



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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Ontario, CA 91764
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 27, 2025

Brian Oatman
Director, Facilities Planning & Management
The University of California
111 Franklin Street
Oakland, CA 94607

DESERT RESEARCH AND EXTENSION CENTER (REC) ENGAGEMENT CENTER
(PROJECT)
INITIAL STUDY MITIGATED NEGATIVE DECLARATION
SCH# 2025021134

Dear Brian Oatman,

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of an ISMND from The University of California for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; 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 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

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.

proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: University of California Agriculture & Natural Resources

Objective: The objective of this Project is to demolish two existing structures (a 1,900 square foot building and a 400 square foot detached garage) and replace them with new construction structures. The new construction build will consist of two detached building structures under a single roof measuring approximately 6,975 square feet in size, a greenhouse measuring approximately 600 square feet between the two buildings, and construction of a 3,475 square foot covered plaza outdoor area. The project will also remodel an existing 1,950 square foot structure, and improvements to the site, including a new driveway and 15 space parking lot, and necessary improvements to the connection to E. Holton Drive.

Location: The Project is located at 1004 Holton Road (Assessor's Parcel Number 045-420-022-000), in unincorporated Holtville, CA approximately 5 miles east of El Centro. It is bounded by Interstate-8 approximately 2 miles south, Highway 111 approximately 3 miles west, Highway 115 approximately 2 miles east, and E. Worthington Road approximately 3 miles north.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist The University of California in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the potential for the Project to have a significant impact on biological resources, CDFW concludes that a Mitigated Negative Declaration may be appropriate for the Project. The biological resources report and western burrowing owl habitat assessment referenced to be contained in Appendix B was not provided for public review, therefore CDFW's comments are limited to the information provided in the ISMND.

I. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT 1:

Section 6.4 Page 2

Issue: Potential take of candidate CESA-listed species, western burrowing owl.

Specific impact: Western burrowing owl has cited observations within one mile of the Project site (eBird, 2018; iNaturalist, 2023). CDFW appreciates the inclusion of Mitigation Measure BIO-1, but is concerned about the inclusion of passive relocation, as passive eviction of burrowing owls has a risk of take from exposure, predation, and heat stress. Also, the biological resources report and western burrowing owl habitat assessment was not provided for public review, therefore the documents used for the ISMND's environmental baseline were unavailable for CDFW's review and comment.

Why impact would occur: The ISMND states that impacts to burrowing owl will be less than significant with mitigation incorporated, however the document does not list any mitigation efforts the lead agency proposes. Burrowing owls have a high potential to move into disturbed areas since they are adapted to highly modified habitats (Chipman et al, 2008; Coulombe, 1971). Impacts to burrowing owls from the Project could include take of burrowing owls, their nest, or eggs, or destroying nest, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to stress owls at occupied burrows, and other activities.

Evidence impact would be significant: Burrowing owl is a candidate species for CESA-listing, which gives the species protection under CESA during its candidacy period. Take of any CESA-listed species or candidate is prohibited except as authorized by state law (Fish and Game Code §§ 2080 & 2085). Take of individual burrowing owls and their nest is also defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture, or kill, or the attempt to hunt, pursue, catch, capture, or kill." During the recent Fish and Game Commission meeting to petition to list, it was stated that take of owls is often delayed by eviction or relocation due to strong site fidelity, resulting in reluctance to leave the site (Center for Biological Diversity *et al.*, 2024).

Recommended Potentially Feasible Mitigation Measure(s) (Regarding Mitigation Measure or Alternative and Related Impact Shortcoming): CDFW recommends changes to MM BIO-1 (additions in **bold**; removals in ~~strikeout~~) to specify full avoidance and/or minimization of impact to western burrowing owl. CDFW recommends the lead agency require an incidental take permit for Project activities that may result in take of the species, and the inclusion of MM BIO-3 for mitigation of burrowing owl, should impact occur.

