



Santa Clara Valley Habitat Plan MINOR MODIFICATION

Subject	Condition 17. Tricolored Blackbird survey requirements
Modification Number	HPM2017-03
Approved	
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Category

Conditions on Covered Activities

Topic

Condition 17 – Tricolored Blackbird survey requirements.

Issue/Question/Problem Statement

- Condition 17 requires surveys in areas where Tricolored Blackbird are unlikely to nest due to the unsuitability of surrounding habitat (e.g., urban centers).
- Condition 17 requires surveys in a land cover type (riparian) where the species has not been known to nest, and is not likely to nest, in Santa Clara County.
- Condition 17 requires habitat surveys if a project site is located within 250 feet of land cover types that provide potential nesting habitat. However, where potential nesting habitat is present on adjacent parcels that are privately owned, it may be difficult for the biologist to determine whether nesting habitat is present because access is not allowed.

Plan Guidance

The following text is composed of direct excerpts from Habitat Plan Chapter 6, taken from Condition 17 (beginning on page 6-69), and Appendix D, Species Accounts (beginning on Page 7 of the Tricolored Blackbird species account).

Condition 17. Tricolored Blackbird

Habitat Survey

Projects require surveys if the project-specific verified land cover map (see Section 6.8.3 *Item 3: Land Cover Types on Site*) shows that the project area is within 250 feet of any riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types. If a project meets this criterion, a qualified biologist will conduct a field investigation to identify and map potential nesting substrate. Nesting substrate generally includes flooded, thorny, or spiny vegetation (e.g., cattails, bulrushes, willows, blackberries, thistles, or nettles). If potential nesting substrate is found, the project proponent may revise the proposed project to avoid all areas within a 250-foot buffer around the potential nesting habitat and surveys will be concluded.

Preconstruction Survey

If the project proponent chooses not to avoid the potential nesting habitat and the 250-foot buffer, additional nesting surveys are required. Prior to any ground disturbance related to covered activities, a qualified biologist will:

1. Make his/her best effort to determine if there has been nesting at the site in the past 5 years. This includes checking the CNDDDB, contacting local experts, and looking for evidence of historical nesting (i.e., old nests).
2. If no nesting in the past 5 years is evident, conduct a preconstruction survey in areas identified in the habitat survey as supporting potential Tricolored Blackbird nesting habitat. Surveys will be made at the appropriate times of year when nesting use is expected to occur. The surveys will document the presence or absence of nesting colonies of Tricolored Blackbird. Surveys will conclude no more than two calendar days prior to construction.

To avoid last minute changes in schedule or contracting that may occur if an active nest is found, the project proponent may also conduct a preliminary survey up to 14 days before construction. If a Tricolored Blackbird nesting colony is present (through step 1 or 2 above), a 250-foot buffer will be applied from the outer edge of all hydric vegetation associated with the site and the site plus buffer will be avoided (see below for additional avoidance and minimization details). The Wildlife Agencies will be notified immediately of nest locations

Avoidance and Minimization

Covered activities must avoid Tricolored Blackbird nesting habitat that is currently occupied or have been used in the past 5 years. If Tricolored Blackbird colonies are identified during the breeding

season, covered activities will be prohibited within a 250-foot no-activity buffer zone around the outer edge of all hydric vegetation associated with the colony. This buffer may be reduced in areas with dense forest, buildings, or other habitat features between the construction activities and the active nest colony, or where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance. Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, the buffer zone may be increased. Land uses potentially affecting a colony will be observed by a qualified biologist to verify that the activity is not disrupting the colony. If it is, the buffer will be increased. Implementing Entity technical staff will coordinate with the Wildlife Agencies and evaluate exceptions to the minimum no-activity buffer distance on a case-by-case basis.

Construction Monitoring

If construction takes place during the breeding season when an active colony is present, a qualified biologist will monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction will cease until the colony abandons the site or until the end of the breeding season, whichever occurs first. The biological monitor will also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that Tricolored Blackbirds fly into an active construction zone (i.e., outside the buffer zone).

