

# AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-017-2023-002

January 30, 2023

[VIA EMAIL TO:gperez@coachella.org]  
 City of Coachella  
 Mr. Gabriel Perez  
 53-990 Enterprise Way  
 Coachella, CA 92236

**Re: Sevilla II Project GPA 22-05, CZ 22-06, TTM 38577, EA 22-06**

Dear Mr. Gabriel Perez,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Sevilla II project. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area. For this reason, the ACBCI THPO requests the following:

- \*Copies of any cultural resource documentation (report and site records) generated in connection with this project.
- \*A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.
- \*A copy of the records search with associated survey reports and site records from the information center.
- \*The presence of an approved Agua Caliente Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.
- \*Formal government to government consultation under California Assembly Bill No. 52 (AB-52).
- \*The presence of an archaeologist that meets the Secretary of Interior's standards during any ground disturbing activities.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 423-3485. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

# AGUA CALIENTE BAND OF CAHUILLA INDIANS

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*Xitlaly Madrigal*

Xitlaly Madrigal  
Cultural Resources Analyst  
Tribal Historic Preservation Office  
AGUA CALIENTE BAND  
OF CAHUILLA INDIANS

# AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-017-2023-002

September 07, 2023

[VIA EMAIL TO:gperez@coachella.org]

City of Coachella  
Mr. Gabriel Perez  
53-990 Enterprise Way  
Coachella, CA 92236

**Re: Sevilla II TTM 38557**

Dear Mr. Gabriel Perez,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Sevilla II project. We have reviewed the documents and have the following comments:

\*The presence of an approved Agua Caliente Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

\*The presence of an archaeologist that meets the Secretary of Interior's standards during any ground disturbing activities.

\*Please provide Appendix L: Mitigation Monitoring and Reporting Program.

\*Please provide Appendix D: Cultural Resources Report.

\*In section 4.18 it is stated that responses to the AB-52 consultation letters were received from Augustine Band of Cahuilla Indians and Morongo Band of Mission Indians. Agua Caliente Band of Cahuilla Indians sent a response letter on January 31, 2023 and requested consultation on this project (letter attached).

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 423-3485. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

# AGUA CALIENTE BAND OF CAHUILLA INDIANS

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TRIBAL HISTORIC PRESERVATION



03-017-2023-002

Xitlaly Madrigal  
Cultural Resources Analyst  
Tribal Historic Preservation Office  
AGUA CALIENTE BAND  
OF CAHUILLA INDIANS



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](http://www.wildlife.ca.gov)

*GAVIN NEWSOM, Governor*  
*CHARLTON H. BONHAM, Director*



October 3, 2023  
*Sent via email*

Gabriel Perez  
 Development Services Director  
 City of Coachella  
 53990 Enterprise Way  
 Coachella, CA 92236

Sevilla II Tentative Tract Map No. 38557 (PROJECT)  
 Mitigated Negative Declaration (MND)  
 SCH# 2023090027

Dear Gabriel Perez:

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

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.

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<sup>1</sup>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.

Gabriel Perez, Development Services Director  
City of Coachella  
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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:** Pulte Group

**Objective:** The Project proposes the construction of approximately 204 single-family residential dwellings on approximately 39 acres. The proposed Project would involve landscaping including drought-resistant vegetation, an approximate 1.37-acre water retention basin, an approximate 0.23-acre dedicated well site, utility improvements, exterior building lighting, street lighting, and landscape lighting.

**Location:** The proposed Project is located north of 51st Avenue, East of Calhoun Street, South of Avenue 50, West along Van Buren Street in the City of Coachella, County of Riverside. The Project is located within Assessor's Parcel Numbers 779-280-002 and 779-320-001.

**Timeframe:** Construction of the proposed Project is anticipated to occur for the duration of approximately 6 to 12 months for rough grading and site improvements. Vertical construction would have an approximate buildout period of 2 years.

## **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

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City of Coachella  
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facilitate a meaningful review by CDFW, including a complete and accurate Project description. 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.

### Project Description

Compliance with CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate Project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the Project description.

The MND lacks a discussion of plans for artificial nighttime lighting. CDFW requests that the MND is revised to include design plans for artificial nighttime lighting and lighting specifications. Artificial nighttime lighting can negatively impact biological resources in a variety of ways as discussed in the Artificial Nighttime Lighting section below. To conduct a meaningful review and provide biological expertise on how to protect fish and wildlife resources, CDFW requires a complete and accurate Project description.