Mitigation Measure BIO-1: Prior to construction, A a qualified biologist familiar and experienced with western burrowing owl shall conduct the take avoidance survey no more than 14 days prior to the start of construction four breeding season surveys and a non-breeding season survey per the methodology of the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) in areas found to have potential for burrowing owl. These surveys shall include 100% visual coverage of the Project site and wherever burrowing owl may occur within 150 meters of the Project site, including areas of disturbed habitat, and agricultural land. A report summarizing the breeding season survey results including all requirements for survey reports, and a map of all burrow locations, shall be submitted to CDFW for review and consultation. A time lapse greater than 14 days between construction activities may require subsequent surveys within 24 hours prior to ground disturbance.

1. If any burrowing owls are detected during the survey(s), the following avoidance and minimization measures shall be implemented:

- **1- Avoid working within 50 meters (160 feet) 300 feet of the occupied burrow during non-breeding season and 500 feet during breeding season (breeding season can start early and extend into late fall in the western burrowing owl region). Buffers shall be marked in a way that ensures machinery and construction equipment does not collapse a burrow during construction activities but also does not alert predators to the presence of the burrow.**
- **2- Develop and provide a worker awareness training program to be implemented by the qualified biologist to increase the on-site construction crew's recognition of burrowing owl and commitment to avoiding the species.**
- **Monitoring of occupied burrows daily when project activities are underway by a qualified biologist and provide weekly monitoring reports to the Imperial County project manager and CDFW**
- **The Applicant, in consultation with CDFW, shall respond to monitoring results and implement additional measures to avoid disturbances that could result in nest failure during breeding season, or impacts that could result in mortality or injury at any time. Should potential impacts that could result in take become apparent, the Applicant shall stop work and apply for and obtain an incidental take permit.**

2. If any burrowing owls are detected during the survey(s), and full avoidance of impact to the species is unachievable, the Applicant shall apply for and obtain an incidental take permit for the species and the following minimization measures shall be implemented:

- 3. No destruction of any suitable burrow shall occur during the breeding season (February 1 through August 31).
- 4. Avoid direct destruction of occupied burrows during the nonbreeding season until the burrowing owl has vacated the burrow (determined through monitoring of the burrow).

~~5. If these measures cannot be implemented, the applicant shall obtain written approval of an accepted plan (written or verbal) from Imperial County and the California Department of Fish and Wildlife (CDFW) before construction continues. The plan shall include: a. identification of any artificial burrow sites proposed, b. passive relocation methods, c. monitoring and management of the artificial burrow site, and d. reporting.~~

~~6. If burrowing owls are detected during the breeding season (February 1 through August 31), a Burrowing Owl Management Plan shall be written and approved by the Imperial County project manager and CDFW before construction continues. The plan shall include, at a minimum: a. measures to protect burrowing owls during grading; b. description of passive or active burrowing relocation planned during the nonbreeding season; and; c. description of best management practices to implement during construction (e.g., ensuring that the ends of all pipes and culverts are covered when they are not being worked on, and covering rubble piles, dirt piles, ditches, and berms).~~

MM BIO-3: If burrowing owl, active burrowing owl burrows, or sign thereof are found and there is potential for take, the project proponent shall submit an incidental take permit application and the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be reviewed and approved by CDFW for comment prior to commencing Project activities. The plan shall propose avoidance and minimization measures and a mitigation proposal at a minimum 1:1 ratio (acre of mitigation for every acre of impact) for permanent loss of occupied burrow(s) and habitat. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. Permanent protection of mitigation land shall be through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, with development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. Such plan may be superseded by any condition of approval more stringent in the obtained incidental take permit.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

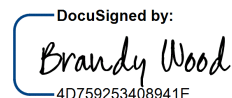
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist The University of California in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Marlee Poff, Senior Environmental Scientist (Specialist) at (909) 544-2513 or Marlee.Poff@wildlife.ca.gov.

Sincerely,

DocuSigned by:

4D759253408941E...

Brandy Wood
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.Clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

Center for Biological Diversity *et al.* 2024. "To List California Population of the Western Burrowing Owl (*Athene cunicularia hypugaea*) as Endangered or Threatened Under the California Endangered Species Act."

Chipman, Erica D., et al. 2008. "Effects of human land use on western Burrowing Owl foraging and activity budgets." *Journal of Raptor Research* 42.2: 87-98.

Coulombe, Harry N. 1971. "Behavior and population ecology of the burrowing owl, *Speotyto cunicularia*, in the Imperial Valley of California." *The Condor* 73.2: 162-176.

