



Meeting: **Reservoir Committee & Authority Board**
Agenda Item 3.5

January 16, 2026

Subject: **Western Burrowing Owl Incidental Take Permit (ITP)**

Requested Action:

Reservoir Committee and Authority Board consider approval of submittal of an amendment to the existing Sites Construction ITP to address western burrowing owl, subject to review and input of the amendment by Tehama Colusa Canal Authority and Glenn-Colusa Irrigation District, and authorization for the Executive Director to pay the associated fee.

Detailed Description/Background:

The Authority received an ITP for construction of the Project in late October 2024. In early October 2024, just prior to issuance of the Sites Project Construction ITP, the California Fish and Game Commission granted candidate species status under the California Endangered Species Act (CESA) to western burrowing owl. With candidate species status, western burrowing owl is provided protection under CESA, regardless of its migratory status. A final decision on listing the species is expected in spring 2026. In recent biological survey efforts, staff have found two burrowing owls on the Authority's property.

Although a final listing decision is pending, because western burrowing owl has been found on the Authority's property and due to the short timeframe between the final listing decision and construction activities planned in early 2027, staff recommends that the Authority seek to amend its Construction ITP to cover the potential for take of western burrowing owl to ensure construction can commence on schedule regardless of whether the species is listed. The proposed Construction ITP avoidance and mitigation measures related to burrowing owl would be applicable upon finalization of the ITP amendment. Should the Fish and Game Commission ultimately determine listing is not warranted, those measures would no longer apply and the Authority would continue to implement the burrowing owl mitigation measures required by the Final EIR/EIS.

Staff and the consultant team have prepared an application to amend the Construction ITP to address western burrowing owl. The application includes avoidance, minimization, and mitigation measures consistent with the relevant mitigation measures in the Final EIR/EIS, that reflect current CDFW standards for burrowing owl, and are also consistent with other ITPs recently issued by CDFW for the species. The avoidance and mitigation measures outlined in the Final

EIR/EIS and proposed amendment align with those recommended in CDFW's 2012 *Staff Report on Burrowing Owl Mitigation*. These measures include conducting multiple focused surveys throughout the year, establishing no-disturbance buffers, implementing passive relocation, implementing active relocation through exclusion and burrow excavation, creating and monitoring artificial burrows for relocated individuals, and providing compensatory mitigation to offset permanent impacts to both breeding and foraging habitat.

In addition, and consistent with the fully mitigated requirements of CESA, the application proposes compensatory mitigation for unavoidable impacts to western burrowing owls and their habitat. The ratios proposed are consistent with other ITPs recently issued by CDFW for the species. This compensatory mitigation is expected to be stacked with other grassland mitigation requirements of the Project.

Staff is currently working with the Tehama Colusa Canal Authority and the Glenn-Colusa Irrigation District on the amendment and would ensure that their review is completed and input is incorporated prior to submittal to CDFW. A fee of \$20,656.75 is required to be paid with submittal of the amendment.

Fiscal Impact/Funding Source:

The Amendment 3 Work Plan includes sufficient budget to submit and negotiate the ITP amendment. The Project cost estimate includes costs to implement the mitigation measures in the Final EIR/EIS related to burrowing owl. The draft ITP amendment may result in minor additional costs to implement some of the more expanded trap and relocation efforts included in recent ITPs issued for the species. Compensatory mitigation is anticipated to be stacked with the mitigation for other species / land cover types and is not expected to result in an additional mitigation cost to the Project therefore the project cost estimate does not include a specific line item for mitigation related to burrowing owls. If stacking is not approved by CDFW this could add up to \$100 million to the cost estimate. As a reminder, the Compensatory Mitigation Contractor procurement is seeking a firm that can accomplish all of the stacking that's been assumed in the project cost estimate, including burrowing owls.

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Primary Service Provider: HDR, Inc. and ICF

Attachments: None