

# Draft Initial Study and Mitigated Negative Declaration

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## Application for: Coachella Vault Response to Comments

Lead Agency:

City of Coachella  
Development Services Department  
53990 Enterprise Way  
Coachella, California 92236  
760-398-3502



Prepared by:



MSA Consulting, Inc.  
34200 Bob Hope Drive  
Rancho Mirage, CA 92270

## Comments and Responses to the Comments on the Draft IS/MND

### List of Commenters

The following is a list of individuals, representatives, organizations and agencies that submitted written comments on the Draft IS/MND. The City received a total of 3 comment letters from public agencies. **Table 1, Comment Letters Received on the Draft IS/MND**, provides a list of all comment letters received, from public agencies. **Table 1** lists the ID number assigned to each comment letter, the date it was received, and commenter's name.

**Table 1**  
**Comment Letters Received on the IS/MND**

<i>State Agencies</i>			
<b>Letter ID</b>	<b>Date</b>	<b>Agency</b>	<b>Commenter</b>
1	January 26, 2026	Ft. Yuma Quechan Indian Tribe	Jill McCormick
2	January 26, 2026	Southern California Gas	William Liao
3	February 4, 2026	South Coast Air Quality Management District	Sam Wang

### CEQA Requirements Regarding Comments and Responses

CEQA Guidelines, Section 15204(b), outlines parameters for submitting comments on negative declarations. Persons and public agencies should focus the on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should:

1. Identify the specific effect,
2. Explain why they believe the effect would occur, and
3. Explain why they believe the effect would be significant.

CEQA Guidelines, Section 15204(c) , further advises that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts , or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. Lead agencies need to respond to potentially significant issues and do not need to provide all information requested by reviewers if good faith efforts at full disclosure are made in the environmental document.

## **Responses to Comment Letters**

Written comments on the Draft IS/MND are reproduced on the following pages, along with responses to those comments. Changes to the Draft IS/MND text that result from responding to comments are included on the response and noted with an underline in bold for new text and a strikeout for deleted text. The responses were prepared by MSA Consulting, Inc. on behalf of City staff.

## Letter 1 – Ft. Yuma Quechan Indian Tribe

### Adrian Moreno

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**From:** Jill McCormick <historicpreservation@quechantribe.com>  
**Sent:** January 26 26 8:31 AM  
**To:** Adrian Moreno  
**Subject:** Coachella Vault

Good morning

This email is to inform you that the Historic Preservation Office of the Ft. Yuma Quechan Tribe does not wish to provide comments on this project. We defer to the local Tribes and support their determinations on this matter. **Email correspondence is the preferred method of communication with this office. Hard copies of project letters are not required if an email containing the project documents has been sent to the Historic Preservation Office.**

1  
2

Jill

H. Jill McCormick, M.A.  
Historic Preservation Office  
Ft. Yuma Quechan Indian Tribe  
P.O. Box 1899  
Yuma, AZ 85366-1899  
Office: 760-919-3631  
Cell: 928-920-6521



## Letter 1 – Comments and Responses

**Comment 1:** *This email is to inform you that the Historic Preservation Office of the Ft. Yuma Quechan Tribe does not wish to provide comments on this project. We defer to the local Tribes and support their determinations on this matter.*

**Response 1:** The City thanks the Ft. Yuma Quechan Tribe for participating in the review of the MND. Since the Tribe does not wish to provide comments on this project, no further response is required.

**Comment 2:** *Email correspondence is the preferred method of communication with this office. Hard copies of project letters are not required if an email containing the project documents has been sent to the Historic Preservation Office.*

**Response 2:** In Comment 2, the Tribe states their preferred method of communication. No further response is required.

## Letter 2 – Southern California Gas Company (SoCalGas)

**Adrian Moreno**

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**From:** Liao, William <WLiao@socalgas.com>  
**Sent:** January 26 26 7:40 AM  
**To:** Adrian Moreno  
**Cc:** SCG SE Region Redlands Utility Request  
**Subject:** RE: Coachella Vault  
**Attachments:** 20260126072857.pdf

Hi Adrian.

I just received your letter regarding the Coachella Vault Project at APN 603-290-005, East of Harrison Street and 1,300 feet south of Avenue 48.

SoCalGas does not appear to have any existing facilities at your project location. However, to help ensure everyone's safety, please contact 811 prior to any excavation and/or demolition activities so that we can get out to Locate & Mark out any facilities.

If the project requires gas service, please reach out to our Builder Services group to begin the application process as soon as practicable, at [Builder Services | SoCalGas](#).

Please let me know if you have any questions.

**Will Liao**

Region Planning Supervisor  
Redlands HQ / Southeast Region  
Mobile: 840-213-5899

## Letter 2 – Comments and Responses

**Comment 1:** *I just received your letter regarding the Coachella Vault Project at APN 603-290-005, East of Harrison Street and 1,300 feet south of Avenue 48.*

*SoCalGas does not appear to have any existing facilities at your project location. However, to help ensure everyone's safety, please contact 811 prior to any excavation and/or demolition activities so that we can get out to Locate & Mark out any facilities.*

*If the project requires gas service, please reach out to our Builder Services group to begin the application process as soon as practicable, at Builder Services / So Cal Gas.*

*Please let me know if you have any questions.*

**Response 1:** SoCalGas states that they do not appear to have existing gas facilities at the project site, and request that the developer contact SoCalGas prior to any excavation or demolition of the site to ensure that gas facilities, if any exist on or near the site are located and marked. The developer will be required to contact SoCalGas and submit the appropriate applications.

Letter 3 – South Coast Air Quality Management District (SCAQMD)



SENT VIA E-MAIL:

February 04, 2026

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

Adrian Moreno, Associate Planner  
City of Coachella, Development Services Department  
53990 Enterprise Way  
Coachella, CA 92236

**Initial Study/Mitigated Negative Declaration (IS/MND)  
for the Coachella Vault Project (Proposed Project)  
(SCH No: 2026010502)**

South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Coachella is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.

**Summary of Proposed Project Information in the IS/MND**

Based on the IS/MND, the Proposed Project would involve the development of a storage facility with an associated office/clubhouse and industrial lease space on approximately 11 acres.<sup>1</sup> The Project would consist of nine storage buildings totaling approximately 225,230 square feet (sf), an office/clubhouse building of approximately 3,970 sf, and approximately 3,140 sf of industrial lease space. Project components would also include on-site landscaping and off-site street improvements.<sup>2</sup> The Project site is located east of Harrison Street and approximately 13,000 feet south of Avenue 48.<sup>3</sup>

1

**South Coast AQMD Comments**

*South Coast AQMD Air Permits and Role as a Responsible Agency*

As stated in the IS/MND, the Proposed Project would include the use of up to two emergency standby generators, each rated between 600 and 700 brake horsepower;<sup>4</sup> hence, an air permit from the South Coast AQMD may be required. The Final MND should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,<sup>5</sup> Rule 203 – Permit to Operate,<sup>6</sup> Rule 401 –

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<sup>1</sup> MND, p. 3.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, p. 29.