### Mitigation Measures

CEQA requires that a 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 artificial nighttime lighting and Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) compliance, as well as revising the mitigation measures for nesting birds and burrowing owl.

#### **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.).

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Page 55 of the MND indicates that “one (1) vegetation community was observed and mapped within the boundaries of the Project site during the field survey: tamarisk thicket.” CDFW notes that based on review of aerial imagery, mature tamarisk trees exist along and within the northern boundary of the Project site, and a date palm (*Phoenix dactylifera*) grove exists within an adjacent parcel to the south of the Project site. Both the tamarisk trees and palm groves provide suitable habitat for nesting birds. Birds like hooded oriole (*Icterus cucullatus*) primarily nest in palm trees and build hanging nests on the undersides of palm fronds<sup>2</sup>. Mourning doves (*Zenaida macroura*), owls, greater roadrunner (*Geococcyx californianus*), and house finch (*Haemorhous mexicanus*) frequently nest in the thick skirts of palms<sup>3</sup>. The MND includes Mitigation Measure BIO-1 for nesting birds, which indicates that “if Project-related activities are to be initiated during the nesting season (January 1 to August 31), the Applicant shall conduct a pre-construction nesting bird clearance survey by a qualified biologist...”. CDFW 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. 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<sup>4</sup>). 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 considers the Mitigation Measure BIO-1 to be insufficient in scope and timing to reduce impacts to nesting birds to less than significant. CDFW recommends the City revise Mitigation Measure BIO-1, with additions in **bold** and removals in ~~strikethrough~~:

### Mitigation Measure BIO-1: Nesting Birds

**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**

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<sup>2</sup> Garrett, K., and J. Dunn. 1981. Birds of southern California. Los Angeles Audubon Soc., Los Angeles.

<sup>3</sup> Cornett, J. W., How did palm oases get to the California desert? A behind-the-scenes look at these ‘tropical islands’. Desert Magazine. Sept. 13, 2018.

<sup>4</sup> 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.



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**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. Established buffers 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.** ~~If project-related activities are to be initiated during the nesting season (January 1 to August 31), the Applicant shall conduct a pre-construction nesting bird clearance survey by a qualified biologist no more than three (3) days prior to the start of any vegetation removal or ground disturbing activities. The qualified biologist shall survey all suitable nesting habitat within the project impact area, and areas within a biologically defensible buffer zone surrounding the project impact area. If no active bird nests are detected during the clearance survey, project activities may begin, and no additional avoidance and minimization measures shall be required. If an active bird nest is found, the species shall be identified, and a “no-disturbance” buffer shall be established around the active nest. The size of the “no-disturbance” buffer shall be increased or decreased based on the judgement of the qualified biologist and level of activity and sensitivity of the species. The qualified biologist shall periodically monitor any active bird nests to determine if project-related activities occurring outside the “no-disturbance” buffer disturb the birds and if the buffer should be increased. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, project activities within the “no-disturbance” buffer may occur following an additional survey by the qualified biologist to search for any new bird nests in the restricted area.~~

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

## **2) *Burrowing Owl***

Burrowing owl (*Athene cunicularia*) is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. 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

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Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). 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.”

Page 55 of the MND indicates that the Project site “has a moderate potential to support burrowing owl.” Although the MND includes Mitigation Measure BIO-2 for burrowing owl, CDFW considers this measure to be inadequate in scope and timing to reduce impacts to less than significant. CDFW recommends that the City revise Mitigation Measure BIO-2, with additions in **bold** and removals in ~~strikethrough~~:

### **Mitigation Measure BIO-2: Burrowing Owl Avoidance**

**Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.**

**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 performed by a 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. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for**

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 City of Coachella  
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~~review and approval prior to commencing Project activities. Within 30 days prior to initiating ground disturbance or vegetation removal activities, the Applicant shall conduct a clearance survey by a qualified biologist to confirm that burrowing owls remain absent, and impacts do not occur to any occupied burrows that may be located on or within 500 feet of the project site. In accordance with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, 2012), one pre-construction clearance survey shall be conducted within 30 days prior to any ground disturbance or vegetation removal activities. Documentation of the surveys and findings shall be provided to the City of Coachella for review prior to initiating project activities. If no burrowing owls or occupied burrows are detected, project-related activities may begin. If an occupied burrow is detected, the qualified biologist shall flag the location and establish a “no-disturbance” buffer around the burrow in accordance with the CVMSHCP and contact CDFW to determine the appropriate method of relocation, such as eviction/passive relocation or active relocation.~~

