Calhoun Street Housing Development
Environmental Assessment EA 25-02
Tentative Tract Map TTM 39051
Conditional Use Permit 390
Planned Unit Development

Response to Comments

The City received 3 comment letters to the Initial Study/Mitigated Negative Declaration (ISMND) for the Calhoun Street Housing Development (Project). Comment Letters were received from the Department of Toxic Substance Control, U.S Fish and Wildlife Services, and the California Department of Fish and Wildlife. Responses to each letter are provided below. The comment letters are provided in Appendix A.

A. Department of Toxic Substance Control Letter dated November 21, 2025

Comment 1:

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Calhoun Street Housing Development (Project). The proposed Project is a Tentative Tract Map, Environmental Assessment, Conditional Use Permit and Planned Unit Development for a single-family residential project. The Project is located on the southwest corner of Calhoun Street and Avenue 49 in the City of Coachella, California. The site encompasses 39.98 acres and is identified as Assessor's Parcel Number (APN) 612-260-010. The applicant proposes to subdivide the Project site for a future build out of a private, gated residential community containing 257 single-family homes and a public park with a total area of 3.53 acres. DTSC recommends and requests consideration of the following comments:

Response 1:

The commenter describes the Project, and no further response is required. Responses to individual issues raised by the commenter are provided individually below.

Comment 2:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis aredichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum

Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the DTSC's Human and Ecological Risk Office (HERO) webpage for the most recent guidance and screening levels.

Response 2:

The comment is noted. As noted in Section IX, Hazards and Hazardous Materials, the Project will be subject to all local, regional and state requirements, including the levels of the chemicals identified in the comment. Traditionally, high levels of agricultural chemicals have not been identified in Coachella Valley farming activities. The City thanks the commenter for the information provided, and will condition the Project to provide soil sampling results with the submittal of grading plans. This local requirement will assure that impacts associated with these chemicals remain less than significant.

Comment 3

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil/fill material there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

Response 3:

The City thanks the commenter for the information provided. Clean fill is a requirement for all imported soils into any project in the City, and its origin must be documented. Furthermore, the Project geologist will monitor grading and certify the pads for the Project, also insuring that oversight occurs during grading.

Comment 4:

3. The City of Coachella should consider soil testing as mentioned in comment #1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends the City of Coachella address the contaminations within the Project area through an Environmental Site Assessment and/or receive oversight from a self-certified local agency, DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any questions about the application portal, please contact the relevant Regional Brownfield Coordinator for your Project.

Response 4:

The commenter's recommendations are noted. Please also see Response 1.

Comment 5:

DTSC would like to thank you for the opportunity to comment on the MND for the Calhoun Street Housing Development. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our CEQA Review email for additional guidance.

Response 5:

The City thanks the Department for participating in the City's CEQA process for this Project.

B. U.S. Fish and Wildlife Service
Letter dated December 4, 2025

Comment 1:

This letter is in response to the notice of availability dated November 18, 2025, soliciting comments on the draft Initial Study Mitigated Negative Declaration (ISMND) for the Calhoun Street Housing Development Project (Project), located in the City of Coachella, Riverside County, California. The proposed Project site is located on the southwest corner of Calhoun Street and Avenue 49 in the City of Coachella (City) and is bounded along the west perimeter by lands within the City of Indio, California.

We offer the following comments on the ISMND as they relate to potential impacts on public trust resources. The primary concern and mandate of the U.S. Fish and Wildlife Service (Service) is the conservation, protection, and enhancement of fish and wildlife resources and their habitats for the continuing benefit of the American people. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened or endangered animals and plants listed under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq*.). The comments provided herein are based on the information provided in the ISMND and our knowledge of sensitive and declining fish and wildlife resources.

The Project site is within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Area, and the City is a Local Permittee to the CVMSHCP. The Project applicant proposes to subdivide the 39.98 acres (ac) Project site for a future build of a private, gated residential community containing 257 single-family homes and a 3.53-ac public park, with 3.13-ac for recreational open space and 0.40 ac for a landscaped retention basin. The proposed Project also includes right-of-way allowances for future road improvements along Avenue 49 and Calhoun Street. The Project site is surrounded by single-family residential land uses on the north, south, and west, and a vacant lot occurs on the east of the Project site. Currently, the Project site is zoned as "General Neighborhood" in the City's General Plan 2035 Update. The applicant proposes a Planned Unit Development that would permit flexible standards for smaller lot sizes and a higher density for a private gated community than the Project site's current designation allows.

Response 1:

The comment relates the Service's role and provides a project description. Responses to the Service's primary concerns are provided below:

Comment 2:

NESTING BIRDS

The draft ISMND states that a field assessment occurred on February 29, 2024. The field assessment included the 39.98-ac Project site and a 500-foot buffer zone. The Project site, which previously hosted a date palm grove, contains rows of leftover date palms on the southern and western portions of the site. The northeast portion is graded and has not been used to grow dates since 2002. Sparse perennial vegetation occurs throughout the Project site, particularly under the remaining date palms and in the northwest corner, which contains a small irrigation reservoir. The draft ISMND states that due to existing site disturbances, including the previous date palm grove, grading, and recent off-road vehicle use and dumping of trash, the probability of special status-species occurring on the site is low. No special-status species, including nesting birds, were observed during the field assessment; however, the draft ISMND notes that due to the existing vegetative scrub and date palms, the Project site may still be used by resident and migratory nesting birds.

Due to the presence of sparse vegetation throughout the Project site, the Service agrees that special-status species have the potential to occur within the Project site. The presence of sparse vegetation, particularly cover of shrubs, is suitable habitat for ground-nesting birds. Moreover, the presence of bare ground on the northeast portion of the Project site also constitutes suitable nesting habitat for some ground-nesting birds. Therefore, the proposed development has the potential to impact nesting birds. However, the ISMND does not indicate that focused nesting bird surveys were completed, likely contributing to the lack of nesting bird observations during the field assessment. Focused nesting bird surveys, both within and outside of nesting season, are necessary to accurately confirm nesting bird presence or absence. A complete assessment of the biological resources within the Project area is required to assess the Project's potential impacts to nesting birds. Please revise the ISMND to include a complete assessment of the Project's potential impacts to nesting bird habitat, including completion of nesting bird surveys during the appropriate time of year, to determine the extent of nesting birds on the Project site.

The draft ISMND includes Mitigation Measure (MM) BIO-1, which states that "[b]ird nesting season for resident birds in Southern California occurs between February 1 and August 31." Please note that the timing of nesting season is highly variable. Changing climate conditions have resulted in nesting birds breeding both earlier and later in the year than suggested in previous guidance. Nesting season may generally be considered to occur between January and October; however, timing varies on a species-by-species basis. Coordination with the Service and the California Department of Fish and Wildlife (CDFW; collectively, the Wildlife Agencies) is necessary to determine appropriate timing of nesting season surveys. Additionally, to address the variability in nesting season, we recommend that MM-BIO-1 be revised to require nesting bird surveys throughout construction, both within and outside of nesting season, to avoid any potential adverse effects to nesting.

Response 2:

The comment is noted. However, the need for nesting bird surveys at this time is not supported by substantial evidence. The Project biologist and the Initial Study clearly identify that there is potential for nesting birds on the property, even in its degraded condition, provides an assessment of the likely species, and states that there could be impacts to MBTA covered species (pages 37-40). To mitigate any impacts on MBTA covered species, the Initial Study provides for pre-construction bird surveys consistent with MBTA requirements. Finally, as it relates to the commenter's request that nesting bird surveys be conducted throughout construction, the request is made without evidence that birds could nest on the site once it is cleared of vegetation. The Initial Study correctly identified the impact, and provided mitigation which will reduce impacts to less than significant levels. No change is required.

Comment 3:

BURROWING OWL

The draft ISMND states that marginally suitable habitat for western burrowing owl (*Athene cunicularia hypugaea*; burrowing owl), a CVMSHCP-Covered Species, Service Bird of Conservation Concern, and candidate species under the California Endangered Species Act, occurs intermittently throughout the Project site, and suitable California ground squirrel burrows were observed during the field assessment. Additionally, the draft ISMND states that the Project site is largely disturbed. Burrowing owl are known to occupy disturbed habitat; therefore, due to the presence of disturbed habitat, sparse vegetation, and suitable burrows within the Project area, the Service agrees with the conclusion that suitable habitat for burrowing owl occurs on the Project site, and burrowing owls have the potential to inhabit the site. No burrowing owls or signs of burrowing owls were observed during the field assessment; however, the draft ISMND does not indicate completion of focused burrowing owl surveys. Focused burrowing owl surveys during the breeding season and nonbreeding season are necessary to accurately confirm burrowing owl presence or absence. Pursuant to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version), for both breeding and non-breeding season surveys, a minimum of four survey visits are required to assess a site for burrowing owl presence. Given the lack of multiple, focused burrowing owl surveys, the total number of burrowing owl individuals or suitable and occupied burrows within the Project site and 500-foot buffer is unknown. Please revise the draft ISMND to include an accurate assessment of the Project's potential impacts to burrowing owl, including focused survey results following the protocols outlined in the 2012 Staff Report on Burrowing Owl Mitigation.