<sup>5</sup> South Coast AQMD, Rule 201 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-201.pdf>

<sup>6</sup> South Coast AQMD, Rule 203 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-ii/rule-203.pdf>

Visible Emissions,<sup>7</sup> Rule 402 – Nuisance,<sup>8</sup> Rule 403 – Fugitive Dust,<sup>9</sup> Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,<sup>10</sup> Rule 1113 – Architectural Coating, Regulation XIII – New Source Review,<sup>11</sup> Rule 1401 – New Source Review of Toxic Air Contaminants,<sup>12</sup> Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,<sup>13</sup> etc. It is important to note that when air permits from the South Coast AQMD are required, the role of the South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.

CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.

For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD’s Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD’s webpage at <https://www.aqmd.gov/home/permits>.

Conclusion

The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND

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<sup>7</sup> South Coast AQMD. Rule 401 available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-401.pdf>  
<sup>8</sup> South Coast AQMD. Rule 402 available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-402.pdf>  
<sup>9</sup> South Coast AQMD. Rule 403 available at: <https://www.aqmd.gov/docs/default-source/rule-book/rule-iv/rule-403>  
<sup>10</sup> South Coast AQMD. Rule 1110.2 available at: [https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110\\_2.pdf](https://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1110_2.pdf)  
<sup>11</sup> South Coast AQMD. Regulation XIII available at: <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/regulation-xiii>  
<sup>12</sup> South Coast AQMD. Rule 1401 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>  
<sup>13</sup> South Coast AQMD. Rule 1470 available at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>

for adoption together with any comments received during the public review process and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearing(s).

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Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at [dnguyen1@aqmd.gov](mailto:dnguyen1@aqmd.gov) should you have any questions.

Sincerely,

*Sam Wang*

Sam Wang  
 Program Supervisor, CEQA IGR  
 Planning, Rule Development & Implementation

SW:DN  
RVC260121-03  
 Control Number

### **Letter 3 – Comments and Responses**

**Comment 1:** *South Coast Air Quality Management District (South Coast AQMD) staff appreciate the opportunity to review the above-mentioned document. The City of Coachella is the California Environmental Quality Act (CEQA) Lead Agency for the Proposed Project. To provide context, South Coast AQMD staff has provided a brief summary of the project information and prepared the following comments which are organized by topic of concern.*

#### *Summary of Proposed Project Information in the IS/MND*

*Based on the IS/MND, the Proposed Project would involve the development of a storage facility with an associated office/clubhouse and industrial lease space on approximately 11 acres.<sup>1</sup> The Project would consist of nine storage buildings totaling approximately 225,230 square feet (sf), an office/clubhouse building of approximately 3,970 sf, and approximately 3,140 sf of industrial lease space. Project components would also include on-site landscaping and off-site street improvements.<sup>2</sup> The Project site is located east of Harrison Street and approximately 13,000 feet south of Avenue 48.<sup>3</sup>*

**Response 1:** The City thanks the SCAQMD for participating in the review of the MND. In this comment SCAQMD introduces their letter and provides an accurate summary of the project. Since the comment did not raise any specific questions or comments with the MND, no further response is warranted.

#### **Comment 2:** *South Coast AQMD Comments*

##### *South Coast AQMD Air Permits and Role as a Responsible Agency*

*As stated in the IS/MND, the Proposed Project would include the use of up to two emergency standby generators, each rated between 600 and 700 brake horsepower;<sup>4</sup> hence, an air permit from the South Coast AQMD may be required. The Final MND should include a discussion about the potentially applicable rules that the Proposed Project needs to comply with. Those rules may include, for example, Rule 201 – Permit to Construct,<sup>5</sup> Rule 203 – Permit to Operate,<sup>6</sup> Rule 401 – Visible Emissions,<sup>7</sup> Rule 402 – Nuisance,<sup>8</sup> Rule 403 – Fugitive Dust,<sup>9</sup> Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines,<sup>10</sup> Rule 1113 – Architectural Coating, Regulation XIII – New Source Review,<sup>11</sup> Rule 1401 – New Source Review of Toxic Air Contaminants,<sup>12</sup> Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines,<sup>13</sup> etc. It is important to note that when air permits from the South Coast AQMD are required, the role of the South Coast AQMD would change from a Commenting Agency to a Responsible Agency under CEQA. In addition, if South Coast AQMD is identified as a Responsible Agency, per CEQA Guidelines Sections 15086, the Lead Agency is required to consult with South Coast AQMD.*

*CEQA Guidelines Section 15096 sets forth specific procedures for a Responsible Agency, including making a decision on the adequacy of the CEQA document for use as part of the process for conducting a review of the Proposed Project and issuing discretionary approvals. Moreover, it is important to note that if a Responsible Agency determines that a CEQA document is not adequate to rely upon for its discretionary approvals, the Responsible Agency must take further actions listed in CEQA Guideline Section 15096(e), which could have the effect of delaying the implementation of the Proposed Project. In its role as CEQA Responsible Agency, the South Coast AQMD is obligated to ensure that the CEQA document prepared for this Proposed Project contains a sufficient project description and analysis to be relied upon in order to issue any discretionary approvals that may be needed for air permits. South Coast AQMD is concerned that the project description and analysis in its current form in the MND is inadequate to be relied upon for this purpose.*

*For these reasons, the final CEQA document should be revised to include a discussion about any and all new stationary and portable equipment requiring South Coast AQMD air permits, provide the evaluation of their air quality and greenhouse gas impacts, and identify South Coast AQMD as a Responsible Agency for the Proposed Project as this information will be relied upon as the basis for the permit conditions and emission limits for the air permit(s). Please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385 for questions regarding what types of equipment would require air permits. For more general information on permits, please visit South Coast AQMD's webpage at <https://www.aqmd.gov/home/permits>.*

**Response 2:** In this comment, SCAQMD states their role as a Responsible Agency and their concern that the project description in the MND is not adequate and requests that the document should be revised to include a discussion about any and all new stationary and portable equipment requiring SCAQMD air permits. SCAQMD also requests that the document provide the evaluation of their air quality and greenhouse gas impacts, and identify SCAQMD as a Responsible Agency for the project.

The Air Quality and GHG analysis of the IS/MND accounted for the potential emissions associated with the two emergency standby generators. The applicability of South Coast AQMD rules to the proposed project and associated equipment will be finalized once the emergency-generator equipment specifications are selected. At that time, the applicant will undertake the formal SCAQMD permitting process for the emergency generator units.

*Rule 201 – Permit to Construct:* Rule 201 requires that any equipment capable of emitting air contaminants obtain a Permit to Construct and a Permit to Operate. As a result, the project's emergency generator is subject to Rule 201 as a stationary internal combustion unit with regulated emissions. The project will initiate the SCAQMD permitting process once final emergency-generator equipment specifications are determined, and upon issuance of the permit,

the generator must operate in accordance with all applicable SCAQMD rules and permit conditions.

