

<b>Condition 70</b>	<b>Nesting Raptor Surveys</b>
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If any construction activities are proposed during the general raptor breeding season (February 1 through August 31), a pre-construction survey shall be conducted by a qualified biologist within 10 calendar days prior to onset of construction to identify any active raptor nests within 500 feet of the proposed impact area. If an active raptor nest is identified during the pre-construction survey, a minimum no-disturbance buffer of 500 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

Pursuant to Section 2050 of the CFG Code, the CDFG will not permit any impacts to the California state fully protected white-tailed kite. If an active nest or breeding territory is detected during preconstruction surveys for nesting birds, no construction activities shall take place within 500 feet of the location of the active nest. The area shall be completely avoided and fenced to allow for an adequate buffer from construction activities. A qualified biologist shall be retained to monitor the activity of the nest during the breeding season until it is determined that the nest is no longer active (i.e., all young have fledged the nest and there are no individual kites that are dependent on the nest).

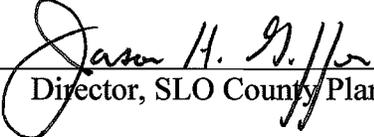
**Evidence of compliance:**

Pre-construction surveys and monitoring for nesting raptors will be conducted by qualified Public Works Department biologists or qualified contract biologists. Surveys will encompass a 500 foot radius around construction activities planned to occur during the current nesting season. A 500 foot radius around staging areas will also be subject to pre-construction surveys and periodic monitoring.

As documented in the attached electronic mail correspondence, the Department of Fish and Game allows flexibility when construction is along roadways. In summary, the flexibility allows for:

- Surveys for nesting birds as construction proceeds;
- If an active nest is present, and Project construction is occurring nearby, we monitor the nest;
- If there appear to be no impacts, continue construction; and
- If there are impacts to the nest, allow construction only outside the standard setback (500 feet) until the chicks have fledged.

**Condition Satisfied**

  
\_\_\_\_\_  
Director, SLO County Planning

MAY 2, 2012  
\_\_\_\_\_  
Date

Hi Kate,

Your proposal sounds reasonable to me.

thanks

Bob

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>>> <kballantyne@co.slo.ca.us> 1/31/2012 10:59 AM >>>

Hi Bob,

In considering the realities of constructing the miles of collection system in Los Osos, I hope to resolve a nesting bird issue with you. I see in the project files that during the last project in 2005, the CSD worked with you to exempt nesting bird setbacks on the roadways. I'd like to do the same. The thinking was, if a bird is nesting along a roadway with normal traffic not affecting the nest, the slowly moving construction equipment would also not be an issue.

I propose the following:

Survey for nesting birds as we go along.

If we find an active nest, and we're working nearby, monitor the nest.

If there appear to be no impacts, continue construction.

If there are impacts to the nest, move construction outside the standard setback until the chicks have fledged.

Does that work for DFG?

Thanks,

Kate

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