MM BIO-2 states that burrowing owl avoidance surveys must be conducted immediately preceding development, including 14-30 days prior to initiating ground disturbance activities, and within 24 hours of ground disturbance, in compliance with the 2012 Staff Report on Burrowing Owl Mitigation. As stated in the 2012 Staff Report on Burrowing Owl Mitigation, burrowing owls may re-colonize a Project site should any time lapses between Project activities occur. Such time lapses would trigger subsequent take avoidance surveys, which may include a final survey conducted within 24 hours prior to ground disturbance. Due to the potential for burrowing owl to occur throughout the construction period, in addition to focused surveys (breeding season and

non-breeding season) and take avoidance surveys prior to initiating ground disturbance, additional surveillance monitoring surveys for burrowing owls should be continued throughout construction to avoid any potential impacts to burrowing owl [see the 2012 Staff Report, Site Surveillance (page 9), Appendix D, Take Avoidance Surveys (page 29-30)].

MM BIO-2 also states that "Should burrowing owls be detected, CDFW shall be contacted as soon as possible to determine the next course of action. CDFW must grant permission to relocate burrowing owls." As stated above, burrowing owl is a Covered Species under the CVMSHCP. The CVMSHCP is governed by both CDFW's Natural Community Conservation Plan Permit and the Service's section 10(a)(1)(B) permit issued under the Act. Although burrowing owl is not a federally listed species under the Act, a non-listed species covered in a Habitat Conservation Plan (HCP) must be treated as if it were already listed, and all conservation measures described in the HCP for that species must be fully implemented. Please revise MM BIO-2 to require that, if the focused surveys and/or pre-construction surveys confirm burrowing owl presence, the Project applicant shall submit a Burrowing Owl Plan that includes avoidance, minimization, and mitigation measures to both Wildlife Agencies for review and approval prior to any ground disturbance or vegetation removal. The Project proponent shall coordinate with the Wildlife Agencies on the appropriate avoidance, minimization, and mitigation measures to be included in the Burrowing Owl Plan. Per Section 4.4 and Section 8.5.2 of the CVMSHCP, relocation of burrowing owls must follow protocols accepted by the Wildlife Agencies, and active relocation and eviction/passive relocation must be determined through coordination with the Wildlife Agencies for all Covered Activities. As such, please revise MM BIO-2 to state that if avoidance of burrowing owl is not possible, the Project applicant shall coordinate with both Wildlife Agencies on a burrowing owl relocation plan. Additionally, please include language that states that the Project proponent shall submit the relocation plan to the Wildlife Agencies for review and approval. Both the Burrowing Owl Plan and relocation plan should be submitted to the Wildlife Agencies for review and approval as soon as possible to avoid project delays due to the burrowing owl breeding season. These measures are necessary for the City in fulfilling its obligations as a CVMSHCP Permittee.

Response 3:

The Initial Study clearly states that burrowing owl and their sign were not identified on the Project site (page 37-40). The habitat is marginal. Further, burrowing owl in the Coachella Valley are not migratory. Therefore, although an owl could relocate to the site prior to its construction, there is no need for seasonal surveys. On the other hand, BIO-2 clearly requires pre-construction surveys, which will establish conditions on the site prior to disturbance, and allow for their safe relocation, if necessary, at that time should they occur. In addition, the mitigation measure specifically states that pre-construction surveys be conducted in compliance with the CDFW Staff Report, which includes specific measures required for relocation plans if required. The Initial Study correctly identifies the potential impact and provides mitigation that will ensure that impacts to burrowing owl remain less than significant, if the species were to occur on the Project site. No change to the Initial Study is required.

Comment 4:

WESTERN YELLOW BAT

The draft ISMND states that roosting habitat for the western yellow bat (*Lasiurus xanthinus*), a CVMSHCP-Covered Species, is absent on the Project site, and probability of foraging is low. The draft ISMND concludes that the western yellow bat is absent from the Project site. Western yellow bat habitat includes valley foothill riparian, desert riparian, desert wash, and palm oasis habitats, and the species typically roosts in the skirt of dead fronds of fan palms. Western yellow bat has been documented to roost in both native and non-native palm trees, and additional information has shown that they may roost in the dead fronds of other plants with structural similarities to fan palms. Additionally, the species has also been documented to occur in open grassy areas, residential areas, over swimming pools, and in orchards. Dead palm fronds occur within the fallow date palm grove portion of the Project site, and the Project site and surrounding residential areas may provide foraging opportunities; therefore, the Service considers the Project site to contain suitable habitat for western yellow bat, and western yellow bat have the potential to occur within the Project site.

The draft ISMND indicates that western yellow bats were not observed during the field assessment. However, the draft ISMND does not indicate completion of focused bat surveys, likely contributing to the lack of western yellow bat observations during the field assessment. Focused bat surveys are necessary to accurately confirm the presence or absence of special-status bat species. Please revise the draft ISMND to include a complete assessment of the Project's potential impacts to bat habitat, including completion of focused bat surveys following accepted survey methods, to accurately determine the extent of bats on and adjacent to the proposed Project site. In addition to focused surveys, pre-construction clearance surveys are necessary to avoid any potential impacts to western yellow bat. Please revise the draft ISMND to require bat pre-construction surveys conducted by a qualified biologist, with detailed information regarding the survey methods, including the number of days of acoustic monitoring, emergence roost counts, and number of roost count observers included. Additionally, please note that multiple surveys are required during the maternity season to accurately document roost activity. A minimum of two surveys during the maternity season, one during spring and one during summer, are required. In addition to bat maternity season surveys, a winter survey and migration period survey should also be required to identify presence of bats in the Project site throughout the year. If special status bats are determined to be present at the Project site, please coordinate with the Service on implementation of the appropriate avoidance, minimization, and mitigation measures prior to beginning project activities.

We appreciate the opportunity to provide comments on the draft ISMND. If you have any questions regarding these comments, please contact Lory Salazar-Velasquez.

Response 4:

As stated in the IS (Table IV-1), there is no roosting habitat for western yellow bat, and it is a covered species under the CVMSHCP. The habitat on the site is highly degraded, and only scattered date palms remain. As such, there is no need for bat surveys, and the provisions of

the CVMSHCP apply. The applicant will be required to pay the MSHCP fee at the time of development. No change to the Initial Study is required.

The City thanks the Service for participating in the CEQA process.

C. California Department of Fish and Wildlife
Letter dated December 8, 2025

Comment 1:

The California Department of Fish and Wildlife (CDFW) received a Draft Mitigated Negative Declaration (MND) from the City of Coachella (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife.

Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE
CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY
Proponent: Pacific Modern Builders LLC

Objective: The Project proposes to subdivide the Project site for a future build out of a residential community containing 257 single-family homes and a public park with a total area of 3.53 acres, 3.13 acres for recreational open space, and four retention basins that will accept all on-site flows.

Construction activities would occur during the day, and there would be no need to apply nighttime security lighting on the Project site. Construction activities would not introduce new sources of light or glare. Project buildout would introduce additional sources of nighttime light from security lighting, landscape and pathway lighting, street lighting, and interior home lighting seen from windows. Landscaped areas and retention basins would be xeriscaped with drought-tolerant plants while the park would contain grass and native, drought-tolerant trees and bushes.

Location: The Project site is located on the southwest corner of Calhoun Street and Avenue 49 in the City of Coachella, Riverside County, California. The site encompasses 39.98 acres and is identified as Assessor's Parcel Number 612-260-010.

Timeframe: The MND indicates that construction activities would be completed by 2026.

Response 1:

The comment is noted. It provides a description of the Project and requires no further response.

Comment 2:

COMMENTS AND RECOMMENDATIONS
CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the MND lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of biological resources on the Project site. CDFW requests that additional information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

<u>Existing Environmental Setting</u>

Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND may provide an incomplete analysis of Project-related environmental impacts.