*Rule 203 – Permit to Operate:* Rule 203 requires that any equipment issued a Permit to Construct must also obtain a Permit to Operate before it can be placed into service. The project’s emergency generator is therefore subject to Rule 203 because it is a stationary internal combustion engine regulated by SCAQMD. The project will initiate the permitting process once final generator specifications are selected, and upon issuance of the permit, the unit must operate in accordance with all Rule 203 requirements and the specific conditions established in its SCAQMD permit.

*Rule 401 – Visible Emissions:* This rule prohibits any equipment from emitting smoke, dust, or other air contaminants that reduce visibility beyond allowed limits. Rule 401 applies uniformly to all sources within the SCAQMD jurisdiction and is not specific to any individual land-development project. Compliance with Rule 401 is required regardless of project type, making it a general regional requirement rather than a project-driven obligation.

*Rule 402 – Nuisance:* Rule 402 applies to all sources within the SCAQMD jurisdiction and is not specific to any individual land-development project. Compliance with Rule 402 is required universally, as it serves as a general regional standard intended to prevent emissions that cause injury, annoyance, or nuisance to the public.

*Rule 403 – Fugitive Dust:* The Air Quality analysis referenced the applicability of Rules 403, 403.1 (Supplemental Fugitive Dust Control Requirements for Coachella Valley Sources), and the City of Coachella’s Dust Control Ordinance (Chapter 8.20) to the proposed project, including the requirement for a project-specific Fugitive Dust Control Plan.

*Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines:* The Air Quality analysis referenced the applicability, limitations, and exemption provisions of Rule 1110.2 as they pertain to the project’s emergency generator in the event the selected unit is gaseous- or liquid-fueled. The project will initiate the SCAQMD permitting process once final emergency-generator equipment specifications are determined, at which point Rule 1110.2 requirements would be evaluated based on the engine’s fuel type and rating.

*Rule 1113 – Architectural Coating:* Rule 1113 applies to the manufacture, sale, and use of paints and coatings throughout the SCAQMD jurisdiction, rather than being specific to any individual land-development project. Compliance with Rule 1113 is required regionally to limit VOC emissions from coating products, making it a general regulatory requirement rather than a project-specific obligation.

*Regulation XIII – New Source Review, Rule 1401 – New Source Review of Toxic Air Contaminants:* Regulation XIII and Rule 1401 generally do not function as project-specific requirements for a land-development project whose only stationary source is an emergency generator. While the

emergency generator itself is subject to Rule 1401 because it emits toxic air contaminants, the remainder of the land-development activities are not stationary sources and therefore do not trigger New Source Review applicability. As a result, these requirements apply solely to the permitted generator unit rather than the broader development project.

*Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines:* Rule 1470 applies only to stationary diesel-fueled internal combustion engines and therefore would apply solely to the project’s emergency diesel generator, not to the broader land-development activities, which are not stationary sources. The rule establishes requirements within SCAQMD’s jurisdiction for diesel emergency engines, including PM emission standards and operational limits, making it a unit-specific regulatory obligation rather than a project-specific development requirement. Air Quality analysis and modeling factored the use of two diesel-fueled emergency generators at a rating of 600-750 HP, operating within the operation limits of 200 hours per year.

When a final determination of the emergency generator equipment is made, the applicant will undertake the formal permitting process under SCAQMD, as required by the applicable rules.

**Comment 3:** *Conclusion*

*The Lead Agency is recommended to revise the CEQA analysis to address the aforementioned comments and provide the necessary evidence to sufficiently support the conclusions reached. If the requested information and analysis are not included in the final CEQA document, either the Final MND or other type of CEQA document, the Lead Agency should provide reasons for not doing so. Pursuant to California Public Resources Code Section 21092.5(b) and CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process and notify each public agency when any public hearings are scheduled. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, detailed reasons supported by substantial evidence in the record to explain why specific comments and suggestions are not accepted must be provided. In addition, if the Lead Agency decides to adopt the Final MND, please provide South Coast AQMD with a notice of any scheduled public hearings.*

*Thank you for the opportunity to provide comments. South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Danica Nguyen, Air Quality Specialist, at [dnguyen1@aqmd.gov](mailto:dnguyen1@aqmd.gov) should you have any questions.*

**Response 3:** The City thanks the Department for their participation in this process. This comment summarizes and concludes the Department’s letter. No additional response required.

Letter 4 – California Department of Fish and Wildlife (CDFW)



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  
VALERIE TERMINI, Acting Director



February 6, 2026  
Sent via email

Adrian Moreno  
Associate Planner  
City of Coachella  
53990 Enterprise Way  
Coachella, CA 92236  
[amoreno@coachella.org](mailto:amoreno@coachella.org)

Coachella Vault Project (PROJECT)  
Mitigated Negative Declaration (MND)  
SCH# 2026010502

Dear Adrian Moreno:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an 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.

<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.

*Conserving California’s Wildlife Since 1870*

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.

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### PROJECT DESCRIPTION SUMMARY

**Proponent:** Myers Concrete Corp.

**Objective:** The Project proposes the development of a storage facility and office/clubhouse on an 11-acre property. The office/clubhouse will be two stories and 3,970 square feet. The buildout of the proposed Project is anticipated to generate increased levels of light and glare from interior and exterior building lighting, safety and security lighting, landscape and signage lighting, and vehicles accessing the site. Project landscaping will include a mix of various trees, shrubs, and ground coverings to provide shade for pedestrians.

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**Location:** The Project site is located in the City of Coachella, County of Riverside, California. The site is located east of Harrison Street and approximately 1,300 feet south of Avenue 48. The site is located within Accessor’s Parcel Number 603-290-005.

**Timeframe:** The MND does not indicate a timeframe for construction.

### 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.

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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 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.

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The MND lacks a complete assessment of biological resources including nesting birds, burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), and desert kit fox (*Vulpes macrotis arsipus*) 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 nesting birds, American badger, desert kit fox, the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), and artificial nighttime lighting, as well as revising the mitigation measure for burrowing owl.

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**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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With regard to the CVMSHCP, per its associated Implementing Agreement 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 of Coachella (the CVMSHCP Permittee that would be conferring Authorized Take to this Project) 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 Implementing Agreement, including compliance with laws that protect nesting birds.

The MND lacks both a discussion of the potential for birds to nest within and surrounding the Project site and a mitigation measure for nesting birds. The MND describes the history of the Project site and how it has been cleared of vegetation several times in recent history. Based on review of historical aerial imagery using Google Earth, CDFW notes that vegetation, including shrubs that are suitable to support nesting birds, have re-occupied the Project site following past grading and vegetation removal activities. CDFW considers the Project site to contain suitable habitat for birds that nest on the ground and in shrubs and trees within and surrounding the Project site.

