsequent MND Page 25, Environmental Setting and Related Impact Shortcoming

Issue: The subsequent MND states that no streams or riparian habitat is present within the project site. However, CARI delineates a stream within the southeastern portion of the project site. It is unclear whether this stream will be impacted as a result of the project.

Specific impacts and why they may occur and be potentially significant: The project may impact an unnamed drainage. This may entail substantial alteration of the bed, bank, and channel of the unnamed drainage which may be considered a stream. Stream habitat including connected wetlands is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When stream habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. Removing connected wetland habitat may also result in the degradation of stream habitat. Therefore, if the above impacts to stream habitat occur, project impacts to stream habitat would be *potentially significant*.

Recommended Mitigation Measure: For an adequate environmental setting, to comply with Fish and Game Code section 1600 et seq., and to reduce impacts to stream habitat to less-than-significant, CDFW recommends including the following mitigation measure in the subsequent MND.

MM-BIO-4. The project shall consult with CDFW to determine if on-site aquatic features are subject to Fish and Game Code section 1600 et seq or shall submit an LSA notification for any on-site or indirect off-site impacts to streams. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall

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be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored onsite in the same year as the impact.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See 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 subsequent MND to assist the County 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 or Melanie Day, Senior Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

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Sincerely,

Signed by:

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Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024080048)
Vincent Griego, USFWS - Vincent_Griego@fws.gov

REFERENCES

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>

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.

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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1. Prior to commencing construction-related activities on the project site, the project shall obtain a CESA ITP from CDFW for impacts to California tiger salamander and comply with the ITP. Copies of the ITP shall be provided to the County prior to the commencement of construction-related activities. The project shall obtain authorization from the USFWS for impacts to California tiger salamander and comply with the authorization. The project shall also provide habitat compensation for California tiger salamander in accordance with the ITP and Santa Rosa Plain Conservation Strategy (Strategy). Please note that the CESA ITP habitat compensation requirements are often consistent the Strategy but may differ based on site specific conditions.</p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant</p>
<p>MM-BIO-2. Prior to ground disturbance, the project shall submit a wetland assessment and an evaluation of potential direct and indirect impacts to any adjacent offsite wetland habitat, such as modification of hydrological conditions, to CDFW for review and obtain CDFW's written acceptance of the assessment and evaluation.</p> <p>If direct or indirect impacts to wetlands may occur, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results prior to project construction. The botanical survey results should follow CDFW's 2018 Protocols for <i>Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> (https://wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants) and the Santa Rosa Plain Conservation Strategy, Appendix D: <i>Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain</i> (https://www.fws.gov/library/collections/santa-rosa-plain-conservation-strategy). If CDFW is unable to accept the survey results, the project shall conduct additional surveys prior to initiation of project activities or may assume presence of Sonoma sunshine, Burke's goldfields, and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with the above survey protocols and guidelines, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such</p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant</p>

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<p>as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project shall obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP including, but not limited to, providing habitat compensation. In addition, the project shall consult with the USFWS for any impacts to suitable habitat for plants listed under the federal ESA (e.g., wetlands) and provide compensatory habitat mitigation as required.</p>		
<p>MM-BIO-3. If the project occurs during the burrowing owl wintering season from September 1 to January 31, prior to project activities a qualified biologist shall conduct a habitat assessment several months prior to the start of construction, and if habitat is present shall conduct surveys, in accordance with the California Department of Fish and Game (now CDFW) 2012 <i>Staff Report on Burrowing Owl Mitigation</i> (CDFW 2012 Staff Report, available here: https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds) habitat assessment and survey methodology. The habitat assessment and survey area shall encompass a sufficient buffer zone to detect owls nearby that may be impacted, which shall be a minimum of 1,640 feet where suitable habitat occurs, unless otherwise approved in writing by CDFW. 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. If the habitat assessment does not identify suitable habitat and surveys are not conducted, an additional habitat assessment shall be conducted within 14 days prior to construction and if new refugia are present surveys shall be conducted as described above, unless otherwise approved in writing by CDFW. The qualified biologist shall have a minimum of two years of experience implementing the CDFW 2012 Staff Report survey methodology resulting in detections of burrowing owl.</p> <p>Detected burrowing owl 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 owl (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</p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant</p>

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<p>and preparation, implementation, and funding of a long-term management plan prior to project construction.</p>		
<p>MM-BIO-4. The project shall consult with CDFW to determine if onsite aquatic features are subject to Fish and Game Code section 1600 et seq or shall submit an LSA notification for any onsite or indirect offsite impacts to streams. For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), an LSA Notification shall be submitted to CDFW pursuant to Fish and Game Code section 1602 prior to project construction. If CDFW determines that a LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored onsite in the same year as the impact.</p>	<p>Prior to and during ground disturbance</p>	<p>Project Applicant</p>