

STATE WATER RESOURCES CONTROL BOARD DIVISION OF WATER RIGHTS
P.O. BOX 2000
SACRAMENTO, CA 95812-2000

FINAL INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

SEPTEMBER 2026

Project Title: Infinite Leisure Water Right Petition for Change of License 7328

Project Location: 1200 Grand View Drive Napa, CA 94558

Lead Agency Name and Address: State Water Resources Control Board Division of Water Rights
1001 I Street Sacramento, CA 95814

Contact Person and Phone Number: Michael Meza (916) 341-5427

Applicant: Infinite Leisure, LLC
1200 Grand View Drive Napa, CA 94558

Project Contact Person and Phone Number: Josh Hannah
(510) 459-4089

General Plan Designation: Agricultural, Watershed, & Open Space (AWOS)

Zoning: Agricultural Watershed (AW)

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To: Michael Meza, State Water Resources Control Board – Division of Water Rights
From: Annalee Sanborn, Project Manager
Date: September 18, 2026
Subject: Infinite Leisure Water Right Petition for Change of License 7328 Final IS/MND and Errata

The June 2026 Initial Study/Mitigated Negative Declaration (IS/MND) for the Infinite Leisure Water Right Petition for Change of License 7328 (Proposed Project) was circulated for a 33-day public comment period from August 6, 2026, to September 8, 2026, in accordance with CEQA Guidelines Section 15073. A Notice of Availability/Intent (NOA/NOI) and the draft IS/MND were filed with the State Clearinghouse and circulated to interested parties to initiate the public review period in compliance with CEQA Guidelines Section 15072. One written comment was received as follows:

Letter	Date	Commentor
Agency Letters		
A1	9/3/2026	Erin Chappell, California Department of Fish and Wildlife

The written comment is included as Attachment A. This memorandum includes responses to the substantive environmental issues raised in the comment letter and proposes minor clarifications or corrections to the June 2026 IS/MND. As explained in the responses below, the comments received did not identify any new significant effects, increase the severity of any impacts disclosed in the draft IS/MND, or provide new information that would alter the conclusions of the analysis. Additionally, the proposed minor clarifications or corrections to the June 2026 draft IS/MND do not constitute ‘substantial revisions’ under CEQA Guidelines Section 15073.5(b), which are defined as:

“(b) A “substantial revision” of the negative declaration shall mean:

A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or

The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.”

CEQA Guidelines Section 15073.5(c) states that “Recirculation is not required under the following circumstances:

Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.

New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.

Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.

New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration."

The additional technical information and conditions of approval discussed in this final IS/MND do not reveal new significant impacts or increase the severity of a previously identified effect, and therefore the IS/MND does not require recirculation pursuant to CEQA Guidelines Section 15073.5(c).

Responses to Comment Letter

Comment Letter A1: California Department of Fish and Wildlife

Response to Comment A1-1

Comment A1-1 provides a summary of regulatory requirements related to the subsequent comments provided by California Department of Fish and Wildlife (CDFW). This comment is noted.

Response to Comment A1-2

The comment correctly states that the mitigation for Swainson's hawk requires that a "minimum" of three surveys would be conducted, should construction commence within the nesting season for Swainson's hawk. The measure requires that surveys be consistent with the *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley*. In instances where more than three surveys are required by protocol, these additional surveys would be conducted to meet the mitigation requirement to adhere to protocol standards. To reduce confusion, the final IS/MND has been revised to remove the sentence preceding the protocol citation. This update to the IS/MND does not reveal new significant impacts or change the conclusions or recommendations of the draft IS/MND, and therefore the IS/MND does not require recirculation pursuant to CEQA Guidelines Section 15073.5(c).

Regarding the Mandatory Findings of Significance, this section presents the impact level with consideration of mitigation. The determination of "Potentially Significant" indicates an impact that cannot be appropriately mitigated, in which case an Environmental Impact Report must be prepared. While impacts to nesting Swainson's hawk would be potentially significant, the IS/MND presents mitigation and an assessment of mitigation efficacy in reducing this potentially significant impact. Per Section 5.4 of the IS/MND, Mitigation Measure BIO-3 would avoid potential impacts to nesting Swainson's hawk by identifying nests prior to construction, consistent with CDFW protocol, and avoiding impacts to such nests. Because potential impacts to nesting Swainson's hawk would be avoided through mitigation, the IS/MND finds this impact to be *less than significant with mitigation incorporated* consistent with CEQA Guidelines Section 15065.