Department of Fish and Game. 2012. "Staff Report on Burrowing Owl Mitigation."

eBird. 2021. eBird: An online database of bird distribution and abundance [web application]. eBird, Cornell Lab of Ornithology, Ithaca, New York. Available: <http://www.ebird.org>. Access Date March 11, 2025.

iNaturalist Observer: mpaulsmeyer. 2023. iNaturalist observation: [Burrowing Owl from Holtville, CA 92250, USA on March 10, 2023 at 02:09 PM by mpaulsmeyer · iNaturalist](#). Access Date March 11, 2025.

ATTACHMENT A
Draft Mitigation Monitoring and Reporting Program and Draft Recommendations

Draft Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Mitigation Measure (MM) Description	Timing	Responsible Party
<p>MM BIO-1: Prior to construction, a qualified biologist familiar and experienced with western burrowing owl shall conduct four breeding season surveys and a non-breeding season survey per the methodology of the Staff Report on Burrowing Owl Mitigation (CDFG, 2012) in areas found to have potential for burrowing owl. These surveys shall include 100% visual coverage of the Project site and wherever burrowing owl may occur within 150 meters of the Project site, including areas of disturbed habitat, and agricultural land. A report summarizing the breeding season survey results including all requirements for survey reports, and a map of all burrow locations, shall be submitted to CDFW for review and consultation.</p> <p>1. If any burrowing owls are detected during the survey(s), the following avoidance measures shall be implemented:</p> <ul style="list-style-type: none"> • Avoid working within 300 feet of the occupied burrow during non-breeding season and 500 feet during breeding season (breeding season can start early and extend into late fall in the western burrowing owl region). Buffers shall be marked in a way that ensures machinery and construction equipment does not collapse a burrow during construction activities but also 	<p>Prior to commencing ground- or vegetation-disturbing activities</p>	<p>Project proponent</p>

<p>does not alert predators to the presence of the burrow.</p> <ul style="list-style-type: none">• Develop and provide a worker awareness training program to be implemented by the qualified biologist to increase the on-site construction crew's recognition of burrowing owl and commitment to avoiding the species.• Monitoring of occupied burrows daily when project activities are underway by a qualified biologist and provide weekly monitoring reports to the Imperial County project manager and CDFW• The Applicant, in consultation with CDFW, shall respond to monitoring results and implement additional measures to avoid disturbances that could result in nest failure during breeding season, or impacts that could result in mortality or injury at any time. Should potential impacts that could result in take become apparent, the Applicant shall stop work and apply for and obtain an incidental take permit. <p>2. If any burrowing owls are detected during the survey(s), and full avoidance of impact to the species is unachievable, the Applicant shall apply for and obtain an incidental take permit for the species and the following avoidance, minimization, and mitigation measures shall be implemented:</p> <ul style="list-style-type: none">• No destruction of any suitable burrow shall occur during the breeding season (February 1 through August 31).• Avoid direct destruction of occupied burrows during the nonbreeding season until the burrowing owl has vacated the burrow (determined through monitoring of the burrow).		
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<p>MM BIO-3: If burrowing owl, active burrowing owl burrows, or sign thereof are found and there is potential for take, the project proponent shall submit an incidental take permit application and the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be reviewed and approved by CDFW for comment prior to commencing Project activities. The plan shall propose avoidance and minimization measures and a mitigation proposal at a minimum 1:1 ratio (acre of mitigation for every acre of impact) for permanent loss of occupied burrow(s) and habitat. The mitigation lands may require habitat enhancements including enhancement or expansion of burrows for breeding, shelter and dispersal opportunity, and removal or control of population stressors. Permanent protection of mitigation land shall be through a conservation easement deeded to a nonprofit conservation organization or public agency with a conservation mission, with development and implementation of a mitigation land management plan to address long-term ecological sustainability and maintenance of the site for burrowing owls, and funding for the maintenance and management of mitigation land through the establishment of a long-term funding mechanism such as an endowment. Such plan may be superseded by any condition of approval more stringent in the obtained incidental take permit.</p>	<p>Prior to commencing ground- or vegetation-disturbing activities</p>	<p>Project proponent</p>
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