

DOCKETED	
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**MSP Two New Permanent Evaporation Ponds-Data
Requests-Set 5, TN 264451- Responses**

BIOLOGICAL RESOURCES

DATA REQUEST 1.

If the project owner would like to pursue incidental take coverage for the MSP project, please provide all information that would be required in an ITP application for CESA-listed or candidate species, specifically burrowing owl, including an impacts analysis and proposed mitigation measures (Cal. Code of Regs., tit.14, § 783.2).

Information on what is required in a typical ITP application can be located here: <https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits>

Response to DR1. The Mojave Solar Project (MSP) elects not to pursue incidental take coverage.

DATA REQUEST 2.

Please provide the results of a breeding season and non-breeding season survey for burrowing owl (*Athene cunicularia hypugaea*), conducted following the protocols in the 2012 CDFW Staff Report on Burrowing Owl Mitigation and covering the MSP site plus a 500-meter buffer. The survey should document all active and historical burrows, signs of occupancy, and any observed breeding activity. Please include survey dates, methods, and qualifications of personnel. The survey should be conducted by a biologist with adequate burrowing owl survey experience in addition to meeting the qualifications of Condition of Certification BIO-1 and/or BIO-3. The project owner should submit a resume describing their burrowing owl experience to the CPM as described under Condition of Certification BIO-1 and/or BIO-3 prior to conducting burrowing owl surveys.

Response to DR2. Prior to initiating any ground disturbance activities, qualified biologists with adequate burrowing owl survey experience, in addition to meeting the requirements specified in Condition of Certification BIO-1 and BIO-3, will conduct both breeding and non-breeding surveys for burrowing owl (*Athene cunicularia hypugaea*) within the new evaporation ponds project area and an adjacent 500-meter buffer zone. MSP will submit the resume to the CPM prior to conducting burrowing owl surveys. All procedures will adhere to the protocols outlined in the 2012 CDFW Staff Report on Burrowing Owl Mitigation.

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DATA REQUEST 3.

Please describe any existing compensatory mitigation for the Mojave Solar Project (09-AFC-05C) under BIO-15 and how this could potentially apply to project activities for the amendment and issuance of an incidental take authorization for the project. This information should include documentation of burrowing owl occupancy on any land proposed to be used for compensatory mitigation.

Response to DR3. The existing compensatory mitigation for the Mojave Solar Project under BIO-15 was approved by California Fish and Wildlife to mitigate for habitat loss and incidental take of burrowing owls, in addition to other species. Please refer to BIO15-01-01 submittal.

DATA REQUEST 4.

If the project owner declines to pursue incidental take coverage, please provide proposed avoidance and minimization measures to fully avoid take of burrowing owl. This would include modification to BIO-13, to not allow burrow collapse.

Response to DR4. MSP will adhere to the requirements outlined in Certificate Condition BIO-13 and the current Burrowing Owl Monitoring and Mitigation Plan. Preconstruction surveys will be conducted within 30 days prior to any ground-disturbing activities.

If an active Western Burrowing Owl (WBO) burrow is identified, both CDFW and CEC will be notified within 24 hours. To ensure protection, fencing or flagging will be installed to establish a non-disturbance buffer around the active burrow(s) for the duration of project activities. These measures are designed to fully avoid take of burrowing owls, and no burrow collapse will be permitted under this approach.