~~If an occupied burrow is found outside, but within 500 feet, of the development footprint, the qualified biologist shall establish a “no-disturbance” buffer around the burrow location(s). The size of the “no-disturbance” buffer shall be determined in consultation with CDFW and be based on the species status (i.e., breeding, nonbreeding) and proposed level of disturbance. If an occupied burrow is found within the development footprint and cannot be avoided, the qualified biologist shall flag the location and establish a “no-disturbance” buffer around the burrow in accordance with Section 4.4 of the CVMSHCP and contact CDFW to determine the appropriate method of relocation, such as eviction/passive relocation or active relocation.~~

### **3) Coachella Valley Multiple Species Habitat Conservation Plan**

With regard to compliance with the CVMSHCP, page 58 of the MND indicates that “with payment of the Local development Mitigation Fee, the project would be fully consistent with the biological goals and objectives of the CVMSHCP.” The MND lacks a mitigation measure for this CVMSHCP requirement. To ensure consistency with the CVMSHCP, CDFW recommends that the City include in a revised the MND the following mitigation measure:

#### **Mitigation Measure BIO-[A]: CVMSHCP Compliance**

**Prior to construction and issuance of any grading permit, the City of Coachella 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.**

### **4) Artificial Nighttime Lighting**

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Page 34 of the MND states that the “buildout of the project can be expected to generate increased levels of light and glare from exterior building lighting, required street lighting, landscape lighting, and vehicles.” The MND lacks any additional details on the Project’s lighting plans and lighting specifications or additional avoidance and minimization measures associated with artificial nighttime lighting.

Page 34 of the MND also indicates that “light and glare levels are expected to be consistent with existing residential developments within the surrounding environment and would be regulated by city lighting standards.” CDFW emphasizes that new sources of lighting in an area, even if they are similar in type and intensity compared to existing lighting, have an additive effect and increase the total light illumination at any given point in the environment.

Because the Project is located adjacent to open-space areas including agricultural fields, a tamarisk thicket, and a date palm grove—areas that can provide suitable nesting habitat for birds (see Nesting Birds section above), migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife—CDFW recommends the MND is revised to include an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources within open-space areas adjacent to the Project site. Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. 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; and the detection of resources and natural enemies; and navigation.<sup>5</sup> Many species use photoperiod cues for communication (e.g., bird song<sup>6</sup>), determining when to begin foraging,<sup>7</sup> behavioral thermoregulation,<sup>8</sup> and migration. Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.<sup>9</sup>

To support the City in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant, CDFW recommends that the City add to a revised MND the following mitigation measure:

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<sup>5</sup> 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.

<sup>6</sup> Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

<sup>7</sup> Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127.

<sup>8</sup> Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.

<sup>9</sup> Longcore, T., and C. Rich. 2004. Ecological light pollution -Review. *Frontiers in Ecology and the Environment* 2:191–198.

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### **Mitigation Measure BIO-[B]: Artificial Nighttime Lighting**

Throughout construction and the lifetime operations of the Project, the City and Project proponent 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, reduced in intensity to the greatest extent, 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 and Project proponent 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.

#### **5) Landscaping**

Page 7 of the MND indicates that landscaping would include accent trees “such as mulga, Smoothie thornless cascalote, and desert willow, as well as shade trees including desert ironwood and thornless hybrid mesquite. Shrubs of various sizes would be planted throughout, including grey desert spoon, aloe, yucca, and jojoba. Landscape species and irrigation would be required to adhere to the City’s planting selection for landscaping.” To ameliorate the water demands of this Project, CDFW 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/districts and resource conservation districts 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/>. CDFW also 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.htm](https://cvmshcp.org/Plan_Documents.htm)).

### **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

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communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## ENVIRONMENTAL DOCUMENT FILING FEES

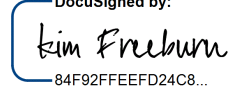
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental 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.)