The MND lacks a complete assessment of biological resources associated with burrowing owl (*Athene cunicularia*) and western yellow bat (*Lasiurus xanthinus*) within the Project site and surrounding area. A complete and accurate assessment of the environmental setting and Project-related impacts to biological resources is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to less than significant.

Response 2:

The comment is noted. The comment is overbroad and non-specific. Individual responses to burrowing owl and western yellow bat concerns are provided below.

Comment 3:

Mitigation Measures

CEQA requires that an MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for surveys for bats, avoidance of bats during tree removal, artificial nighttime lighting, and compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), as well as revising the mitigation measures for nesting birds and burrowing owls.

1) Nesting Birds
It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Codeor any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

With regard to the CVMSHCP, per its associated Implementing Agreement (IA) and Permits from CDFW and the U.S. Fish and Wildlife Service (the Wildlife Agencies), Take associated with Covered Activities will not be in violation of the Migratory Bird Treaty Act and will be consistent with Fish and Game Code sections 3503 and 3503.5; therefore, all Covered Activities within and outside Conservation Areas must undertake measures to avoid the take of individuals, nests, and eggs of nesting birds. The CVMSHCP includes a general conservation measure that applies to all bird species to avoid impacts to habitat for nesting birds during the nesting season (CVMSHCP Section 9.7). Per IA Section 13.2, the City is obligated to ensure the projects to which it confers Take Authorization under the CVMSHCP comply with all terms and

requirements of the CVMSHCP, the Wildlife Agencies' Permits that create the CVMSHCP, and the IA, including compliance with laws that protect nesting birds..

Page 39 of the MND indicates that "existing vegetative scrub and date palms found on the Project site could potentially be used by both resident and migratory nesting birds." CDFW adds that the Project site contains suitable habitat for both ground-nesting birds and birds that nest in shrubs and trees.

The MND includes Mitigation Measure BIO-1 for nesting birds, which indicates that the "bird nesting season for resident birds in Southern California occurs between February 1 and August 31. To avoid impacts to nesting birds, all vegetation clearing, ground disturbance, and construction activity should be scheduled between September 1 and January 31 if possible. If construction occurs during the nesting season, a certified avian biologist must conduct a pre-construction nesting bird survey (NBS) immediately prior to scheduled construction activity." CDFW considers the mitigation measure for nesting birds in the MND to be inadequate in scope and timing to avoid or reduce impacts to nesting birds to a level less than significant. In alignment with the CVMSHCP's general conservation measure for nesting birds (CVMSHCP Section 9.7), CDFW recommends Project construction activities are conducted outside of the peak nesting bird season. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds and their nests and eggs are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017[2]). CDFW staff have observed that climate change conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

To support the City in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-1 is revised as follows, with additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-1: Nesting Birds
To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting

phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. ~~Bird nesting season for resident birds in Southern California occurs between February 1 and August 31. To avoid impacts to nesting birds, all vegetation clearing, ground disturbance, and construction activity should be scheduled between September 1 and January 31 if possible. If construction occurs during the nesting season, a certified avian biologist must conduct a pre- construction nesting bird survey (NBS) immediately prior to scheduled construction activity. If active nests are identified, the biologist will demarcate a no-work buffer zone(s) around the active nest(s) and check the nest site(s) weekly until the young birds fledge and the nest(s) become inactive. The buffer zone size would be based on the nesting species, its sensitivity to disturbance, nesting stage and the expected intensity and duration of disturbance. No ground or vegetation disturbance shall occur within the nest site buffer zone(s) until the qualified biologist determines that the young have successfully fledged, and the nest is inactive. Per CDFW recommendations, a buffer of 500 feet shall be set for listed species and birds of prey, and a buffer of 100 to 300 feet shall be set for unlisted songbirds.~~

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for revised MM BIO-1 and MM BIO-2, as well as CDFW-recommended MM BIO-[A], MM BIO-[B], MM BIO-[C], and MM BIO-[D].

Response 3:

The comment is noted. However, the commenter appears to imply that birds may nest on the site outside of the established nesting period, outside of that recommended through MBTA. The City's responsibility is to assure that nesting birds are not disturbed, and that construction be avoided until the young have fledged. It is important to note that MBTA covered species include almost all bird species that could nest on the site, and that since a pre-construction survey will be required, all birds nesting on the site will be identified, regardless of MBTA status. The Initial Study mitigates impacts to nesting bird species to less than significant levels as written. The mitigation measure and the Initial Study correctly protect nesting birds, and do not require amendment.

Comment 4:

2) Burrowing Owl

On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities, including relocation, could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

Take of individual burrowing owls and their nests or eggs is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

With regard to the CVMSHCP, the CDFW Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 does not provide Take Authorization for burrowing owl individuals, nests, or eggs. To the contrary, section 3.5.6 of the NCCP Permit states burrowing owl "pairs or individuals will not be Taken" and reiterates that the "HCP/NCCP does not authorize Take of [burrowing owl] nests [or] eggs[.]" Therefore, throughout the CVMSHCP area—both within and without Conservation Areas—Permittees must ensure that activities occurring within their jurisdictions do not result in the take, possession, or destruction of burrowing owl individuals, nests, or eggs. Any activity occurring within the CVMSHCP area that results in the take of burrowing owl individuals, nests, or eggs would be unlawful and would not be a Covered Activity under the CVMSHCP. Per IA Section 13.2, the City is obligated to ensure the projects to which it confers Take Authorization under the CVMSHCP comply with all terms and requirements of the CVMSHCP, the Wildlife Agencies' Permits that created the CVMSHCP, and the IA, including compliance with laws that protect burrowing owls.

Page 40 of the MND states that "no burrowing owls, or signs of burrowing owls were observed during the site survey, however, suitable habitat and burrows suitable for burrowing owls were observed on the Project site. Burrowing owls could potentially relocate to the Project site between the time of the site survey and the start of construction due to their attraction to open dry areas and agricultural sites." CDFW agrees that the Project site contains suitable nesting and foraging habitat for burrowing owl. The MND and its supporting documents lack information on whether focused surveys for burrowing owl were conducted and the methods used to conduct any surveys for burrowing owl. Because the MND lacks the findings of recent focused surveys for burrowing owl following the guidelines in the *Staff Report on Burrowing Owl Mitigation*,[3] the number and locations of suitable and occupied burrows within the Project site are unknown. Given the lack of results from focused surveys for burrowing owl following recommended protocols and the lack of survey reports, CDFW is limited in its ability to provide biological expertise to support the City in reducing impacts to burrowing owl to a level less than significant. CDFW recommends that the MND is revised to include the results of four focused surveys for burrowing owl within the entire Project site and surrounding area, including survey reports,[4] following the guidelines outlined in Appendix D of the *Staff Report on Burrowing Owl Mitigation* and to incorporate appropriate avoidance, minimization, and mitigation measures for burrowing owl. Focused surveys are needed to inform appropriate avoidance, minimization, and mitigation

measures and support the City in avoiding or reducing impacts to burrowing owl to a level less than significant. CDFW requests that if burrowing owls are detected during focused surveys, survey results are submitted to the Wildlife Agencies, and the City initiate consultation with the Wildlife Agencies to identify a path forward regarding the protection of burrowing owls.

The MND includes Mitigation Measure BIO-2, which indicates that "to ensure that no burrowing owls have moved to the Project site since the biological site survey was conducted." In addition to pre-construction surveys, CDFW recommends that focused burrowing owl surveys are first conducted and the results submitted to Wildlife Agencies. This provides time for the City and Project proponent to start coordination with the Wildlife Agencies early to identify appropriate avoidance, minimization, and mitigation measures and reduce the chance of Project delays. Without details on focused surveys and appropriate information sharing and coordination with the Wildlife Agencies, CDFW considers Mitigation Measure BIO-2 to be inadequate in scope and timing to avoid or reduce impacts to burrowing owl to a level less than significant.