Species Account: Tricolored Blackbird Model Description

Model Assumptions

Primary Habitat—Breeding and Foraging

Habitats suitable for breeding and foraging during the breeding season were modeled using all riparian woodland and scrub land cover types, coastal and valley freshwater marsh and ponds within grassland, oak woodland, riparian forest/scrub, grain/row-crop/hay/pasture, and barren land cover types.

Secondary Habitat—Foraging and Wintering

Areas that provide suitable foraging and wintering habitats include seasonal wetlands, all grasslands, and all agricultural land cover types.

Results/Analysis

The following discussion provides an analysis of land cover types where Tricolored Blackbird have been known to nest in Santa Clara County, alignment of these data with the Tricolored Blackbird species model, and how this information can better target potential breeding habitat for pre-

construction surveys. The following sections also evaluate the challenges related to surveying on lands where access is not granted, and an approach to resolving these issues.

Survey Requirements

When considering which mapped land cover types should trigger a Tricolored Blackbird habitat survey requirement, it is important to note that the habitat used for nesting by this species is often ephemeral, and conditions at a colony location can change in a matter of a few years due to flooding (e.g., re-inundation of a reservoir) or succession. For example, there are no documented Tricolored Blackbird colonies in Santa Clara County within habitat that would have been field-verified as one of the riparian land cover types at the time the colony was active. There have been at least three examples in the county of Tricolored Blackbird colonies colonizing a site that is dominated by emergent vegetation (and that would be field-verified as either pond or coastal and valley freshwater marsh) but then abandoning the site once willows became dominant. As a result, there are no examples of this species nesting in the county in woody riparian habitat (e.g., willow riparian forest and scrub, sycamore alluvial woodland, or mixed riparian forest and woodland). In portions of the Central Valley and elsewhere in California, Tricolored Blackbirds nest in such habitats primarily where blackberry thickets are present in areas with few taller trees. Dense, extensive thickets of blackberry without taller woody vegetation are absent, or at least scarce, in Santa Clara County, and it is unlikely that Tricolored Blackbirds will nest in such habitats in the Habitat Plan area.

The Habitat Plan's species model for Tricolored Blackbird states, "it should be noted that by including all riparian areas, the available breeding habitat is likely overestimated. Breeding habitat will actually be limited to small ponds/wetlands that occur in slow water portions of these riparian corridors." As a result, riparian land cover types are not a good predictor of Tricolored Blackbird nesting habitat in the Habitat Plan area. Nevertheless, during a December 7, 2016 conference call, representatives of the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife did not agree to eliminate the need for Tricolored Blackbird habitat surveys in riparian land cover types except where surrounded by urban areas.

Much of the riparian habitat, and some of the coastal and valley freshwater marsh (perennial wetlands) and pond land cover types, in the Habitat Plan area occur in heavily urbanized regions that lack nearby open habitats that Tricolored Blackbirds require for foraging and nesting material collection. Although the habitat survey requirement states that projects require such surveys if the project-specific verified land cover map shows that the project area is within 250 feet of any riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types, the species model refines this by indicating that such land cover types only provide breeding habitat if they are "within grassland, oak woodland, riparian forest/scrub, grain/row-crop/hay/pasture, and barren land cover types." Therefore, riparian, coastal and valley freshwater marsh, and pond land cover types that are surrounded by other land cover types, particularly in urban areas where they are surrounded by urban/suburban or golf course/urban park land cover types, are not expected to support nesting colonies of Tricolored Blackbirds.

To better identify the areas where Tricolored Blackbird may nest, the locations of all known Tricolored Blackbird breeding colonies in the Habitat Plan permit area with definitive location data

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were identified based on the Santa Clara County Breeding Bird Atlas field work in 1987 to the present. The currently mapped Habitat Plan land cover types, both for the breeding sites and for adjacent/surrounding areas, were then determined for those 13 locations using the Geobrowser (although the land cover types that were present when the colonies were active are also provided below to indicate the land cover that was actually used as nesting substrate).

