



November 5, 2019

Mr. Timothy J. Cotter
TeleSpan Communications, LLC
3888 State St.; Suite 204
Santa Barbara, CA 93105

Mendocino County

FEB 05 2020

Planning & Building Services

RE: Response to Concerns of Ms. Terry Pfardresher

Dear Mr. Cotter:

Our office has received several telephone calls from Ms. Terry Pfardresher, who advised us she heard the call of an Osprey in the general area of the project on more than one occasion. Although Ms. Pfardresher is unaware of where any Osprey nest is located, we have no reason to doubt the possibility that Osprey could be located in the vicinity.

Our biologist staff conducted three (3) separate site visits during the active Osprey nesting season, on May 1, 2019, May 30, 2019 and June 24, 2019. Our wildlife biologist did not detect the presence of Osprey or a large raptor type stick nest in the vicinity of the project.

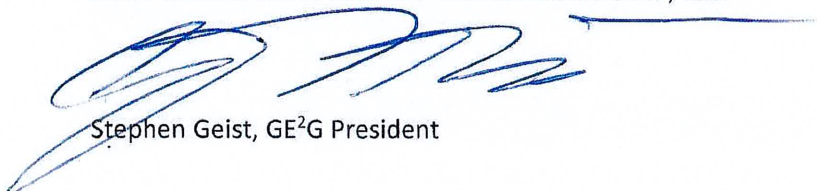
Nevertheless, our biology report includes a condition requiring that if any ground disturbing activities are to occur during the breeding season of migratory avian, raptor species, or Marbled Murrelet (February through mid-September), additional surveys for active nests will be conducted by a qualified biologist no more than 10 days prior to the start of such activities. The surveys will follow required California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) protocols where applicable.

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, resulting in "take" of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)).

If a migratory avian or raptor species is observed and is suspected to nest, a buffer area will be established to avoid impacts to the active nest site, and will be enforced until any fledglings are no longer reliant upon the nest or parental care for survival.

Sincerely,

GEIST ENGINEERING AND ENVIRONMENTAL GROUP, INC.



Stephen Geist, GE²G President

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