Without an analysis of the potential for nesting birds to occupy the Project site and appropriate avoidance, minimization, and mitigation measures, CDFW considers the MND to be inadequate in avoiding or reducing impacts to nesting birds to a level less than significant. CDFW recommends to the greatest extent feasible that initial ground disturbing and vegetation removal activities are conducted outside of the peak nesting bird season to align with the CVMSHCP's general conservation measure for nesting birds (see further above). 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<sup>2</sup>). CDFW staff have observed that climate change conditions may result in the nesting bird

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<sup>2</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.

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 the following mitigation measure is added to a revised MND:

**Mitigation Measure BIO-[A]: Nesting Birds**

**To the greatest extent feasible, the Project will avoid construction and any ground-disturbing 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. Preconstruction 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 preconstruction 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.**

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, as well as CDFW-recommended MM BIO-[A] through MM BIO-[E].

**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

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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 Implementing Agreement 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 Implementing Agreement, including compliance with laws that protect burrowing owls.

Page 38 of the MND states that "no burrowing owls (*Athene cunicularia*) were observed during the surveys, and no sign of the presence of burrowing owls were observed. However, the project site has a history of burrowing owl sightings and contains prime foraging habitat for the species. Additionally, several large holes were observed on the project site." Given the presence of suitable burrows and sparse cover of vegetation within the Project site and surrounding area, CDFW considers the Project site and surrounding area to contain suitable nesting and foraging habitat for burrowing owl. The Project site is adjacent to the Whitewater River where occurrences of burrowing owl have been reported less than 500 feet and less than 1000 feet from the Project site

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(California Natural Diversity Database, Unprocessed Data). There is potential for Project site conditions for burrowing owl to change relatively quickly. For example, new suitable burrows for burrowing owls may be dug by ground squirrels and/or other burrowing mammals, and those burrows may become occupied by burrowing owls. Burrowing owls also frequently move into disturbed areas prior to and during construction activities because they are adapted to highly modified habitats.<sup>3,4</sup>

Regarding the methodology of the biological surveys, page 37 of the MND indicates that “general and focused surveys were conducted from October 1st through October 20th, 2023,” and that the “animal surveys were conducted simultaneously with plant surveys.” To obtain a complete and accurate assessment of biological resources with respect to burrowing owl, CDFW recommends focused surveys specifically for burrowing owl and consistent with the timing and frequency of surveys described in Appendix D of the *Staff Report on Burrowing Owl Mitigation*,<sup>5</sup> which describes surveys during the breeding season and nonbreeding season. These focused surveys should not be combined with survey efforts for other species.

Because the MND lacks the findings of focused surveys for burrowing owl consistent with the guidelines in the *Staff Report on Burrowing Owl Mitigation*, the number and locations of suitable and occupied burrows within the Project site are unknown. As a result, 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 focused surveys for burrowing owl within the entire Project site and surrounding area, including survey reports,<sup>6</sup> consistent with 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 and Project proponent 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,

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<sup>3</sup> Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. *Journal of Raptor Research* 42(2): 87-98.

<sup>4</sup> Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162-176.

<sup>5</sup> 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>

<sup>6</sup> 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 (CNDDDB) field survey forms, etc. For more information, see Appendix D, Survey Reports, of the CDFW 2012 Staff Report on Burrowing Owl Mitigation.

survey results are submitted to the CDFW and the U.S. Fish and Wildlife Service (USFWS), and the City initiate consultation with CDFW and USFWS to identify a path forward regarding the protection of burrowing owls. Early coordination with CDFW and USFWS is important in identifying appropriate avoidance, minimization, and mitigation measures and reducing the chance of Project delays.

The MND includes Mitigation Measure BIO-1 for burrowing owl. CDFW considers the measure 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-1 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

#### **Mitigation Measure BIO-1: Burrowing Owl Focused and Preconstruction 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)<sup>7</sup>. 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, CESA authorization (i.e., Incidental Take Permit under Fish and Game**

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<sup>7</sup> 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>.

**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 again 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.**

~~Per the 2012, California Department of Fish and Wildlife (CDFW) *Staff Report on Burrowing Owl Mitigation* (CDFW Staff Report), a burrowing owl clearance survey shall be performed by a certified avian biologist 30 days prior to any site disturbance (grubbing, grading, and construction). The pre-construction survey is required to use the accepted protocol of the CDFW Staff Report. The survey shall contain the project site and a 550 yard radius of the site. If no active burrows are found in the survey area, site disturbance may commence providing a biological monitor is onsite.~~

~~Another pre-construction survey shall be conducted 24 hours before ground disturbance. If owls are observed during this survey, a biological monitor, with the authority to halt or redirect grading, should be present whenever grading or construction vehicles are present and operating at the project site. The function of the monitor is to protect burrowing owls that arrive on or near the project site after the clearance survey during the construction period.~~

~~If owls are found to be present during the breeding season (February 1 through August 31), no construction disturbances of any kind should occur within 550 yards of an active burrow, as demarcated by the certified avian biologist, during this time period. No construction activity shall occur until the certified avian biologist has determined that the nest site is inactive. Thus, on a project site, it is recommended that grading should take place from September 1st through January 30th to avoid restriction or cancellation of grading permits because of the presence of burrowing owls during the breeding season.~~

~~If resident owls are present on or near the project site outside of breeding season, in some cases, the owl(s) can be relocated to other sites by a permitted biologist under the authorization of the U.S. Fish and Wildlife Service.~~

### **3) American Badger**

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American badger is a California Species of Special Concern. The MND lacks a discussion of the potential for American badger to occupy the Project site and surrounding area. CDFW notes that the Project site contains predicted suitable habitat for American badger, including areas with medium and high suitability ranks, per California Wildlife Habitat Relationships range maps, accessed using CDFW's Biogeographic Information and Observation System. Page 38 of the MND also indicates that "several large holes were observed on the project site." CDFW notes that American badgers excavate dens for the purposes of protection, sleeping, food storage, places to give birth, and as focal areas for foraging<sup>8</sup>. American badger has the potential to occupy the Project site, and CDFW recommends the MND is revised to indicate their potential presence. The MND lacks a mitigation measure for American badger. Without appropriate avoidance, minimization, and mitigation measures for American badger, such as preconstruction surveys and avoidance measures if individuals, dens, or sign are detected, CDFW considers that the MND has not avoided or reduced potential impacts to American badger to a level less than significant. Further, given the MND's lack of an assessment of biological resources and impacts associated with American badger, CDFW is limited in its ability to provide biological expertise to support the City in reducing impacts to American badger to a level less than significant. CDFW recommends that the MND is revised to include the results of focused surveys for American badger within the Project site and surrounding area.

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To support the City in avoiding or reducing impacts to American badger to a level less than significant, CDFW recommends the City add the following mitigation measure to a revised MND:

**Mitigation Measure BIO-[B]: American Badger Preconstruction Surveys**

**No more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist(s) shall conduct surveys to determine if potential American badger burrows are present in the Project area. Surveys shall encompass both the Project site and a buffer distance adequate to determine the potential for direct or indirect impacts. Surveys shall attain 100% visual coverage and be conducted using 10-m transects (or reduced based on topography and vegetation), to determine the presence or absence of individuals, dens, and sign. If American badger burrows are located, the City and Project proponent shall have a qualified biologist(s) monitor the burrows using observation and tracking material and/or trail cameras over a three (3) day period to determine the status of the burrow. If non-natal active dens can be avoided and**

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<sup>8</sup> California Department of Fish and Wildlife. Life history account for American Badger. California's Wildlife, Volume I-III. California Depart. of Fish and Game, Sacramento California.