## CONCLUSIONS

CDFW appreciates the opportunity to comment on the MND to assist the 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 also concludes that the MND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete Project description. The CEQA Guidelines indicate that recirculation is required when insufficient information in the MND precludes a meaningful review (§ 15088.5) or when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised MND, including a complete Project description with lighting plans and specifications, be recirculated for public comment. CDFW also 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, Environmental Scientist, at [jacob.skaggs@wildlife.ca.gov](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

Gabriel Perez, Development Services Director  
City of Coachella  
October 3, 2023  
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**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW  
[Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Vincent James, U.S. Fish and Wildlife Service  
[vincent\\_james@fws.gov](mailto:vincent_james@fws.gov)

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## ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Mitigation Measure BIO-1: Nesting Birds</b></p> <p>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. Established buffers 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.</p>	<p><b>Timing:</b> No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Project Proponent and City of Coachella</p> <p><b>Monitoring and Reporting:</b> City of Coachella</p>
<p><b>Mitigation Measure BIO-2: Burrowing Owl Avoidance</b></p> <p>Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance,</p>	<p><b>Timing: Focused surveys:</b> Prior to vegetation removal or ground-disturbing activities. <b>Pre-construction surveys:</b> No less than 14 days prior to start of Project-related activities and within 24 hours prior to</p>	<p><b>Implementation:</b> Project Proponent and City of Coachella</p> <p><b>Monitoring and Reporting:</b> City of Coachella</p>



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<p>minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>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 <i>Staff Report on Burrowing Owl Mitigation (2012 or most recent version)</i>. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p>	<p>ground disturbance.</p> <p><b>Methods:</b> See Mitigation Measure</p>	
<p><b>Mitigation Measure BIO-[A]: CVMSHCP Compliance</b></p> <p>Prior to construction and issuance of any grading permit, the City of Coachella 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.</p>	<p><b>Timing:</b> Prior to construction and issuance of any grading permit.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Coachella</p> <p><b>Monitoring and Reporting:</b> City of Coachella</p>

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<p><b>Mitigation Measure BIO-[B]: Artificial Nighttime Lighting</b></p> <p>Throughout construction and the lifetime operations of the Project, the City and Project proponent 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, reduced in intensity to the greatest extent, 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 <a href="http://darksky.org/">http://darksky.org/</a>). The City and Project proponent 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.</p>	<p><b>Timing:</b> Throughout construction and the lifetime operations of the Project</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Coachella and Project Proponent</p> <p><b>Monitoring and Reporting:</b> City of Coachella</p>
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# TRIBAL HISTORIC PRESERVATION OFFICE

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VIA ELECTRONIC MAIL

[gperez@coachella.org](mailto:gperez@coachella.org)

Gabriel Perez  
Development Services Director  
City of Coachella  
53990 Enterprise Way  
Coachella CA 92236

**MORONGO  
BAND OF  
MISSION  
INDIANS**



**A SOVEREIGN NATION**

September 21, 2023

**Re: Notice to Adopt Draft IS/MND Sevilla II TTM 38577**

The Morongo Band of Mission Indians (Tribe/MBMI) Tribal Historic Preservation Office received your letter regarding the above referenced Project. The proposed Project is not located within the boundaries of the ancestral territory or traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians.

Thank you for notifying the MBMI about this project. MBMI encourages your consultation with tribes more closely associated with the lands upon which the project is located.

Respectfully,

A handwritten signature in cursive script that reads "Bernadette Ann Brierty". The ink is dark and the signature is fluid and legible.

Bernadette Ann Brierty  
**Tribal Historic Preservation Officer**  
**Morongo Band of Mission Indians**

CC: Morongo THPO



## State Water Resources Control Board

September 28, 2023

City of Coachella  
 Attn: Gabriel Perez  
 53990 Enterprise Way  
 Coachella, CA 92236

CITY OF COACHELLA (CITY), MITIGATED NEGATIVE DECLARATION (MND) FOR THE SEVILLA II TENTATIVE TRACT MAP NO 38557 PROJECT (PROJECT); STATE CLEARINGHOUSE #2023090027

Dear Mr. Gabriel Perez:

Thank you for the opportunity to review the MND for the proposed Project. The State Water Resources Control Board, Division of Drinking Water (State Water Board, DDW) is responsible for issuing water supply permits pursuant to the Safe Drinking Water Act. The Project is within the jurisdiction of the State Water Board, DDW's Riverside District. DDW Riverside District issues domestic water supply permit amendments to the public water systems serviced with a new or modified source of domestic water supply or new domestic water system components pursuant to Waterworks Standards (Title 22 CCR chapter 16 et. seq.). A public water system requires a water supply permit amendment for changes to a water supply source, storage, or treatment and for the operation of new water system components- as specified in the Waterworks Standards. The Coachella Water Authority (CWA) may need to apply for a water supply amendment for this Project.