The currently mapped land cover types for these 13 breeding locations are as follows:

- Grain, row-crop, hay and pasture, disked/short-term fallowed – one breeding site in weedy vegetation near the eastern edge of the San Jose-Santa Clara Regional Wastewater Facility; the land cover type on this site would have been mapped as grain, row-crop, hay and pasture, disked/short-term fallowed when the colony was active.
- Reservoir – three breeding sites (a tule-dominated island within Grant Lake; stands of cattails at the upper end of Calero Reservoir; and a large pond with islands of emergent vegetation near Henry Coe State Park). These sites are all surrounded by natural land cover types such as grassland, scrub, and woodland. In each case, field verification of the land cover being used as nesting substrate would have resulted in mapping as coastal and valley freshwater marsh, rather than reservoir, when the colonies were active.
- Pond – five breeding sites (Ogier Ponds, Coyote Ranch, Morgan Hill-Monterey Road, DePaul Circle near San Martin, and a pond near Sargent). All of these sites are surrounded by, or very close to, open, natural land cover types such as coastal and valley freshwater marsh; grassland; or grain, row-crop, hay and pasture, disked/short-term fallowed. One site, at Coyote Ranch, was also adjacent to mixed riparian forest and scrub and to areas that were mapped by the Habitat Plan as golf course/urban park but that are (and have for decades been) occupied by California annual grassland. The land cover type surrounding the DePaul Circle pond is mapped as rural residential, and there are three residences near the pond, but extensive land on one side of the pond is grassland. At each of these five sites, field verification of the land cover being used as nesting substrate would have resulted in mapping as coastal and valley freshwater marsh when the colonies were active.
- Coastal and valley freshwater marsh – four breeding sites (Ogier Ponds, Calero Dam, IBM-Coyote Valley detention basin, and a marsh near Sargent). The location of the Ogier Ponds marsh breeding colony overlaps with the pond land cover type, so this colony was only counted once in the total of 13 sites. These four sites are all surrounded by natural land cover types, including grassland; grain, row-crop, hay and pasture, disked/short-term fallowed; and coyote brush scrub. At each of these four sites, field verification of the land cover being used as nesting substrate would have resulted in mapping as coastal and valley freshwater marsh when the colonies were active.
- Willow riparian forest and scrub – two breeding sites (IBM-Coyote Valley detention basin and the upper end of Coyote Reservoir). The location of the colony at the IBM site straddled an area that is currently mapped by the Geobrowser as having both marsh and riparian land cover types and was only counted once in the total of 13 sites. At both the IBM and Coyote Reservoir sites, Tricolored Blackbird colonies were active only when those areas were dominated by cattails and tules (i.e., coastal and valley freshwater marsh) or by cattails/tules mixed with very young

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willows. At both sites, field verification of the land cover being used as nesting substrate would have resulted in mapping as coastal and valley freshwater marsh when the colonies were active. Once the willows grew to a height and density that such areas would have been considered willow riparian forest and scrub, displacing the herbaceous emergents, the colonies were abandoned.

The most atypical breeding location listed above is the site in weedy vegetation near the eastern edge of the San Jose-Santa Clara Regional Wastewater Facility. The land cover at this location is mapped as grain, row-crop, hay and pasture, disked/short-term fallowed. This site supported fewer than five pairs and was only active for one year, and it is not considered representative of Tricolored Blackbird colonies in the region.

The reservoir land cover type was not included in the Habitat Plan model for Tricolored Blackbird nesting habitat, and the three colonies listed above as occurring within reservoirs are not mapped by the Geobrowser as Tricolored Blackbird survey areas. Habitats in or around reservoirs can be suitable for nesting in the same way that ponds can (i.e., by supporting suitable vegetation, at least ephemerally). At reservoirs in Santa Clara County, this has occurred in several ways:

- When reservoirs are drawn down for extended periods, emergent vegetation can colonize shallow water at inlets and gently sloped portions of the shoreline, supporting nesting, as occurred in 2014 and 2015 at Calero Reservoir.
- When reservoirs are drawn down for extended periods, thistles and scrub can colonize areas of deeper sediment (e.g., at inlets and broad, gently sloped locations) in previously inundated areas and support nesting, as occurred at Calaveras Reservoir (outside the Habitat Plan permit area) in the 1990s.
- When drawn-down reservoirs are re-inundated, vegetation that invaded portions of the shoreline can then become “emergent,” providing suitable Tricolored Blackbird nesting habitat; this occurred when Calaveras Reservoir was re-flooded after a period of drought in the 1990s, and Tricolored Blackbirds nested in partially submerged coyote brush.
- Some smaller features mapped as reservoirs (i.e., not the larger Santa Clara Valley Water District Reservoirs) support persistent islands of cattails and tules that have supported nesting Tricolored Blackbirds. Such stands of vegetation occur on an island in Grant Lake and in shallow areas within a large pond near Henry Coe State Park.