Response to Comment A1-3

Section 1.3 of the IS/MND acknowledges that CDFW is a trustee agency and has the authority to require acquisition of a Lake or Streambed Alteration Agreement (LSAA) for the stream diversion. An LSAA is also listed in Section 3.4 of the IS/MND, Permits and Approvals, and in the Regulatory Setting header of the Biological Resources Section (see Section 5.4 of the IS/MND). Because acquisition of this permit is legally

required, a separate mitigation measure is not necessary as the Proposed Project would be required to obtain an LSAA. Although the draft IS/MND accurately reflects the LSAA requirements associated with the Proposed Project, additional language has been incorporated into Impact analysis C) within Section 5.4 of the final IS/MND, as described in the Errata section below.

It should be noted that, as detailed in Section 2.0 and 3.0 of the draft IS/MND, the licensed rate, amount, and timing of diversion would not change under the Proposed Project. Although use of the licensed diversion amount would likely increase (as noted within the IS/MND), the licensing process assumes full use of the licensed amount. Therefore, the increase in use compared to historical use is noted for transparency. Impacts of the full withdrawal amount were previously assessed during the licensing process. Therefore, the purpose of the IS/MND as stated in Section 3.0 of the draft IS/MND is to assess the petition for change, which is limited to modification of the POU and installation of new vineyard areas, not the withdrawal amount, rate, or timing. This update to the IS/MND does not reveal new significant impacts or change the conclusions or recommendations of the draft IS/MND, and therefore the IS/MND does not require recirculation pursuant to CEQA Guidelines Section 15073.5(c).

Response to Comment A1-4

This comment requests that any observations of special-status species be reported to the California Natural Diversity Database (CNDDDB). Should any special-status species be observed during construction of the Proposed Project, such observances will be submitted to the CNDDDB.

Response to Comment A1-5

Comment noted. The applicable filing fees will be paid at the time the Notice of Determination is filed, assuming the Proposed Project is approved. Conclusory statements made by CDFW in Comment A1-5 are noted.

Response to Comment A1-6

This comment provides a sample Mitigation Monitoring and Reporting Program (MMRP) that contains the recommended measures provided in Comments A1-2 and A1-3. Please refer to Response to Comments A1-2 and A1-3 for a detailed response to those comments and recommendations. If the Proposed Project is approved, the SWRCB will adopt an MMRP at the time of its action in accordance with CEQA Guidelines Section 15097.

Errata

This errata sheet presents revisions to the June 2026 IS/MND in ~~striketrough~~ and underline format. These revisions do not affect the adequacy of the environmental analysis contained in the IS/MND. Because the changes would not result in any new significant impacts, increase the severity of previously disclosed impacts, or provide new information that would alter the conclusions of the analysis, recirculation of the IS/MND is not required pursuant to CEQA Guidelines Section 15073.5. The following changes are provided for clarification purposes only and do not alter the analysis or conclusions of the IS/MND.

Section 5.4.3 Biological Resources

Page 42, impact c), of the IS/MND has been revised to include the following information:

c) Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Less than Significant with Mitigation. Aquatic resources on the Project Site include man-made reservoirs and seasonal wetlands. The vineyard conversion area avoids these features and maintains setbacks from these features exceeding Napa County setback ordinance requirements. Therefore, direct impacts to aquatic resources would not occur. As discussed further in Section 5.10, development of vineyards on slopes greater than 5 percent would be subject to Napa County regulatory requirements, including the preparation of an ECP. The ECP is included as a requirement in Mitigation Measure HYD-1, including consultation with Napa County on the need for the ECP and/or a grading permit, and the necessary BMPs for the Proposed Project. The ECP includes a vegetation clearing and retention analysis, a detailed map of temporary and permanent erosion control measures, and several survey requirements to ensure significant indirect impacts to aquatic resources would not occur due to the vineyard conversion. In addition to the ECP, Section 5.4.2 acknowledges permitting standards associated with the LSAA program. While no impacts on special status species or habitats are anticipated due to implementation of the proposed project, it is anticipated that CDFW and the SWRCB will require that water right holders will obtain a LSAA in compliance with California Fish and Game Code. This would be a less-than-significant impact with inclusion of Mitigation Measure HYD-1 and compliance with regulatory requirements to obtain an LSAA under Section 1600 of California Fish and Game Code.

Page 43 of the IS/MND has been revised to make the following clarification:

BIO-3: Swainson's Hawk

Initial ground disturbance shall occur from September 1 to February 28, outside of the local Swainson's hawk nesting season. If adhering to this work window is not feasible, a pre-construction nesting survey for Swainson's hawk shall be performed by a qualified biologist. ~~This effort shall involve a minimum of three individual surveys, spaced at least one week (seven days) apart, prior to the initiation of Project activities.~~ Individual s Surveys should follow the protocol outlined in "Recommended Timing and Methodology for Swainson's Hawk Nesting in California's Central Valley." Each survey shall cover the impact area and accessible/visible areas within approximately 0.5 mile of the impact area. Active Swainson's hawk nests shall be protected by a work exclusion buffer. The size of each buffer shall be determined by the qualified biologist. The buffer shall remain in place until all young in the nest have fledged and are independent of the nest, or it is confirmed as inactive by the biologist. A report summarizing the results of the surveys and any measures taken to avoid or minimize impacts to nesting Swainson's hawks will be provided to the Deputy Director for Water Rights within 60 days of completing project construction activities.