To support the City in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends that Mitigation Measure BIO-2 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-2: Burrowing Owl Focused and Pre-Construction Surveys

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a CDFW-approved qualified biologist prior to any Project activities, including vegetation- or ground-disturbing activities. CDFW strongly recommends that focused surveys are conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version)[5]. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall submit the results of focused surveys to CDFW and USFWS as soon results become available and before commencement of any Project activities, including any vegetation- or ground-disturbing activities. CDFW recommends that the information included in the survey results be consistent with Appendix D of the *Staff Report on Burrowing Owl Mitigation*, including a detailed map showing locations of all burrowing owls, burrowing owl sign, potential burrows, and occupied burrows (occupied means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site); a description of the behavior of burrowing owls during surveys; a description of survey methods; and other items listed in Appendix D of the *Staff Report on Burrowing Owl Mitigation* under "Survey Reports." Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, appropriate NCCP (Fish and Game Code section 2835) or CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not recommence until consultation with CDFW and USFWS is completed. ~~To ensure that no burrowing owls have moved to the Project site since the biological site survey was conducted, avoidance surveys of the Project site must be conducted immediately preceding development, in compliance with the CDFW Staff Report for Burrowing Owl (2012) protocols. The first survey should occur 14-30 days prior to initiating ground disturbance activities, and the second survey should take place withing 24 hours of ground disturbance. Should burrowing owls be detected, CDFW shall be contacted as soon as possible to determine the next course of action. CDFW must grant permission to relocate burrowing owls.~~

Response 4:

First, it is noted that the Commission found, in October 2024, that burrowing owl should be considered a candidate for listing. The species has not been listed by the Commission. Further, the biological resource study and the Initial Study correctly identify that no owls or their sign were found on the site, and that habitat is poor, but that the species could utilize existing mammal burrows on the site. Based on the poor habitat and the complete lack of sign, the qualified biologist did not recommend breeding season surveys, nor are they warranted. The Initial Study correctly requires pre-construction surveys "in compliance with the CDFW Staff Report for Burrowing Owl (2012) protocols." These protocols provide detailed performance standards for how the surveys are to be undertaken, and how the biologist is to work with CDFW if the species is identified on-site. The mitigation measure correctly assures that impacts to burrowing owl will remain less than significant, and no change in the Initial Study is required.

Comment 5:

3) Bats

Page 4 of the MND indicates that the Project "site has been partially cleared, although many date palms remain scattered throughout 75% of the parcel while the northeast corner of the parcel is graded and barren." Regarding the probability for western yellow bat to occur on the Project site, page 39 of the MND indicates the following: "Nesting: Absent. Roosting habitat lacking." The MND and its supporting documents lack additional information on the presence or avoidance, minimization, or mitigation measures for western yellow bat. CDFW disagrees with the conclusion that no suitable roosting habitat for western yellow bat is located within or adjacent to the Project site. CDFW notes that palm trees are the preferred roost site of western yellow bats, which roost in the attached dead leaf fronds, or "skirts," of both native and non-native palm trees. Street View imagery using Google Earth and photos included in the Biological Assessment show that some of the date palms within the Project site contain relatively full

"skirts," habitat that is suitable for western yellow bat (and other bat species). CDFW considers the Project site to contain suitable roosting habitat for western yellow bat. Without appropriate avoidance, minimization, and mitigation measures, such as surveys to assess presence and appropriate methods to remove fan palms, CDFW considers the MND to be inadequate in avoiding or reducing impacts to western yellow bat to a level less than significant.

To support the City in avoiding or reducing impacts to western yellow bat to a level less than significant, CDFW recommends that the City add the following mitigation measures to a revised MND:

Mitigation Measure BIO-[A]: Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Western Yellow Bat

Prior to commencing Project activities, a CDFW-approved qualified bat biologist shall perform bat habitat/roosting surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction will only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed.

The Project proposes removal of the date palms within the Project site. The removal of palm trees that contain roosting habitat for bats can subject bats to impacts ranging from permanent loss of day roosts, including maternity roosts, to direct mortality if avoidance, minimization, and mitigation measures are not implemented. To support the City in avoiding or reducing impacts to western yellow bats to less than significant, CDFW also recommends that the following mitigation measure is added to a revised MND:

Mitigation Measure BIO-[B]: Avoidance of Bats during Tree Removal
Tree removal work with the potential to house roosting bats shall be performed between September 15 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering

inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not drop below 45˚F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45˚F or less for that evening and the next four evenings), then no tree removals shall be performed. All palm removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist.

Response 5:

See Response B.4., above. The commenter's review of aerial photos from 2022, as identified in GoogleEarth imagery, is not representative of current conditions, nor does it supplant a site visit by a qualified biologist, as was conducted for the Initial Study. No change to the Initial Study is required.

Comment 6:

4) Coachella Valley Multiple Species Habitat Conservation Plan

Local Development Mitigation Fee
The Project is located within the CVMSHCP Plan Boundary and outside of a Conservation Area and contains habitat for Covered Species and/or conserved natural communities. Per CVMSHCP Section 5.2.1.1 and IA Sections 12.2.1 and 13.2, the City is obligated to impose a local development mitigation fee for new development within the Plan Area that impacts vacant land containing Habitat for Covered Species and/or conserved natural communities, including small vacant lots within urban areas that contain natural open space, and to transmit collected fees to CVCC at least quarterly and prior to impacts to Covered Species and their Habitats. Page 40 of the MND states that the "City of Coachella is a signatory to the CVMSHCP and therefore the Project is required to pay a Development Mitigation Fee." To accurately document the City's obligation to impose and transmit a Local Development Mitigation Fee for the Project, CDFW recommends the City add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[C]: CVMSHCP Compliance
Prior to construction and issuance of any grading permit, the City shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.

Response 6:

As stated in the Initial Study, page 40, the Project is required to pay the CVMSHCP fee. Standard requirements do not require mitigation under CEQA, and no change to the Initial Study is therefore required.

Comment 7:

5) Artificial Nighttime Lighting

Page 22 of the MND indicates that the "Project buildout would introduce additional sources of nighttime light from security lighting, landscape and pathway lighting, street lighting, and interior home lighting seen from windows. Daytime glare may also be expected from windows. However, the Project's sources of lighting and glare would be consistent with and not exceed light and glare emissions from existing nearby development. The Project would adhere to the City's lighting requirements and would not produce light and glare upward into the sky." The MND lacks an analysis of direct, indirect, and cumulative impacts of artificial nighttime lighting, including impacts associated with long-term operations, on biological resources including migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. The Project is located adjacent to vacant, sparsely vegetated areas to the west and east of the Project site—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. The Project's proposed artificial nighttime lighting has the potential to significantly and adversely affect wildlife in these vacant areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation.[6] Many species use photoperiod cues for communication (e.g., bird song[7]), determining when to begin foraging,[8] behavioral thermoregulation,[9] and migration.[10] Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.[10]

CDFW recommends that the MND is revised to include an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting associated with the Project's long-term operations on biological resources, and appropriate avoidance, minimization, and mitigation measures that will avoid or reduce impacts to less than significant.

To support the City in avoiding, minimizing, and mitigating for the Project's direct and indirect impacts of artificial nighttime lighting on biological resources, CDFW recommends that the City include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[D]: Artificial Nighttime Lightin

Throughout construction and the lifetime operations of the Project, the City shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas,

reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The City shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

Response 7:

The commenter's opinion is noted, but provides no substantial evidence that the Project will result in substantial lighting, or that the lighting proposed for the Project will impact biological resources. The site is surrounded by development, and is required to comply with the City's ordinances which strictly limit lighting. The City's construction hour restrictions make it unlikely that construction will occur at night. There is no evidence that lighting on the property would be significant, and no change to the Initial Study is required.

Comment 8:

6) Landscaping
Page 114 of the MND states that the "landscaped areas and retention basins would be xeriscaped with drought-tolerant plants while the park would contain grass and native, drought-tolerant trees and bushes." The MND lacks additional information on landscaping plans. CDFW recommends that the MND include recommendations regarding landscaping from Section 4.0 of the CVMSHCP "Table 4-112: Coachella Valley Native Plants Recommended for Landscaping" (pp. 4-180 to 4-182; https://cvmshcp.org/plan-documents/). CDFW also recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: https://calscape.org/. Local water agencies/cities and resource conservation cities in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: https://saveourwater.com/.

Response 8:

The comment is noted. The Project is required to comply with both the City's water efficient landscaping standards and CVWD's water conservation requirements in landscaping, which include water budgeting for landscaped areas. The Project will therefore be regulated to assure low water use in landscaping, as clearly stated in the Initial Study.

Comment 9:

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist Specialist, at jacob.skaggs@wildlife.ca.gov.

Response 9:

The City will continue to assure that biologists report their findings when studies are prepared, and that CDFW fees are paid when necessary.

The commenter's opinions are noted, but as described above, the City has prepared an Initial Study which complies with CEQA and which will mitigate the impacts of the Project to less than significant levels. No changes to the document are necessary.