**buffered from Project activities, the biologist shall flag a minimum 100-foot disturbance-free buffer zone. A minimum 500-foot disturbance-free buffer shall be placed around the natal den and maintained until juvenile independence is determined by the biologist. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. Established buffers shall remain until the biologist determines the young have dispersed or the den is no longer active, or until Project activities cease. If American badger is proposed to be relocated from an active den or an active den will be impacted, an exclusion plan, including compensatory mitigation, shall be prepared for CDFW review and approval that will be performed outside of breeding season and after juvenile dispersal.**

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#### **4) Desert Kit Fox**

Desert kit fox is protected as a fur-bearing mammal under Title 14 of the California Code of Regulations (Chap. 5, §460) and may not be taken at any time. The MND lacks a discussion of the potential for desert kit fox to occupy the Project site and surrounding area. CDFW notes that the Project site contains predicted suitable habitat for desert kit fox, including areas with medium and high suitability ranks, per California Wildlife Habitat Relationships range maps, accessed using CDFW's Biogeographic Information and Observation System. Page 38 of the MND also indicates that "several large holes were observed on the project site." CDFW notes that desert kit fox dig dens in level areas with loose-textured, sandy and loamy soils<sup>9,10</sup> and use dens for cover and reproduction among other uses. Desert kit foxes also use dens throughout the year and regularly use dens for thermal regulation and water conservation<sup>11</sup>. CDFW considers that the MND has not avoided or reduced potential impacts to desert kit fox to a level less than significant. CDFW recommends the MND is revised to include a discussion of the potential for desert kit fox to occupy the Project site and surrounding area and appropriate avoidance, minimization, and mitigation measures. Because desert kit fox has high fidelity to natal dens, it is crucial to adequately assess whether desert kit fox is present on the Project site well in advance of commencing Project activities. If desert kit fox is found on-site during breeding season, it could delay Project activities until appropriate vegetation and construction buffers can be established on the Project site. Further, given the MND's lack of an assessment of biological resources and impacts associated with desert kit fox, CDFW is limited in its ability to provide biological expertise to support the City in reducing impacts to desert kit fox to a level less than significant. CDFW recommends that the MND is revised to include an assessment of

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<sup>9</sup> Laughrin, L. 1970. San Joaquin kit fox: its distribution and abundance. Calif. Dept. Fish and Game, Sacramento. Wildl. Manage. Br. Admin. Rep. No. 70-2. 20pp.

<sup>10</sup> Morrell, S. 1972. Life history of the San Joaquin kit fox. Calif. Fish and Game. 58:162-174. O'Farrell, T. P., and L. Gilbertson. 1979. Ecological life history of the desert kit fox in the Mojave Desert of southern California. USDI Bur. Land Manage., Riverside. Draft Final Rep. 95pp.

<sup>11</sup> Golightly, R. T., Jr. 1981. The comparative energetics of two desert canids; the coyote and the kit fox. Ph.D. Diss., Arizona State Univ., Tempe. 174pp.

biological resources and impacts associated with desert kit fox within the Project site and surrounding area.

To support the City in avoiding or reducing impacts to desert kit fox to a level less than significant, CDFW recommends the following mitigation measure is added to a revised MND:

**Mitigation Measure BIO-[C]: Desert Kit Fox Preconstruction Surveys**

**Preconstruction surveys for desert kit fox shall be conducted by a qualified biologist(s) within 14 days prior to the start of construction. The survey area shall include the Project area plus a 500-foot buffer during the breeding season (January 15 through August 31 or until pups are foraging on their own) and a 250-foot buffer outside the breeding season. Preconstruction surveys should include 100-percent visual coverage of the Project area and buffer using 10-m transects (or reduced based on topography and vegetation) to determine the presence or absence of individuals, dens, and sign. Potentially occupied burrows in the Project area and the survey buffer shall be mapped, and the qualified biologist(s) shall utilize daily on-site monitoring, tracking stations, and wildlife cameras to determine whether the burrows are occupied. If a burrow is determined to be occupied by desert kit fox during the breeding season, the burrow shall be demarcated with a 500-foot buffer. No disturbance of active dens shall take place when juvenile desert kit fox may be present and dependent on parental care. If a burrow is determined to be occupied outside the breeding season, it shall be demarcated with a 250-foot buffer. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. Burrows determined to be unoccupied shall be demarcated with a 50-foot buffer. If occupied burrows are found in Project disturbance areas and cannot be avoided, the City and Project proponent shall consult with CDFW on an appropriate path forward. The loss of desert kit fox habitat shall be mitigated at no less than a 2:1 ratio.**

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**5) Coachella Valley Multiple Species Habitat Conservation Plan**

The Project is located within the CVMSHCP Plan Boundary and contains habitat for Covered Species and/or conserved natural communities. Per CVMSHCP Section 5.2.1.1 and Implementing Agreement 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 the Coachella Valley Conservation Commission at least quarterly and prior to impacts to Covered Species and their Habitats. To 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:

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**Mitigation Measure BIO-[D]: CVMSHCP Local Development Mitigation Fee**

**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.**

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**6) Artificial Nighttime Lighting**

Page 22 of the MND states that “buildout of the proposed project can be expected to generate increased levels of light and glare from interior and exterior building lighting, safety and security lighting, landscape and signage lighting and vehicles accessing the site. However, lighting and glare levels are not expected to exceed typical levels within the surrounding urban environment. The project will be required to adhere to the lighting standards established in the Coachella Municipal Code.” The MND lacks additional information on lighting plans and avoidance, minimization, and mitigation measures. The MND also 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 agricultural areas to the south, vacant areas to the east, and the Whitewater River—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 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.<sup>12</sup> Many species use photoperiod cues for communication (e.g., bird song<sup>13</sup>), determining when to begin foraging,<sup>14</sup> behavioral thermoregulation,<sup>15</sup> and migration.<sup>16</sup> Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.<sup>12</sup>

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<sup>12</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>13</sup> Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

<sup>14</sup> Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127.

<sup>15</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>16</sup> Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

CDFW recommends that the MND is revised to include both 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-[E]: 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.

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**7) Landscaping**

Page 22 of the MND states that "Project landscaping will include a mix of various trees, shrubs and ground coverings to provide shade for pedestrians, and vertical variation and interest." 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 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/>.

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## 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 (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>.

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## 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.)

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## 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.

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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](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

## Letter 4 – Comments and Responses

**Comment 1:** *The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an 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.*

**Response 1:** The City thanks CDFW for participating in the review of the IS/MND. This comment is understood as an introductory comment and does not raise any specific environmental concerns.