Attachment A Bracketed Comment Letter



STATE OF CALIFORNIA GAVIN NEWSOM, Governor
DEPARTMENT OF FISH AND WILDLIFE MEGHAN HERTEL, Director
Bay Delta Region

2825 Cordelia Road, Suite 100
Fairfield, CA 94534 wildlife.ca.gov
September 3, 2026

Michael Meza, Water Resource Control Engineer
State Water Resources Control Board, Division of Water Rights 1001 I Street
Sacramento, CA 95814 Michael.Meza@waterboards.ca.gov

Subject: Infinite Leisure Water Right Petition for Change of License 7328, Initial Study/Mitigated Negative Declaration, SCH No. 2026080124, Napa County

Dear Michael Meza:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (IS/MND) from State Water Resources Control Board, Division of Water Rights (Division) for the Infinite Leisure Water Right Petition for Change of License 7328 (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

CDFW is submitting comments on the IS/MND to inform the Division, as the Lead Agency, of potentially significant impacts to biological resources associated with the Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA 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), a Lake or 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: Josh Hannah, Infinite Leisure, LLC

Objective: The Project involves developing approximately 9 acres of new vineyard to expand an existing vineyard operation, specifically converting approximately 4.3 acres of

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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previously developed habitat and 4.7 acres of non-native grassland to vineyard use. Construction activities include preparing and planting the new vineyard blocks and installing drip-irrigation distribution lines to individual vines, with no need for new irrigation mainlines because the existing system already serves the expanded area. The requested modification to the Place of Use would remove irrigation authorization from land the petitioner no longer owns and apply that authorization to the area where the vineyard expansion would occur, ensuring that water rights properly match the lands that would be irrigated under the Project.

Location: The Project would occur east of the City of Napa in unincorporated Napa County, State of California, at approximately 38.272077° Latitude, -122.312770° Longitude.

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 impact Swainson's hawk (*Buteo Swainsoni*), CESA listed as threatened, as further described below. Issuance of an 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 an 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 includes stream diversions, therefore an LSA Notification is warranted, as further described below. CDFW will consider the

A1-1

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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.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the Division 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 and included in Attachment 1 Draft Mitigation Monitoring and Reporting Program, CDFW concludes that an MND is appropriate for the Project.

MANDATORY FINDING OF SIGNIFICANCE. Does the Project have potential to substantially reduce the number or restrict the range of an endangered, rare, or threatened species?

And,

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 U.S. Fish and Wildlife Service (USFWS)?

COMMENT 1: Swainson's Hawk, Mitigation Measure Related Impact Shortcoming

Issue, specific impacts, why they may occur and be potentially significant: Thank you for including Mitigation Measure (MM) BIO-3 to protect Swainson's Hawk in the IS/MND, however, it does not adequately evaluate and mitigate potential impacts to Swainson's Hawk. According to the IS/MND, there is a potential to start work within the Swainson's Hawk nesting season (March 1 to September 15).

Although protocol level surveys following the Swainson's Hawk Technical Advisory Committee Recommended Timing and Methodology for Swainson's Hawk Nesting in California's Central Valley (2000) are cited in MM BIO-3, the

A1-1
cont.

A1-2

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measure describes deviations from the protocol which can be misleading, including that the survey will include a “minimum of three individual surveys, spaced at least one week apart”, however the protocol requires a more rigorous survey, specifically “to meet the minimum level of protection for the species, surveys should be completed for at least the two survey periods immediately prior to a project’s initiation. For example, if a project is scheduled to begin on June 20, you should complete 3 surveys in Period III and 3 surveys in Period V.” Swainson’s Hawk have been known to nest and forage in the vicinity of the Project area.

Based on aerial review and California Natural Diversity Database (CNDDDB) records, the nearest Swainson’s Hawk records are located 1.7 miles southwest and 2.2 miles southeast of the Project area. As work may impact nesting Swainson’s hawk, protocol surveys are warranted to ensure detection and avoidance of the species. The Project has the potential to impact nesting Swainson’s hawk through auditory or visual disturbances above ambient levels within 0.5 miles of Project activities. Indirect disturbances from Project activities may result in Swainson’s hawk nest abandonment and loss of eggs or reduced health and vigor and loss of young.

If a Swainson’s hawk nest is disturbed by the Project, the Project may have a substantial adverse effect on a special-status species and result in a substantial reduction in the number of a threatened species, which is considered a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: To reduce potential impacts to Swainson’s hawk to less-than-significant and comply with CESA and Fish and Game Code section 3503.5, CDFW recommends replacing MM BIO-3 with the below measure.