However, it is important to note that the Tricolored Blackbird habitat survey requirement specifies that the determination of habitat suitability must be based on the project-specific field-verified land cover mapping. The substrates described above as supporting Tricolored Blackbird colonies in Geobrowser-mapped “reservoir” land cover would be designated differently (e.g., as coastal and valley freshwater marsh) during project-specific mapping, which would then trigger the Tricolored Blackbird habitat survey requirement. As a result, no change to the survey requirements to include the “reservoir” land cover is necessary. This situation exemplifies the need for project proponents to base the determination regarding Tricolored Blackbird habitat survey requirements on field-verified conditions rather than on the Geobrowser’s predicted survey areas.

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Aside from the three colonies at reservoirs, the only other that is not within a Geobrowser-mapped Tricolored Blackbird survey area is the DePaul Circle pond. This pond is not in a mapped survey area because it is surrounded by land cover mapped as rural residential. We suspect that few ponds within rural residential land will support Tricolored Blackbird colonies, but in this case, the pond is immediately adjacent to extensive grassland, and the surrounding homes are far enough from the pond that disturbance of the colony may not have been an important factor. A field verification of land cover types would determine that this colony is adjacent to grassland that could provide foraging habitat. With the revisions to the Tricolored Blackbird habitat survey requirements proposed in the *Determination* section below (involving consideration of field-verified adjacent land cover), this pond would be identified as requiring a habitat survey. Therefore, no change to the survey requirements to include features within Geobrowser-mapped rural residential lands is necessary.

In contrast, no Tricolored Blackbird colonies have been recorded in urban-suburban land uses or settings, with development close by. This is consistent with the Habitat Plan's species account for the species, which indicates that suitable foraging space (e.g., shallowly flooded, mowed, or grazed fields, croplands, feedlots, and seasonal wetlands) near a colony is required. Elimination of the Tricolored Blackbird survey requirement in riparian, wetland, pond, and other land-use types, including groundwater percolation pond facilities, that are surrounded by urban development would preclude the need for surveys in numerous areas where projects occur in areas surrounded by urban-suburban or golf course/urban park land uses. Currently, habitat surveys are required in these areas simply because the habitat survey requirements do not include the caveat from the species model indicating that such land cover types only provide breeding habitat if they are "within grassland, oak woodland, riparian forest/scrub, grain/row-crop/hay/pasture, and barren land cover types." The habitat survey requirement should be modified to preclude the need for surveys in any land cover type that is not adjoining grassland, oak woodland, riparian forest/scrub, grain/row-crop/hay/pasture, and barren land cover types.

Continued assessment of Tricolored Blackbird nesting colonies and habitats is appropriate to determine whether changes in this species' nesting habits in the Habitat Plan area, or changes in land use (e.g., crop types) that may attract Tricolored Blackbirds, warrant further refinement of the land-use criteria for survey requirements. For example, the largest Tricolored Blackbird colony in California in 2016 was centered in grain fields east of Hollister, San Benito County, in habitat that would be mapped in the Habitat Plan area as grain, row-crop, hay and pasture, disked/short-term fallowed. The setting of that colony (expansive triticale fields extensively invaded by mustard and surrounded by extensive grassland) may not currently be present in the Habitat Plan area, and thus we are not proposing to expand the Tricolored Blackbird habitat survey requirement to include the grain, row-crop, hay and pasture, disked/short-term fallowed land cover type. However, the use of grain fields by Tricolored Blackbirds should be looked for in the future.

Site Access

If a parcel adjacent to the project site cannot be accessed by the biologist and that parcel has riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types on it—

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as established through air photo review—it may be difficult for the biologist to determine whether nesting habitat is present.