APPENDIX A

Comment Letters

Department of Toxic Substances Control

Yana Garcia
Secretary for
Environmental Protection

Katherine M. Butler, MPH, Director
8800 Cal Center Drive
Sacramento, California 95826-3200
dtsc.ca.gov

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

November 21, 2025

Adrian Moreno
Associate Planner
City of Coachella
53990 Enterprise Way
Coachella, CA 92236
amoreno@coachella.org

RE: MITIGATED NEGATIVE DECLARATION FOR THE CALHOUN STREET HOUSING DEVELOPMENT DATED NOVEMBER 19, 2025, STATE CLEARINGHOUSE NUMBER 2025110786

Dear Adrian Moreno,

The Department of Toxic Substances Control (DTSC) reviewed the Mitigated Negative Declaration (MND) for the Calhoun Street Housing Development (Project). The proposed Project is a Tentative Tract Map, Environmental Assessment, Conditional Use Permit and Planned Unit Development for a single-family residential project. The Project is located on the southwest corner of Calhoun Street and Avenue 49 in the City of Coachella, California. The site encompasses 39.98 acres and is identified as Assessor's Parcel Number (APN) 612-260-010. The applicant proposes to subdivide the Project site for a future build out of a private, gated residential community containing 257 single-family homes and a public park with a total area of 3.53 acres. DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are proposed or rezoned for residential use, several contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are

dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet approved local area baselines or thresholds. If they do not, remedial action must take place to mitigate them below those thresholds. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required. These recommendations should be adhered to and become part of the environmental document. Please refer to the DTSC's Human and Ecological Risk Office (HERO) webpage for the most recent guidance and screening levels.

2. DTSC recommends all imported soil/fill material be tested to ensure all COCs meet screening levels as outlined in DTSC's Preliminary Endangerment Assessment Guidance Manual. Furthermore, DTSC advises referencing the DTSC Information Advisory Clean Imported Fill Material Fact Sheet if importing fill is necessary. To minimize the possibility of introducing contaminated soil/fill material there should be documentation of the origins of the soil/fill material and, if applicable, sampling be conducted to ensure that the imported soil/fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the soil/fill and knowledge of prior land use.

3. The City of Coachella should consider soil testing as mentioned in comment #1. If, in the event any COC results are above DTSC residential screening levels, DTSC recommends the City of Coachella address the contaminations within the Project area through an Environmental Site Assessment and/or receive oversight from a self-certified local agency, DTSC or Regional Water Quality Control Board. If entering into one of DTSC's voluntary agreements, please note that DTSC uses a single standard Request for Lead Agency Oversight Application for all agreement types. Please apply for DTSC oversight using this link: Request for Agency Oversight Application. Submittal of the online application includes an agreement to pay costs incurred during agreement preparation. If you have any

questions about the application portal, please contact the relevant Regional Brownfield Coordinator for your Project.

DTSC would like to thank you for the opportunity to comment on the MND for the Calhoun Street Housing Development. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like clarification on DTSC's comments, please respond to this letter or via our CEQA Review email for additional guidance.

Sincerely,

Dave Kereazis

Dave Kereazis
Associate Environmental Planner
HWMP-Permitting Division – CEQA Unit
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

cc: (via email)

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United States Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Ecological Services
Palm Springs Fish and Wildlife Office
777 East Tahquitz Canyon Way, Suite 208
Palm Springs, California 92262

In Reply Refer to:
2026-0019760 -CEQA-TA-ERIV

December 4, 2025
Sent Electronically

Adrian Moreno
Associate Planner
City of Coachella
53990 Enterprise Way
Coachella, California 92236

Subject: Notice of Availability of a Draft Initial Study Mitigated Negative Declaration for the Calhoun Street Housing Development Project, City of Coachella, Riverside County, California

Dear Adrian Moreno:

This letter is in response to the notice of availability dated November 18, 2025, soliciting comments on the draft Initial Study Mitigated Negative Declaration (ISMND) for the Calhoun Street Housing Development Project (Project), located in the City of Coachella, Riverside County, California. The proposed Project site is located on the southwest corner of Calhoun Street and Avenue 49 in the City of Coachella (City) and is bounded along the west perimeter by lands within the City of Indio, California.

We offer the following comments on the ISMND as they relate to potential impacts on public trust resources. The primary concern and mandate of the U.S. Fish and Wildlife Service (Service) is the conservation, protection, and enhancement of fish and wildlife resources and their habitats for the continuing benefit of the American people. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and threatened or endangered animals and plants listed under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq*.). The comments provided herein are based on the information provided in the ISMND and our knowledge of sensitive and declining fish and wildlife resources.

The Project site is within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Area, and the City is a Local Permittee to the CVMSHCP. The Project applicant proposes to subdivide the 39.98 acres (ac) Project site for a future build of a private, gated residential community containing 257 single-family homes and a 3.53-ac public park, with 3.13-ac for recreational open space and 0.40 ac for a landscaped retention basin. The proposed Project also includes right-of-way allowances for future road improvements along Avenue 49 and Calhoun Street. The Project site is surrounded by single-family residential land uses on the north, south, and west, and a vacant lot occurs on the east of the Project site. Currently, the Project site is zoned as “General Neighborhood” in the City’s General Plan 2035 Update. The applicant

proposes a Planned Unit Development that would permit flexible standards for smaller lot sizes and a higher density for a private gated community than the Project site's current designation allows.

NESTING BIRDS

The draft ISMND states that a field assessment occurred on February 29, 2024. The field assessment included the 39.98-ac Project site and a 500-foot buffer zone. The Project site, which previously hosted a date palm grove, contains rows of leftover date palms on the southern and western portions of the site. The northeast portion is graded and has not been used to grow dates since 2002. Sparse perennial vegetation occurs throughout the Project site, particularly under the remaining date palms and in the northwest corner, which contains a small irrigation reservoir. The draft ISMND states that due to existing site disturbances, including the previous date palm grove, grading, and recent off-road vehicle use and dumping of trash, the probability of special status-species occurring on the site is low. No special-status species, including nesting birds, were observed during the field assessment; however, the draft ISMND notes that due to the existing vegetative scrub and date palms, the Project site may still be used by resident and migratory nesting birds.

Due to the presence of sparse vegetation throughout the Project site, the Service agrees that special-status species have the potential to occur within the Project site. The presence of sparse vegetation, particularly cover of shrubs, is suitable habitat for ground-nesting birds. Moreover, the presence of bare ground on the northeast portion of the Project site also constitutes suitable nesting habitat for some ground-nesting birds. Therefore, the proposed development has the potential to impact nesting birds. However, the ISMND does not indicate that focused nesting bird surveys were completed, likely contributing to the lack of nesting bird observations during the field assessment. Focused nesting bird surveys, both within and outside of nesting season, are necessary to accurately confirm nesting bird presence or absence. A complete assessment of the biological resources within the Project area is required to assess the Project's potential impacts to nesting birds. Please revise the ISMND to include a complete assessment of the Project's potential impacts to nesting bird habitat, including completion of nesting bird surveys during the appropriate time of year, to determine the extent of nesting birds on the Project site.

The draft ISMND includes Mitigation Measure (MM) BIO-1, which states that "[b]ird nesting season for resident birds in Southern California occurs between February 1 and August 31." Please note that the timing of nesting season is highly variable. Changing climate conditions have resulted in nesting birds breeding both earlier and later in the year than suggested in previous guidance. Nesting season may generally be considered to occur between January and October; however, timing varies on a species-by-species basis. Coordination with the Service and the California Department of Fish and Wildlife (CDFW; collectively, the Wildlife Agencies) is necessary to determine appropriate timing of nesting season surveys. Additionally, to address the variability in nesting season, we recommend that MM-BIO-1 be revised to require nesting bird surveys throughout construction, both within and outside of nesting season, to avoid any potential adverse effects to nesting.

BURROWING OWL

The draft ISMND states that marginally suitable habitat for western burrowing owl (*Athene cunicularia hypugaea*; burrowing owl), a CVMSHCP-Covered Species, Service Bird of Conservation Concern, and candidate species under the California Endangered Species Act, occurs intermittently throughout the Project site, and suitable California ground squirrel burrows were observed during the field assessment. Additionally, the draft ISMND states that the Project site is largely disturbed. Burrowing owl are known to occupy disturbed habitat; therefore, due to the presence of disturbed habitat, sparse vegetation, and suitable burrows within the Project area, the Service agrees with the conclusion that suitable habitat for burrowing owl occurs on the Project site, and burrowing owls have the potential to inhabit the site. No burrowing owls or signs of burrowing owls were observed during the field assessment; however, the draft ISMND does not indicate completion of focused burrowing owl surveys. Focused burrowing owl surveys during the breeding season and nonbreeding season are necessary to accurately confirm burrowing owl presence or absence. Pursuant to the CDFW Staff Report on Burrowing Owl Mitigation (2012 or most recent version), for both breeding and non-breeding season surveys, a minimum of four survey visits are required to assess a site for burrowing owl presence. Given the lack of multiple, focused burrowing owl surveys, the total number of burrowing owl individuals or suitable and occupied burrows within the Project site and 500-foot buffer is unknown. Please revise the draft ISMND to include an accurate assessment of the Project's potential impacts to burrowing owl, including focused survey results following the protocols outlined in the 2012 Staff Report on Burrowing Owl Mitigation.