.A1-2
cont.

Mitigation Measure BIO-3 (Swainson’s Hawk Surveys and Avoidance Buffer): If Project activities are scheduled during the nesting season for Swainson’s hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson’s Hawk Nesting Surveys in California’s Central Valley (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline>) and prepare a report documenting the survey results. The Project shall obtain CDFW’s written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist

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shall have a minimum of two years of experience implementing the survey methodology. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence.

A1-2
cont.

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

COMMENT 2: Riparian Habitat and LSA Notification, Environmental Setting and Related Impact Shortcomings

Issue, specific impacts, why they may occur and be potentially significant: The Project proposes diversions up to the full licensed amount under Water License 7328 from three unnamed streams, which would be an increase over historical diversion volumes, according to IS/MND pages 10 and 15. As the license predates CEQA (issued in 1965), relying solely on its authorized maximum to conclude impacts are less-than-significant overlooks how increased diversion frequency may substantially alter downstream hydrology. These changes may substantially divert the natural flow of a stream, which can adversely affect fish and wildlife resources and therefore likely warrants notification under Fish and Game

Code section 1602. Stream habitat 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 potentially substantially adversely impacting aquatic and terrestrial species. Therefore, if the above impacts to stream habitat occur, Project impacts to such habitats would be potentially significant.

Recommended Mitigation Measure: To reduce impacts to stream and associated riparian habitat to less-than-significant and comply with Fish and Game Code section 1602 et seq., CDFW recommends that the IS/MND include the below mitigation measure.

A1-3

Mitigation Measure BIO-4 (Stream and Riparian Habitat and LSA Notification):

The Project shall notify CDFW for potential Project impacts to the streams, including but not limited to stream diversions, pursuant to Fish and Game Code section 1602 et seq. and shall comply with the LSA Agreement, if issued. More information for the Notification process is available at

<https://wildlife.ca.gov/Conservation/Environmental-Review/LSA>. An LSA Agreement, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources.

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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 CNDDDB. A1-4
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 Swainson's Hawk y to comment on the IS/MND to assist the Division in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jessa Ehlinger, Environmental Scientist, at (707) 428-2002 or Jessa.Ehlinger@wildlife.ca.gov, or Melanie Day, Senior A1-5
Environmental Scientist (Supervisory), at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.
Sincerely,

DocuSigned by:

Erin Chappell Regional Manager Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

cc: Office of Land Use and Climate Innovation, State Clearinghouse No. 2026080124 Craig Weightman, CDFW Bay Delta Region – Craig.Weightman@wildlife.ca.gov

Biological Resources (BIO)			
Mitigation Measure	Description	Timing	Responsible Party
A1-6 BIO-3	<p><u>Swainson's Hawk Surveys and Avoidance Buffer.</u> If Project activities are scheduled during the nesting season for Swainson's hawks (March 1 to September 15), prior to beginning work on the Project, a qualified biologist shall conduct surveys according to the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83990&inline) and prepare a report documenting the survey results. The Project shall obtain CDFW's written approval of the qualified biologist and survey report prior to starting construction activities between March 1 and September 15. Survey methods shall be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys shall be conducted: 1) within a minimum 0.5-mile radius of the Project site or a larger area if needed to identify potentially impacted active nests, unless otherwise approved by CDFW in writing, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys shall occur annually for the duration of the Project. The qualified biologist shall have a minimum of two years of experience implementing the survey methodology. If active Swainson's hawk nests are detected, the Project shall immediately notify CDFW and implement a 0.5-mile construction avoidance buffer around the nest until the nest is no longer active as determined by a qualified biologist, unless otherwise approved by CDFW in writing. Any detected nesting Swainson's hawk shall be monitored by the qualified biologist to ensure it is not disturbed during construction activities, unless otherwise approved in writing by CDFW. If take of Swainson's hawk cannot be avoided, the Project shall consult with CDFW pursuant to CESA and obtain an ITP before Project activities commence.</p>	Prior to Ground Disturbance or Vegetation Removal and for the Duration of the Project	Project Applicant

A1-6 cont. BIO-4	<u>Stream and Riparian Habitat and LSA Notification</u> : The Project shall notify CDFW for potential Project impacts to the streams, including but not limited to stream diversions, pursuant to Fish and Game Code section 1602 et seq. and shall comply with the LSA Agreement, if issued. More information for the Notification process is available at https://wildlife.ca.gov/Conservation/Environmental-Review/LSA . An LSA Agreement, if issued, may include additional avoidance and minimize measures to protect fish and wildlife resources.	Prior to Ground Disturbance and for the Duration of the Project	Project Applicant
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