This challenge arises primarily with regard to riparian land cover types within urban-suburban areas. In such areas, residential or commercial development along creeks, coupled with inaccessibility of the riparian habitat itself (e.g., due to access restrictions by the Santa Clara Valley Water District), may preclude the ability of a biologist to view the habitat directly. Modification of the survey requirements as recommended in the *Determination* section below will resolve this problem by removing the requirement for surveys in mapped riparian land cover types in urban areas.

This issue may still arise in areas where riparian, pond, or coastal and valley freshwater marsh land cover types are within 250 feet of a site but are not accessible to a biologist. However, by referring to aerial photos and using binoculars or a spotting scope from accessible areas, the land cover type, and suitability for use by nesting Tricolored Blackbirds, in areas adjacent to a site can often be field verified. Because Tricolored Blackbirds generally nest in areas with adjacent open land cover types, it is usually possible to view active Tricolored Blackbird colonies from some distance. Instances in which such field verification is impossible will be infrequent, but in those instances, potentially suitable habitat for Tricolored Blackbirds should be assumed to be present, and a field survey for nesting colonies should be conducted in accordance with Condition 17. If the adjacent site is actually being used by a Tricolored Blackbird nesting colony, the noise from the colony and the movement of large numbers of Tricolored Blackbirds to and from the colony should readily allow a qualified biologist to determine whether active nests are present.

Determination

According to Section 15.2 of the Implementing Agreement the Wildlife Agencies can approve minor modifications if those modifications do not result in adverse effects on Covered Species or natural communities that are significantly different from those analyzed in the Habitat Plan. The following text will revise and clarify Condition 17 in the Habitat Plan as a minor modification. The following text represents all the deletions in strikethrough and additions in underscore.

Revisions to Condition 17. Tricolored Blackbird

To avoid direct impacts of covered activities on nesting tricolored blackbird colonies, the following procedures will be implemented.

Habitat Survey

Projects may require surveys if the project-specific verified land cover map (see Section 6.8.3 *Item 3: Land Cover Types on Site*) shows that the project area is within 250 feet of potential nesting habitat, which is defined as any riparian, coastal and valley freshwater marsh (perennial wetlands), or pond land cover types that adjoin field-verified grassland, oak woodland, riparian forest and scrub, grain/row-crop/hay/pasture, and barren land cover types. Riparian, coastal and valley freshwater

marsh, or pond land cover types that are completely surrounded by other land covers, such as urban-suburban or golf course/urban park, do not provide suitable nesting habitat and will not need habitat surveys.

If a project meets this criterion, a qualified biologist will first make his/her best effort to determine if there has been nesting at the site in the past 5 years. This includes checking the CNDDDB, contacting local experts, and accessing any other available data. If nesting in the past 5 years is identified, the project is required to avoid the nesting site as described below under subheading *Avoidance and Minimization*. Loss of tricolored blackbird nesting colony sites is not covered by the Habitat Plan.

If no nesting in the past 5 years is evident, a qualified biologist will conduct a field investigation to identify and map potential nesting substrate. Nesting substrate generally includes flooded, thorny, or spiny vegetation (e.g., cattails, bulrushes, willows, blackberries, thistles, or nettles). If potential nesting substrate is found, the project proponent may revise the proposed project to avoid all areas within a 250-foot buffer around the potential nesting habitat and surveys will be concluded.

If potential nesting habitat is mapped on a parcel adjacent to the project site and cannot be accessed or observed from a distance by the biologist, it will be assumed that some potential nesting habitat is present and either a 250 foot no-activity buffer will be maintained, or preconstruction surveys are required as described below.

Preconstruction Survey

If the habitat survey identifies that no nesting has occurred in the past 5 years, but potential nesting habitat is present on or within 250 feet of the site, and the project proponent chooses not to avoid the potential nesting habitat and the 250-foot buffer, additional nesting surveys are required. Prior to any ground disturbance related to covered activities, a qualified biologist will ~~Make his/her best effort to determine if there has been nesting at the site in the past 5 years. This includes checking the CNDDDB, contacting local experts, and looking for evidence of historical nesting (i.e., old nests).~~ If no nesting in the past 5 years is evident, conduct a preconstruction survey in areas identified in the habitat survey as supporting potential tricolored blackbird nesting habitat. Surveys will be made at the appropriate times of year when nesting use is expected to occur (March 15-July 31). The surveys will document the presence or absence of nesting colonies of tricolored blackbird.