### **Comment 2:**

#### **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.*

**Response 2:** This is an introductory comment describing the role of CDFW role as a trustee and responsible agency. The comment regarding the regulatory requirements for any "take" of an

endangered species is acknowledged. The comment does not raise any issue with the analysis in the IS/MND. For this reason, no further response to this comment is provided.

**Comment 3:**

**PROJECT DESCRIPTION SUMMARY**

**Proponent:** Meyers Concrete Corp.

**Objective:** *The Project proposes the development of a storage facility and office/clubhouse on an 11-acre property. The office/clubhouse will be two stories and 3,970 square feet. The buildout of the proposed Project is anticipated to generate increased levels of light and glare from interior and exterior building lighting, safety and security lighting, landscape and signage lighting, and vehicles accessing the site. Project landscaping will include a mix of various trees, shrubs, and ground coverings to provide shade for pedestrians.*

**Location:** *The Project site is located in the City of Coachella, County of Riverside, California. The site is located east of Harrison Street and approximately 1,300 feet south of Avenue 48. The site is located within Accessor's Parcel Number 603-290-005.*

**Timeframe:** *The MND does not indicate a timeframe for construction.*

**Response 3:** This comment provides a summary of the project and does not identify a specific concern or question regarding the adequacy of the IS/MND in identifying and analyzing the potential environmental impacts of the project. For this reason, no further response to this comment is provided.

**Comment 4:**

**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 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.*

**Response 4:** The IS/MND adequately discloses the project’s potentially significant impacts on biological resources, includes a complete and stable project description, provides mitigation measures to reduce biological impacts to less than significant levels, and complies with CEQA’s requirements. Specific responses to the general comments are provided individually below in Responses 7 through 13.

**Comment 5:**

**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 including nesting birds, burrowing owl (*Athene cunicularia*), American badger (*Taxidea taxus*), and desert kit fox (*Vulpes macrotis arsipus*) 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 5:** The commenter’s opinion is noted but provides generalized statements that are not supported by specific facts. Individual responses to burrowing owl, American badger, and desert kit fox concerns are provided below.

**Comment 6:**

**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 nesting birds, American badger, desert kit fox, the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), and artificial nighttime lighting, as well as revising the mitigation measure for burrowing owl.*

**Response 6:** The commenter's opinion is noted. Individual responses to these concerns are provided below.

**Comment 7:**

**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 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 of Coachella (the CVMSHCP Permittee that would be conferring Authorized Take to this Project) 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 Implementing Agreement, including compliance with laws that protect nesting birds.*

*The MND lacks both a discussion of the potential for birds to nest within and surrounding the Project site and a mitigation measure for nesting birds. The MND describes the history of the Project site and how it has been cleared of vegetation several times in recent history. Based on review of historical aerial imagery using Google Earth, CDFW notes that vegetation, including shrubs that are suitable to support nesting birds, have re-occupied the Project site following past grading and vegetation removal activities. CDFW considers the Project site to contain suitable habitat for birds that nest on the ground and in shrubs and trees within and surrounding the Project site.*

*Without an analysis of the potential for nesting birds to occupy the Project site and appropriate avoidance, minimization, and mitigation measures, CDFW considers the MND to be inadequate in avoiding or reducing impacts to nesting birds to a level less than significant. CDFW recommends to the greatest extent feasible that initial ground disturbing and vegetation removal activities are conducted outside of the peak nesting bird season to align with the CVMSHCP's general conservation measure for nesting birds (see further above). 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 (Socular et al., 2017<sup>2</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 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 the following mitigation measure is added to a revised MND:*

***Mitigation Measure BIO-[A]: Nesting Birds***

***To the greatest extent feasible, the Project will avoid construction and any ground-disturbing 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. Preconstruction 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 preconstruction 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.***

*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, as well as CDFW-recommended MM BIO-[A] through MM BIO-[E].*

**Response 7:** The comment is noted. However, the commenter appears to imply that birds may nest on the site outside of the established nesting period, without providing substantial evidence. 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 IS/MND correctly protect nesting birds, and do not require amendment.

**Comment 8:**

**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 Implementing Agreement 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 Implementing Agreement, including compliance with laws that protect burrowing owls.*

*Page 38 of the MND states that “no burrowing owls (*Athene cunicularia*) were observed during the surveys, and no sign of the presence of burrowing owls were observed. However, the project site has a history of burrowing owl sightings and contains prime foraging habitat for the species. Additionally, several large holes were observed on the project site.” Given the presence of suitable burrows and sparse cover of vegetation within the Project site and surrounding area, CDFW considers the Project site and surrounding area to contain suitable nesting and foraging habitat for burrowing owl. The Project site is adjacent to the Whitewater River where occurrences of burrowing owl have been reported less than 500 feet and less than 1000 feet from the Project site (California Natural Diversity Database, Unprocessed Data). There is potential for Project site conditions for burrowing owl to change relatively quickly. For example, new suitable burrows for burrowing owls may be dug by ground squirrels and/or other burrowing mammals, and those burrows may become occupied by burrowing owls. Burrowing owls also frequently move into disturbed areas prior to and during construction activities because they are adapted to highly modified habitats.<sup>3,4</sup>*

*Regarding the methodology of the biological surveys, page 37 of the MND indicates that “general and focused surveys were conducted from October 1st through October 20th, 2023,” and that the “animal surveys were conducted simultaneously with plant surveys.” To obtain a complete and accurate assessment of biological resources with respect to burrowing owl, CDFW recommends focused surveys specifically for burrowing owl and consistent with the timing and frequency of surveys described in Appendix D of the Staff Report on Burrowing Owl Mitigation,<sup>5</sup> which*

*describes surveys during the breeding season and nonbreeding season. These focused surveys should not be combined with survey efforts for other species.*

*Because the MND lacks the findings of focused surveys for burrowing owl consistent with the guidelines in the Staff Report on Burrowing Owl Mitigation, the number and locations of suitable and occupied burrows within the Project site are unknown. As a result, 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 focused surveys for burrowing owl within the entire Project site and surrounding area, including survey reports,<sup>6</sup> consistent with 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 and Project proponent 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 CDFW and the U.S. Fish and Wildlife Service (USFWS), and the City initiate consultation with CDFW and USFWS to identify a path forward regarding the protection of burrowing owls. Early coordination with CDFW and USFWS is important in identifying appropriate avoidance, minimization, and mitigation measures and reducing the chance of Project delays.*

*The MND includes Mitigation Measure BIO-1 for burrowing owl. CDFW considers the measure 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-1 is revised with the following additions in **bold** and removals in ~~strikethrough~~:*

***Mitigation Measure BIO-1: Burrowing Owl Focused and Preconstruction 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)<sup>7</sup>. 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, 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 again 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.***

~~*Per the 2012, California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW Staff Report), a burrowing owl clearance survey shall be performed by a certified avian biologist 30 days prior to any site disturbance (grubbing, grading, and construction). The pre-construction survey is required to use the accepted protocol of the CDFW Staff Report. The survey shall contain the project site and a 550 yard radius of the site. If no active burrows are found in the survey area, site disturbance may commence providing a biological monitor is onsite.*~~