MM BIO-2 states that burrowing owl avoidance surveys must be conducted immediately preceding development, including 14-30 days prior to initiating ground disturbance activities, and within 24 hours of ground disturbance, in compliance with the 2012 Staff Report on Burrowing Owl Mitigation. As stated in the 2012 Staff Report on Burrowing Owl Mitigation, burrowing owls may re-colonize a Project site should any time lapses between Project activities occur. Such time lapses would trigger subsequent take avoidance surveys, which may include a final survey conducted within 24 hours prior to ground disturbance. Due to the potential for burrowing owl to occur throughout the construction period, in addition to focused surveys (breeding season and non-breeding season) and take avoidance surveys prior to initiating ground disturbance, additional surveillance monitoring surveys for burrowing owls should be continued throughout construction to avoid any potential impacts to burrowing owl [see the 2012 Staff Report, Site Surveillance (page 9), Appendix D, Take Avoidance Surveys (page 29-30)].

MM BIO-2 also states that "Should burrowing owls be detected, CDFW shall be contacted as soon as possible to determine the next course of action. CDFW must grant permission to relocate burrowing owls." As stated above, burrowing owl is a Covered Species under the CVMSHCP. The CVMSHCP is governed by both CDFW's Natural Community Conservation Plan Permit and the Service's section 10(a)(1)(B) permit issued under the Act. Although burrowing owl is not a federally listed species under the Act, a non-listed species covered in a Habitat Conservation Plan (HCP) must be treated as if it were already listed, and all conservation measures described in the HCP for that species must be fully implemented. Please revise MM BIO-2 to require that, if the focused surveys and/or pre-construction surveys confirm burrowing owl presence, the Project

applicant shall submit a Burrowing Owl Plan that includes avoidance, minimization, and mitigation measures to both Wildlife Agencies for review and approval prior to any ground disturbance or vegetation removal. The Project proponent shall coordinate with the Wildlife Agencies on the appropriate avoidance, minimization, and mitigation measures to be included in the Burrowing Owl Plan. Per Section 4.4 and Section 8.5.2 of the CVMSHCP, relocation of burrowing owls must follow protocols accepted by the Wildlife Agencies, and active relocation and eviction/passive relocation must be determined through coordination with the Wildlife Agencies for all Covered Activities. As such, please revise MM BIO-2 to state that if avoidance of burrowing owl is not possible, the Project applicant shall coordinate with both Wildlife Agencies on a burrowing owl relocation plan. Additionally, please include language that states that the Project proponent shall submit the relocation plan to the Wildlife Agencies for review and approval. Both the Burrowing Owl Plan and relocation plan should be submitted to the Wildlife Agencies for review and approval as soon as possible to avoid project delays due to the burrowing owl breeding season. These measures are necessary for the City in fulfilling its obligations as a CVMSHCP Permittee.

WESTERN YELLOW BAT

The draft ISMND states that roosting habitat for the western yellow bat (*Lasiurus xanthinus*), a CVMSHCP-Covered Species, is absent on the Project site, and probability of foraging is low. The draft ISMND concludes that the western yellow bat is absent from the Project site. Western yellow bat habitat includes valley foothill riparian, desert riparian, desert wash, and palm oasis habitats, and the species typically roosts in the skirt of dead fronds of fan palms. Western yellow bat has been documented to roost in both native and non-native palm trees, and additional information has shown that they may roost in the dead fronds of other plants with structural similarities to fan palms. Additionally, the species has also been documented to occur in open grassy areas, residential areas, over swimming pools, and in orchards. Dead palm fronds occur within the fallow date palm grove portion of the Project site, and the Project site and surrounding residential areas may provide foraging opportunities; therefore, the Service considers the Project site to contain suitable habitat for western yellow bat, and western yellow bat have the potential to occur within the Project site.

The draft ISMND indicates that western yellow bats were not observed during the field assessment. However, the draft ISMND does not indicate completion of focused bat surveys, likely contributing to the lack of western yellow bat observations during the field assessment. Focused bat surveys are necessary to accurately confirm the presence or absence of special-status bat species. Please revise the draft ISMND to include a complete assessment of the Project's potential impacts to bat habitat, including completion of focused bat surveys following accepted survey methods, to accurately determine the extent of bats on and adjacent to the proposed Project site. In addition to focused surveys, pre-construction clearance surveys are necessary to avoid any potential impacts to western yellow bat. Please revise the draft ISMND to require bat pre-construction surveys conducted by a qualified biologist, with detailed information regarding the survey methods, including the number of days of acoustic monitoring, emergence roost counts, and number of roost count observers included. Additionally, please note that multiple surveys are required during the maternity season to accurately document roost activity. A

minimum of two surveys during the maternity season, one during spring and one during summer, are required. In addition to bat maternity season surveys, a winter survey and migration period survey should also be required to identify presence of bats in the Project site throughout the year. If special status bats are determined to be present at the Project site, please coordinate with the Service on implementation of the appropriate avoidance, minimization, and mitigation measures prior to beginning project activities.

We appreciate the opportunity to provide comments on the draft ISMND. If you have any questions regarding these comments, please contact Lory Salazar-Velasquez.[1]

Sincerely,

for Brian Croft
Field Supervisor

[1] lory_salazar-velasquez@fws.gov.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

December 8, 2025
Sent via email

Adrian Moreno
Associate Planner
City of Coachella
53990 Enterprise Way
Coachella, CA 92236
amoreno@coachella.org

Calhoun Street Housing Development Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2025110786

Dear Adrian Moreno:

The California Department of Fish and Wildlife (CDFW) received a Draft Mitigated Negative Declaration (MND) from the City of Coachella (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1]CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Pacific Modern Builders LLC

Objective: The Project proposes to subdivide the Project site for a future build out of a residential community containing 257 single-family homes and a public park with a total area of 3.53 acres, 3.13 acres for recreational open space, and four retention basins that will accept all on-site flows. Construction activities would occur during the day, and there would be no need to apply nighttime security lighting on the Project site. Construction activities would not introduce new sources of light or glare. Project buildout would introduce additional sources of nighttime light from security lighting, landscape and pathway lighting, street lighting, and interior home lighting seen from windows. Landscaped areas and retention basins would be xeriscaped with drought-tolerant plants while the park would contain grass and native, drought-tolerant trees and bushes.

Location: The Project site is located on the southwest corner of Calhoun Street and Avenue 49 in the City of Coachella, Riverside County, California. The site encompasses 39.98 acres and is identified as Assessor's Parcel Number 612-260-010.

Timeframe: The MND indicates that construction activities would be completed by 2026.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately

identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the MND lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of biological resources on the Project site. CDFW requests that additional information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

Existing Environmental Setting

Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND may provide an incomplete analysis of Project-related environmental impacts.

The MND lacks a complete assessment of biological resources associated with burrowing owl (*Athene cunicularia*) and western yellow bat (*Lasiurus xanthinus*) within the Project site and surrounding area. A complete and accurate assessment of the environmental setting and Project-related impacts to biological resources is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to less than significant.

Mitigation Measures

CEQA requires that an MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for surveys for bats, avoidance of bats during tree removal, artificial nighttime lighting, and compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), as well as revising the mitigation measures for nesting birds and burrowing owls.

1) Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code

or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

With regard to the CVMSHCP, per its associated Implementing Agreement (IA) and Permits from CDFW and the U.S. Fish and Wildlife Service (the Wildlife Agencies), Take associated with Covered Activities will not be in violation of the Migratory Bird Treaty Act and will be consistent with Fish and Game Code sections 3503 and 3503.5; therefore, all Covered Activities within and outside Conservation Areas must undertake measures to avoid the take of individuals, nests, and eggs of nesting birds. The CVMSHCP includes a general conservation measure that applies to all bird species to avoid impacts to habitat for nesting birds during the nesting season (CVMSHCP Section 9.7). Per IA Section 13.2, the City is obligated to ensure the projects to which it confers Take Authorization under the CVMSHCP comply with all terms and requirements of the CVMSHCP, the Wildlife Agencies' Permits that create the CVMSHCP, and the IA, including compliance with laws that protect nesting birds..