The State Water Board, DDW, as a responsible agency under California Environmental Quality Act (CEQA), has the following comments on the City's Initial Study (IS)/MND:

- The IS/MND includes an approximate 0.23-acre dedicated [future] well site as part of the proposed Project (PDF pages 11, 34). Please discuss if the well will be used to provide drinking water to the development. If the well will be used to provide drinking water to the development, please address the following in the document:
  - The environmental impacts of drilling and operating the well, including discussion on:
    - groundwater impacts and surrounding wells,
    - well maintenance and discharge,
    - storage of chemicals for chlorination, and

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

- additional water system infrastructure needed (e.g. a backup generator, water main connections prior to well development, etcetera).
- Discuss what is known about the quality of the groundwater and if treatment may be needed. If treatment may be needed include the treatment infrastructure in the project description and discussions.
- Include “Drinking Water Supply Permit Amendment (SWRCB, DDW, Riverside District)” under “2.5 Anticipated Approvals and Permits” [PDF pages 12-13].
- Under Section 10. “Other Public Agencies Whose Approval is Required”, please include “State Water Resources Control Board, Division of Drinking Water, Riverside District” (PDF page 35).
- There are two existing groundwater wells located on the Project site (PDF page 11). Will they be used or destroyed according to City of Coachella standards (Title 13. Public Services, Chapter 13.03 Water Service System, Article VIII Water Wells, 13.03.310 Standards)?
- CWA is a Groundwater Sustainability Agency (GSA) for the Coachella Valley-Indio Subbasin [7-02.01]. Coachella Valley- Indio Subbasin is prioritized as a medium priority basin by the Department of Water Resources (DWR) under the Sustainable Groundwater Management Act (SGMA). The Coachella Valley Regional Urban Water Management Plan (Coachella Valley Regional UWMP) indicates the 2010 Coachella Valley Water Management Plan Update was approved by the DWR as a functionally equivalent alternative to the Groundwater Sustainability Plan on July 17, 2019. The Coachella Valley Regional UWMP also indicates the four water agencies located within the Coachella Valley- Indio Subbasin are developing the Indio Subbasin Alternative Plan Update, which needed to be submitted to the DWR in January 1, 2022. Please indicate if the Indio Subbasin Alternative Plan Update has been submitted and approved by the DWR. Please also indicate if the Project will conflict with or obstruct implementation of the Indio Subbasin Alternative Plan Update, the most current proposed sustainable groundwater management plan for the basin.
- The IS/MND uses Coachella Valley Water District (CVWD)’s Table 4-8 and 4-22 of the 2010 Coachella Valley Regional UWMP to discuss if the Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. However, the water system providing the water for this Project is CWA not CVWD (Coachella Valley Regional UWMP, pages 100-101). Please use the appropriate tables from the document (Tables 5-7, Table 5-15, Table 5-16, Table 5-18-Table 5-22) and update the discussion to reflect the CWA information.
- The IS/MND listed but failed to include the Appendices. Please include the referenced documents. Documents incorporated by reference must be made publicly available (CCR Title 14. Section 15150 [b]).

Mr. Gabriel Perez

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September 28, 2023

Once the MND is adopted, please forward the following items in support of Coachella Valley Water Agency's permit application to the State Water Board, DDW Riverside District Office at [DWPDIST20@waterboards.ca.gov](mailto:DWPDIST20@waterboards.ca.gov):

- Copy of the draft and final MND and Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses as appropriate;
- Copy of the Resolution or Board Minutes adopting the IS/MND and MMRP; and
- Copy of the date stamped Notice of Determination filed at the Riverside County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Please contact Lori Schmitz of the State Water Board at (916) 449-5285 or [Lori.Schmitz@waterboards.ca.gov](mailto:Lori.Schmitz@waterboards.ca.gov), if you have any questions regarding this comment letter.

Sincerely,

Lori Schmitz

Lori Schmitz  
Environmental Scientist  
Division of Financial Assistance  
Special Project Review Unit  
1001 I Street, 16<sup>th</sup> floor  
Sacramento, CA 95814

Cc:

Office of Planning and Research, State Clearinghouse

Chun Huang  
District Engineer  
Riverside District

Manuel Delgado  
Associate Sanitary Engineer  
Riverside District