In instances where an adjacent parcel is not accessible because the biologist was not granted permission to enter, one of the following additional preconstruction survey techniques will be applied to increase the chance that any tricolored blackbirds nesting on that adjacent parcel will be discovered.

- If the off-site potential nesting habitat is visible from a location accessible to the biologist, the biologist should use binoculars and/or a spotting scope to look for tricolored blackbird nesting activity. Tricolored blackbird nesting colonies are often loud enough to be audible at distances of 250 feet or more, so the biologist should also be familiar with the species' vocalizations and listen for activity.

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- If the off-site potential nesting habitat is not visible from an accessible location, the biologist will position him/herself as close to the potential nesting habitat on the adjacent site as possible, without trespassing, and conduct two 30-minute observational bouts, listening and looking for signs of tricolored blackbirds. The two listening bouts will occur at least one hour apart and will adhere to all of the other requirements listed above. When nest-building and when feeding young, tricolored blackbirds often fly to and from the colony in groups, so the observer should look for flocks of such birds. Being able to conduct observations from more than one vantage point, to look for birds flying toward or away from the potential nesting habitat in multiple directions, will help in verifying site occupancy.

If project construction will start during the breeding season (March 15–July 31), Ssurveys will conclude no more than two calendar days prior to construction. To avoid last minute changes in schedule or contracting that may occur if an active nest (i.e., a nest that is under construction or contains eggs or young) is found, the project proponent may also conduct a preliminary survey up to 14 days more than two calendar days before construction. If a tricolored blackbird nesting colony is present (through the habitat survey or preconstruction surveys as described ~~step 1 or 2~~ above), a 250-foot buffer will be applied from the outer edge of all hydric vegetation associated with the site and the site plus buffer will be avoided (see below for additional avoidance and minimization details). The Wildlife Agencies, the Habitat Agency, and the CNDDDB will be notified immediately of nest locations.

If project construction will start after the breeding season, surveys should occur during the prior breeding season. If project planning has not allowed sufficient time to allow for surveys during the prior season, the applicant may submit a request to the Habitat Agency to conduct two surveys during the following breeding season. This request is subject to approval by the Wildlife Agencies. The two surveys in the following season will occur on or immediately adjacent to the project site if suitable nesting habitat remains after the project. If the suitable nesting habitat is no longer present due to implementation of the project, the two surveys will occur at alternative locations (for the purpose of providing information on tricolored blackbird colony occurrence) as determined by the Habitat Agency.

Avoidance and Minimization

Covered activities must avoid tricolored blackbird nesting habitat that ~~is currently occupied~~ supports active nests (i.e., nests that are under construction or contain eggs or young) or that has ~~have~~ been used in the past 5 years. If tricolored blackbird colonies are identified during the breeding season, covered activities will be prohibited within a 250-foot no-activity buffer zone around the outer edge of all hydric vegetation associated with the colony. This buffer may be reduced in areas with dense forest, buildings, or other habitat features between the construction activities and the active nest colony, or where there is sufficient topographic relief to protect the colony from excessive noise or visual disturbance. Depending on site characteristics, the sensitivity of the colony, and surrounding land uses, the buffer zone may be increased. Land uses potentially affecting a colony will be observed by a qualified biologist to verify that the activity is not disrupting the colony. If it is, the buffer will be increased. Implementing Entity technical staff will coordinate

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with the Wildlife Agencies and evaluate exceptions to the minimum no-activity buffer distance on a case-by-case basis.

Construction Monitoring

If construction takes place during the breeding season when an active colony is present, a qualified biologist will monitor construction to ensure that the 250-foot buffer zone is enforced. If monitoring indicates that construction outside of the buffer is affecting a breeding colony, the buffer will be increased if space allows (e.g., move staging areas farther away). If space does not allow, construction will cease until the young have fledged from the nest(s) ~~the colony abandons the site~~ or until the end of the breeding season, whichever occurs first. The biological monitor will also conduct training of construction personnel on the avoidance procedures, buffer zones, and protocols in the event that tricolored blackbirds fly into an active construction zone (i.e., outside the buffer zone).