Page 39 of the MND indicates that "existing vegetative scrub and date palms found on the Project site could potentially be used by both resident and migratory nesting birds." CDFW adds that the Project site contains suitable habitat for both ground-nesting birds and birds that nest in shrubs and trees.

The MND includes Mitigation Measure BIO-1 for nesting birds, which indicates that the "bird nesting season for resident birds in Southern California occurs between February 1 and August 31. To avoid impacts to nesting birds, all vegetation clearing, ground disturbance, and construction activity should be scheduled between September 1 and January 31 if possible. If construction occurs during the nesting season, a certified avian biologist must conduct a pre-construction nesting bird survey (NBS) immediately prior to scheduled construction activity." CDFW considers the mitigation measure for nesting birds in the MND to be inadequate in scope and timing to avoid or reduce impacts to nesting birds to a level less than significant. In alignment with the CVMSHCP's general conservation measure for nesting birds (CVMSHCP Section 9.7), CDFW recommends Project construction activities are conducted outside of the peak nesting bird season. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds and their nests and eggs are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and

tracking shifts in availability of resources (Socolar et al., 2017[2]). CDFW staff have observed that climate change conditions may result in the nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

To support the City in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-1 is revised as follows, with additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-1: Nesting Birds

To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. ~~Bird nesting season for resident birds in Southern California occurs between February 1 and August 31. To avoid impacts to nesting birds, all vegetation clearing, ground disturbance, and construction activity should be scheduled between September 1 and January 31 if possible. If construction occurs during the nesting season, a certified avian biologist must conduct a pre-~~

[2] Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.

~~construction nesting bird survey (NBS) immediately prior to scheduled construction activity. If active nests are identified, the biologist will demarcate a no-work buffer zone(s) around the active nest(s) and check the nest site(s) weekly until the young birds fledge and the nest(s) become inactive. The buffer zone size would be based on the nesting species, its sensitivity to disturbance, nesting stage and the expected intensity and duration of disturbance. No ground or vegetation disturbance shall occur within the nest site buffer zone(s) until the qualified biologist determines that the young have successfully fledged, and the nest is inactive. Per CDFW recommendations, a buffer of 500 feet shall be set for listed species and birds of prey, and a buffer of 100 to 300 feet shall be set for unlisted songbirds.~~

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for revised MM BIO-1 and MM BIO-2, as well as CDFW-recommended MM BIO-[A], MM BIO-[B], MM BIO-[C], and MM BIO-[D].

2) Burrowing Owl

On October 10, 2024, the Fish and Game Commission determined that western burrowing owl warrants protection as a candidate species under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.). During the candidacy period, western burrowing owl will be afforded the same protection as threatened and endangered species under CESA. If Project activities, including relocation, could result in take, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained prior to commencement of Project activities.

Take of individual burrowing owls and their nests or eggs is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

With regard to the CVMSHCP, the CDFW Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 does not provide Take Authorization for burrowing owl individuals, nests, or eggs. To the contrary, section 3.5.6 of the NCCP Permit states

burrowing owl "pairs or individuals will not be Taken" and reiterates that the "HCP/NCCP does not authorize Take of [burrowing owl] nests [or] eggs[.]" Therefore, throughout the CVMSHCP area—both within and without Conservation Areas—Permittees must ensure that activities occurring within their jurisdictions do not result in the take, possession, or destruction of burrowing owl individuals, nests, or eggs. Any activity occurring within the CVMSHCP area that results in the take of burrowing owl individuals, nests, or eggs would be unlawful and would not be a Covered Activity under the CVMSHCP. Per IA Section 13.2, the City is obligated to ensure the projects to which it confers Take Authorization under the CVMSHCP comply with all terms and requirements of the CVMSHCP, the Wildlife Agencies' Permits that created the CVMSHCP, and the IA, including compliance with laws that protect burrowing owls.

Page 40 of the MND states that "no burrowing owls, or signs of burrowing owls were observed during the site survey, however, suitable habitat and burrows suitable for burrowing owls were observed on the Project site. Burrowing owls could potentially relocate to the Project site between the time of the site survey and the start of construction due to their attraction to open dry areas and agricultural sites." CDFW agrees that the Project site contains suitable nesting and foraging habitat for burrowing owl. The MND and its supporting documents lack information on whether focused surveys for burrowing owl were conducted and the methods used to conduct any surveys for burrowing owl. Because the MND lacks the findings of recent focused surveys for burrowing owl following the guidelines in the *Staff Report on Burrowing Owl Mitigation*,[3] the number and locations of suitable and occupied burrows within the Project site are unknown. Given the lack of results from focused surveys for burrowing owl following recommended protocols and the lack of survey reports, CDFW is limited in its ability to provide biological expertise to support the City in reducing impacts to burrowing owl to a level less than significant. CDFW recommends that the MND is revised to include the results of four focused surveys for burrowing owl within the entire Project site and surrounding area, including survey reports,[4] following the guidelines outlined in Appendix D of the *Staff Report on Burrowing Owl Mitigation* and to incorporate appropriate avoidance, minimization, and mitigation measures for burrowing owl. Focused surveys are needed to inform appropriate avoidance, minimization, and mitigation measures and support the City in avoiding or reducing impacts to burrowing owl to a level less than significant. CDFW requests that if burrowing owls are detected

[3] California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

[4] Survey reports should include details on survey methods and results, including, but not limited to, the names and qualifications of surveyor(s); a description of survey methods; a description of the conditions of the project site and recent photos; map(s) showing the locations of all suitable burrows, occupied burrows, burrowing owls, and burrowing owl sign; descriptions of burrowing owl behavior observed; California Natural Diversity Database (CNDDB) field survey forms, etc. For more information, see Appendix D, Survey Reports, of the CDFW 2012 Staff Report on Burrowing Owl Mitigation.

during focused surveys, survey results are submitted to the Wildlife Agencies, and the City initiate consultation with the Wildlife Agencies to identify a path forward regarding the protection of burrowing owls.

The MND includes Mitigation Measure BIO-2, which indicates that "to ensure that no burrowing owls have moved to the Project site since the biological site survey was conducted." In addition to pre-construction surveys, CDFW recommends that focused burrowing owl surveys are first conducted and the results submitted to Wildlife Agencies. This provides time for the City and Project proponent to start coordination with the Wildlife Agencies early to identify appropriate avoidance, minimization, and mitigation measures and reduce the chance of Project delays. Without details on focused surveys and appropriate information sharing and coordination with the Wildlife Agencies, CDFW considers Mitigation Measure BIO-2 to be inadequate in scope and timing to avoid or reduce impacts to burrowing owl to a level less than significant.

To support the City in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends that Mitigation Measure BIO-2 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-2: Burrowing Owl Focused and Pre-Construction Surveys

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a CDFW-approved qualified biologist prior to any Project activities, including vegetation- or ground-disturbing activities. CDFW strongly recommends that focused surveys are conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version)[5]. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall submit the results of focused surveys to CDFW and USFWS as soon results become available and before commencement of any Project activities, including any vegetation- or ground-disturbing activities. CDFW recommends that the information included in the survey results be consistent with Appendix D of the *Staff Report on Burrowing Owl Mitigation*, including a detailed map showing locations of all burrowing owls, burrowing owl sign, potential burrows, and occupied burrows (occupied means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site); a description of the behavior of burrowing owls during surveys; a description of survey

[5] California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843.

methods; and other items listed in Appendix D of the *Staff Report on Burrowing Owl Mitigation* under "Survey Reports." Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, appropriate NCCP (Fish and Game Code section 2835) or CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not recommence until consultation with CDFW and USFWS is completed. ~~To ensure that no burrowing owls have moved to the Project site since the biological site survey was conducted, avoidance surveys of the Project site must be conducted immediately preceding development, in compliance with the CDFW Staff Report for Burrowing Owl (2012) protocols. The first survey should occur 14-30 days prior to initiating ground disturbance activities, and the second survey should take place withing 24 hours of ground disturbance. Should burrowing owls be detected, CDFW shall be contacted as soon as possible to determine the next course of action. CDFW must grant permission to relocate burrowing owls.~~

3) Bats

Page 4 of the MND indicates that the Project "site has been partially cleared, although many date palms remain scattered throughout 75% of the parcel while the northeast corner of the parcel is graded and barren." Regarding the probability for western yellow bat to occur on the Project site, page 39 of the MND indicates the following: "Nesting: Absent. Roosting habitat lacking." The MND and its supporting documents lack additional information on the presence or avoidance, minimization, or mitigation measures for western yellow bat. CDFW disagrees with the conclusion that no suitable roosting habitat for western yellow bat is located within or adjacent to the Project site. CDFW notes that palm trees are the preferred roost site of western yellow bats, which roost in the attached dead leaf fronds, or "skirts," of both native and non-native palm trees. Street View imagery using Google Earth and photos included in the Biological Assessment show that some of the date palms within the Project site contain relatively full "skirts," habitat that is suitable for western yellow bat (and other bat species). CDFW

considers the Project site to contain suitable roosting habitat for western yellow bat. Without appropriate avoidance, minimization, and mitigation measures, such as surveys to assess presence and appropriate methods to remove fan palms, CDFW considers the MND to be inadequate in avoiding or reducing impacts to western yellow bat to a level less than significant.