~~*Another pre-construction survey shall be conducted 24 hours before ground disturbance. If owls are observed during this survey, a biological monitor, with the authority to halt or redirect grading, should be present whenever grading or construction vehicles are present and operating at the project site. The function of the monitor is to protect burrowing owls that arrive on or near the project site after the clearance survey during the construction period.*~~

~~*If owls are found to be present during the breeding season (February 1 through August 31), no construction disturbances of any kind should occur within 550 yards of an active burrow, as demarcated by the certified avian biologist, during this time period. No construction activity*~~

~~shall occur until the certified avian biologist has determined that the nest site is inactive. Thus, on a project site, it is recommended that grading should take place from September 1st through January 30th to avoid restriction or cancellation of grading permits because of the presence of burrowing owls during the breeding season.~~

~~If resident owls are present on or near the project site outside of breeding season, in some cases, the owl(s) can be relocated to other sites by a permitted biologist under the authorization of the U.S. Fish and Wildlife Service.~~

**Response 8:** The comment is noted. However, the commenter provides no evidence to contradict the professional biologist's statement that no owl, sign or appropriate burrows are located on the site. As stated in both the Initial Study and the Biological Resources Study, the site has been cleared and graded. Additionally, the site is littered with various automotive and household refuse, building materials, garbage, and domestic dog and cat scat.

No burrowing owls were observed during the surveys, and no sign of the presence of burrowing owls were observed. However, the project site has a history of burrowing owl sightings and contains prime foraging habitat for the species. Additionally, several large holes were observed on the project site. In order to ensure that burrowing owls are not impacted by the development of the project, a pre-construction survey shall be required 30 days prior to any ground disturbance in order to locate owls or active burrows if any. If burrowing owls are found on site or within 550 yards of the site, certain standards shall be followed, as stated below under Mitigation Measure BIO-1.

The pre-construction survey required as Mitigation Measure BIO-1 for burrowing owls is sufficient to identify the species if it were to occur. The mitigation measure is appropriate and complete, lists performance standards should the species be identified, and no additional mitigation is required.

**Comment 9:**

**3) American Badger**

*American badger is a California Species of Special Concern. The MND lacks a discussion of the potential for American badger to occupy the Project site and surrounding area. CDFW notes that the Project site contains predicted suitable habitat for American badger, including areas with medium and high suitability ranks, per California Wildlife Habitat Relationships range maps, accessed using CDFW's Biogeographic Information and Observation System. Page 38 of the MND also indicates that "several large holes were observed on the project site." CDFW notes that American badgers excavate dens for the purposes of protection, sleeping, food storage, places to give birth, and as focal areas for foraging<sup>8</sup>. American badger has the potential to occupy the*

Project site, and CDFW recommends the MND is revised to indicate their potential presence. The MND lacks a mitigation measure for American badger. Without appropriate avoidance, minimization, and mitigation measures for American badger, such as preconstruction surveys and avoidance measures if individuals, dens, or sign are detected, CDFW considers that the MND has not avoided or reduced potential impacts to American badger to a level less than significant. Further, given the MND's lack of an assessment of biological resources and impacts associated with American badger, CDFW is limited in its ability to provide biological expertise to support the City in reducing impacts to American badger to a level less than significant. CDFW recommends that the MND is revised to include the results of focused surveys for American badger within the Project site and surrounding area.

To support the City in avoiding or reducing impacts to American badger to a level less than significant, CDFW recommends the City add the following mitigation measure to a revised MND:

**Mitigation Measure BIO-[B]: American Badger Preconstruction Surveys**

**No more than 30 days prior to the beginning of ground disturbance and/or construction activities, a qualified biologist(s) shall conduct surveys to determine if potential American badger burrows are present in the Project area. Surveys shall encompass both the Project site and a buffer distance adequate to determine the potential for direct or indirect impacts. Surveys shall attain 100% visual coverage and be conducted using 10-m transects (or reduced based on topography and vegetation), to determine the presence or absence of individuals, dens, and sign. If American badger burrows are located, the City and Project proponent shall have a qualified biologist(s) monitor the burrows using observation and tracking material and/or trail cameras over a three (3) day period to determine the status of the burrow. If non-natal active dens can be avoided and buffered from Project activities, the biologist shall flag a minimum 100-foot disturbance-free buffer zone. A minimum 500-foot disturbance-free buffer shall be placed around the natal den and maintained until juvenile independence is determined by the biologist. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. Established buffers shall remain until the biologist determines the young have dispersed or the den is no longer active, or until Project activities cease. If American badger is proposed to be relocated from an active den or an active den will be impacted, an exclusion plan, including compensatory mitigation, shall be prepared for CDFW review and approval that will be performed outside of breeding season and after juvenile dispersal.**

**Response 9:** Comment noted. No sign of the American badger or American badger habitat was found on the project site during the field survey by the biologist. However, based on historical observations recorded in the CNDDDB, the American badger could occur onsite (Appendix II of the

project specific Biological Report). A general biological survey will be conducted prior to commencing project activities. This requirement is added as mitigation measure BIO-2.

**Comment 10:**

**4) Desert Kit Fox**

*Desert kit fox is protected as a fur-bearing mammal under Title 14 of the California Code of Regulations (Chap. 5, §460) and may not be taken at any time. The MND lacks a discussion of the potential for desert kit fox to occupy the Project site and surrounding area. CDFW notes that the Project site contains predicted suitable habitat for desert kit fox, including areas with medium and high suitability ranks, per California Wildlife Habitat Relationships range maps, accessed using CDFW's Biogeographic Information and Observation System. Page 38 of the MND also indicates that "several large holes were observed on the project site." CDFW notes that desert kit fox dig dens in level areas with loose-textured, sandy and loamy soils<sup>9,10</sup> and use dens for cover and reproduction among other uses. Desert kit foxes also use dens throughout the year and regularly use dens for thermal regulation and water conservation<sup>11</sup>. CDFW considers that the MND has not avoided or reduced potential impacts to desert kit fox to a level less than significant. CDFW recommends the MND is revised to include a discussion of the potential for desert kit fox to occupy the Project site and surrounding area and appropriate avoidance, minimization, and mitigation measures. Because desert kit fox has high fidelity to natal dens, it is crucial to adequately assess whether desert kit fox is present on the Project site well in advance of commencing Project activities. If desert kit fox is found on-site during breeding season, it could delay Project activities until appropriate vegetation and construction buffers can be established on the Project site. Further, given the MND's lack of an assessment of biological resources and impacts associated with desert kit fox, CDFW is limited in its ability to provide biological expertise to support the City in reducing impacts to desert kit fox to a level less than significant. CDFW recommends that the MND is revised to include an assessment of biological resources and impacts associated with desert kit fox within the Project site and surrounding area.*

*To support the City in avoiding or reducing impacts to desert kit fox to a level less than significant, CDFW recommends the following mitigation measure is added to a revised MND:*

***Mitigation Measure BIO-[C]: Desert Kit Fox Preconstruction Surveys***

***Preconstruction surveys for desert kit fox shall be conducted by a qualified biologist(s) within 14 days prior to the start of construction. The survey area shall include the Project area plus a 500-foot buffer during the breeding season (January 15 through August 31 or until pups are foraging on their own) and a 250-foot buffer outside the breeding season. Preconstruction surveys should include 100-percent visual coverage of the Project area and buffer using 10-m transects (or reduced based on topography and vegetation) to determine***

*the presence or absence of individuals, dens, and sign. Potentially occupied burrows in the Project area and the survey buffer shall be mapped, and the qualified biologist(s) shall utilize daily on-site monitoring, tracking stations, and wildlife cameras to determine whether the burrows are occupied. If a burrow is determined to be occupied by desert kit fox during the breeding season, the burrow shall be demarcated with a 500-foot buffer. No disturbance of active dens shall take place when juvenile desert kit fox may be present and dependent on parental care. If a burrow is determined to be occupied outside the breeding season, it shall be demarcated with a 250-foot buffer. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. Burrows determined to be unoccupied shall be demarcated with a 50-foot buffer. If occupied burrows are found in Project disturbance areas and cannot be avoided, the City and Project proponent shall consult with CDFW on an appropriate path forward. The loss of desert kit fox habitat shall be mitigated at no less than a 2:1 ratio.*

**Response 10:** Comment noted. No sign of the desert kit fox or desert kit fox habitat was found on the project site during the field survey by the biologist. Moreover, a review of the historical observations recorded in the CNDDDB did not indicate that the desert kit fox occurred onsite (Appendix II of the project specific Biological Report). However, a general biological survey will be conducted prior to commencing project activities. This requirement is added as mitigation measure BIO-3.

**Comment 11:**

**5) Coachella Valley Multiple Species Habitat Conservation Plan**

*The Project is located within the CVMSHCP Plan Boundary and contains habitat for Covered Species and/or conserved natural communities. Per CVMSHCP Section 5.2.1.1 and Implementing Agreement 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 the Coachella Valley Conservation Commission at least quarterly and prior to impacts to Covered Species and their Habitats. To 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-[D]: CVMSHCP Local Development Mitigation Fee***

***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 11:** The comment is noted. However, as allowed under CEQA, requirements of law are not mitigation measures, and are assumed to be implemented. Because the payment of the CVMSHCP fee is a requirement by the City, as stated in the IS/MND, its payment will reduce impacts to less than significant levels, and no mitigation measure is required.

**Comment 12:**

***6) Artificial Nighttime Lighting***

*Page 22 of the MND states that “buildout of the proposed project can be expected to generate increased levels of light and glare from interior and exterior building lighting, safety and security lighting, landscape and signage lighting and vehicles accessing the site. However, lighting and glare levels are not expected to exceed typical levels within the surrounding urban environment. The project will be required to adhere to the lighting standards established in the Coachella Municipal Code.” The MND lacks additional information on lighting plans and avoidance, minimization, and mitigation measures. The MND also 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 agricultural areas to the south, vacant areas to the east, and the Whitewater River—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 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.<sup>12</sup> Many species use photoperiod cues for communication (e.g., bird song<sup>13</sup>), determining when to begin foraging,<sup>14</sup> behavioral thermoregulation,<sup>15</sup> and migration.<sup>16</sup> Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.<sup>12</sup>*

*CDFW recommends that the MND is revised to include both 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-[E]: 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.**

**Response 12:** The commenter's opinion about artificial lighting is noted. The site is located east and south of industrial businesses. The project is also located north of a date palm grove, and west of the unpaved Avenue 48 alignment, vacant land, and Coachella canal. The paved right-of-way, Harrison Street, delineates the project's western boundary. Harrison Street contributes to traffic lighting, and the industrial uses to the north and west, which also contribute to nighttime lighting in the area for security. The project is not adjacent or in the vicinity of any Coachella Valley Multiple Species Habitat Conservation Plan Conservation Area.

The City's construction hour restrictions make it unlikely that construction will occur at night.

Page 22 of the IS/MND addresses project-generated lighting. As stated in the IS/MND, the project includes nighttime lighting to safely illuminate the site entrances, signage, parking, walkways, and other features with the appropriate fixtures. The project will be required to adhere to the lighting standards established in the Coachella Municipal Code. Chapter 17.54.010 (K) (off-street parking and loading: lighting) of the Coachella Municipal Code, states that parking area lighting is not always required; however, if lit parking areas are required, parking lighting fixtures shall include hoods provided and adjusted, so as to preclude the direct glare of the light from shining onto property or streets. The project shall comply with Chapter 17.54.010 (K) in order to provide lighting for cars and pedestrians without generating excess light and spillage.

These requirements are established to ensure that proposed development includes a minimum uniformity of light coverage, while minimizing light trespass. Sources of low-intensity lighting will consist of wall-mounted fixtures for the dwelling unit exteriors and landscaping illumination

throughout the interior walkways. The project's impact associated with lighting have been correctly analyzed, and no change to the IS/MND is required.

**Comment 13:**

**7) Landscaping**

*Page 22 of the MND states that "Project landscaping will include a mix of various trees, shrubs and ground coverings to provide shade for pedestrians, and vertical variation and interest." 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 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 13:** The comment is noted. As described in the IS/MND, page 82, outdoor landscaping will rely on drought tolerant plantings on inert (decomposed granite) groundcover, therefore meeting the local efficiency standards. The project is required to comply with both the City's water efficient landscaping standards and CWA's water conservation requirements in landscaping, which include water budgeting for landscaped areas (IS/MND page 113). The project will therefore be regulated to assure low water use in landscaping, as clearly stated in the IS/MND.

**Comment 14:**

**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 (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>.

**Response 14:** Consistent with the policy expressed in Public Resources Code section 21003(e), environmental data will be submitted to the CNDDDB to comply with legal requirements.

**Comment 15:**

#### **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.) South Coast AQMD Comments*

**Response 15:** The project applicant shall pay the environmental document filing fee upon filing the Notice of Determination.

**Comment 16:**

#### **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](mailto:jacob.skaggs@wildlife.ca.gov).*

**Response 16:** The City thanks CDFW for their participation in the CEQA process. This comment concludes CDFW's letter, stating that the IS/MND does not adequately mitigate the project's impacts to biological resources, is otherwise inadequate, and that the City is required to recirculate the IS/MND. The City disagrees with this conclusion for the reasons discussed in Responses 4 through 13 above. CDFW's comments do not present significant new information that would require a revised IS/MND, but merely amplify the conclusions of the IS/MND. While

the City and the project proponent have agreed to modify existing mitigation to reflect CDFW's recommended mitigation measures, these revised measures make insignificant modifications to an already adequate IS/MND. The two mitigation measures added are reflective of existing regulations, and does not warrant recirculation.