To support the City in avoiding or reducing impacts to western yellow bat to a level less than significant, CDFW recommends that the City add the following mitigation measures to a revised MND:

Mitigation Measure BIO-[A]: Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Western Yellow Bat

Prior to commencing Project activities, a CDFW-approved qualified bat biologist shall perform bat habitat/roosting surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction will only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed.

The Project proposes removal of the date palms within the Project site. The removal of palm trees that contain roosting habitat for bats can subject bats to impacts ranging from permanent loss of day roosts, including maternity roosts, to direct mortality if avoidance, minimization, and mitigation measures are not implemented. To support the City in avoiding or reducing impacts to western yellow bats to less than significant, CDFW also recommends that the following mitigation measure is added to a revised

MND:

Mitigation Measure BIO-[B]: Avoidance of Bats during Tree Removal

Tree removal work with the potential to house roosting bats shall be performed between September 15 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not drop below 45˚F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45˚F or less for that evening and the next four evenings), then no tree removals shall be performed. All palm removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist.

4) Coachella Valley Multiple Species Habitat Conservation Plan

<u>Local Development Mitigation Fee</u>

The Project is located within the CVMSHCP Plan Boundary and outside of a Conservation Area and contains habitat for Covered Species and/or conserved natural communities. Per CVMSHCP Section 5.2.1.1 and IA Sections 12.2.1 and 13.2, the City is obligated to impose a local development mitigation fee for new development within the Plan Area that impacts vacant land containing Habitat for Covered Species and/or conserved natural communities, including small vacant lots within urban areas that contain natural open space, and to transmit collected fees to CVCC at least quarterly and prior to impacts to Covered Species and their Habitats. Page 40 of the MND states that the “City of Coachella is a signatory to the CVMSHCP and therefore the Project is required to pay a Development Mitigation Fee.” To accurately document the City’s obligation to impose and transmit a Local Development Mitigation Fee for the Project, CDFW recommends the City add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[C]: CVMSHCP Compliance

Prior to construction and issuance of any grading permit, the City shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.

5) Artificial Nighttime Lighting

Page 22 of the MND indicates that the "Project buildout would introduce additional sources of nighttime light from security lighting, landscape and pathway lighting, street lighting, and interior home lighting seen from windows. Daytime glare may also be expected from windows. However, the Project's sources of lighting and glare would be consistent with and not exceed light and glare emissions from existing nearby development. The Project would adhere to the City's lighting requirements and would not produce light and glare upward into the sky." The MND lacks an analysis of direct, indirect, and cumulative impacts of artificial nighttime lighting, including impacts associated with long-term operations, on biological resources including migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. The Project is located adjacent to vacant, sparsely vegetated areas to the west and east of the Project site—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. The Project's proposed artificial nighttime lighting has the potential to significantly and adversely affect wildlife in these vacant areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation.[6] Many species use photoperiod cues for communication (e.g., bird song[7]), determining when to begin foraging,[8] behavioral thermoregulation,[9] and migration.[10] Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.[10]

CDFW recommends that the MND is revised to include an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting associated with the Project's long-term operations on biological resources, and appropriate avoidance,

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[6] Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. Biological Reviews, 88.4: 912-927.
[7] Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. The Condor 108:130–139.
[8] Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. Current Biology 19:1123–1127.
[9] Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. Ecology 58:98–108.
[10] Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. Frontiers in Ecology and the Environment 2:191–198.

minimization, and mitigation measures that will avoid or reduce impacts to less than significant.

To support the City in avoiding, minimizing, and mitigating for the Project's direct and indirect impacts of artificial nighttime lighting on biological resources, CDFW recommends that the City include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[D]: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, the City shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The City shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

6) Landscaping

Page 114 of the MND states that the "landscaped areas and retention basins would be xeriscaped with drought-tolerant plants while the park would contain grass and native, drought- tolerant trees and bushes." The MND lacks additional information on landscaping plans. CDFW recommends that the MND include recommendations regarding landscaping from Section 4.0 of the CVMSHCP "Table 4-112: Coachella Valley Native Plants Recommended for Landscaping" (pp. 4-180 to 4-182; https://cvmshcp.org/plan-documents/). CDFW also recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: https://calscape.org/. Local water agencies/cities and resource conservation cities in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: https://saveourwater.com/.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist Specialist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Kim Freeburn
84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	**Timing and Methods**	**Responsible Parties**
Mitigation Measure BIO-1: Nesting Birds **To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines**	**Timing:** No more than 3 days prior to all vegetation removal or ground-disturbing activities throughout all phases of the Project. **Methods:** See Mitigation Measure	**Implementation**: City of Coachella and Project Proponent **Monitoring and Reporting**: City of Coachella

and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.		
Mitigation Measure BIO-2: Burrowing Owl Focused and Pre-Construction Surveys **Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a CDFW-approved qualified biologist prior to any Project activities, including vegetation- or ground-disturbing activities. CDFW strongly recommends that focused surveys are conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version)[11]. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall submit the results of focused surveys to CDFW and USFWS as soon results become available and before commencement of any Project activities,**	**Timing: Focused surveys:** Consistent with timing in Appendix D of the Staff Report on Burrowing Owl Mitigation and prior to commencement of any Project activities, including vegetation- or ground-disturbing activities for all phases of the Project. **Pre-construction surveys:** No less than 14 days prior to start of Project-related activities and within 24 hours prior to	**Implementation**: City of Coachella and Project Proponent **Monitoring and Reporting**: City of Coachella

[11] California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843.

including any vegetation- or ground-disturbing activities. CDFW recommends that the information included in the survey results be consistent with Appendix D of the *Staff Report on Burrowing Owl Mitigation*, including a detailed map showing locations of all burrowing owls, burrowing owl sign, potential burrows, and occupied burrows (occupied means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site); a description of the behavior of burrowing owls during surveys; a description of survey methods; and other items listed in Appendix D of the *Staff Report on Burrowing Owl Mitigation* under "Survey Reports." Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, appropriate NCCP (Fish and Game Code section 2835) or CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities. **Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed**	ground disturbance for all phases of the Project and when there is a pause in construction of more than 30 days. **Methods:** See Mitigation Measure	

by a CDFW-approved qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not recommence until consultation with CDFW and USFWS is completed.		
Mitigation Measure BIO-[A]: Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Western Yellow Bat **Prior to commencing Project activities, a CDFW-approved qualified bat biologist shall perform bat habitat/roosting surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction will only occur between**	**Timing:** Prior to commencement of Project Activities. **Methods:** See Mitigation Measure	**Implementation**: City of Coachella and Project Proponent **Monitoring and Reporting**: City of Coachella

October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed.		
Mitigation Measure BIO-[B]: Avoidance of Bats during Tree Removal **Tree removal work with the potential to house roosting bats shall be performed between September 15 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on**	**Timing:** See Mitigation Measure. **Methods:** See Mitigation Measure	**Implementation**: City of Coachella and Project Proponent **Monitoring and Reporting**: City of Coachella

the evening of removal and the subsequent four evenings do not drop below 45˚F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45˚F or less for that evening and the next four evenings), then no tree removals shall be performed. All palm removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist.		
Mitigation Measure BIO-[C]: CVMSHCP Compliance **Prior to construction and issuance of any grading permit, the City shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.**	**Timing:** Prior to construction and issuance of any grading permit. **Methods:** See Mitigation Measure	**Implementation**: City of Coachella **Monitoring and Reporting**: City of Coachella
Mitigation Measure BIO-[D]: Artificial Nighttime Lighting **Throughout construction and the lifetime operations of the Project, the City shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many**	**Timing:** Throughout construction and the lifetime operations of the Project **Methods:** See Mitigation Measure	**Implementation**: City of Coachella and Project Proponent **Monitoring and Reporting**: City of Coachella

wildlife species are most active. The City shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The City shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.		