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GAVIN NEWSOM, Governor
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September 4, 2025
Sent via email

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Coachella Airport Business Park (PROJECT)
Draft Environmental Impact Report (DEIR)
SCH# 2023040106

Dear Kendra Reif:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Coachella (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Empire Airport Co. LLC

Objective: The Project proposes the development of a 48-acre business park and a substation (electricity transmission). The business park includes large and small warehouses, small businesses, restaurants, self-storage buildings, among other commercial and retail uses. The Project proposes commercial cannabis operations, including cannabis cultivation and processing, within large warehouses with cooling towers. The Project would include the development of associated driveways, landscaping, access roads, and four retention basins aligned adjacent to the Whitewater River.

Landscaping would include the use of native plants and other drought-tolerant plants. The Project proposes new artificial nighttime lighting for security, walkways and streets, signage, and a freeway-oriented electronic billboard.

Location: The Project site is located on the northwest corner of State Highway 86 and Airport Boulevard and east of the Whitewater River in the City of Coachella, in the County of Riverside. The Project site includes two separate development areas, including the Coachella Airport Business Park development area in the southern portion and a substation development area in the northern portion of the Project site. The Project Area is within Assessor's Parcel Numbers 763-330-013, 763-330-018, and 763-330-029. The Project area is within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) area, outside of a CVMSHCP Conservation Area.

Timeframe: Project anticipates starting construction of the Project in 2025.

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 DEIR 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 DEIR are explained in greater detail below and summarized here. CDFW is concerned that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of biological resources on the Project site. CDFW requests that additional information and analyses be added to a revised DEIR, 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 DEIR. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the DEIR may provide an incomplete analysis of Project-related environmental impacts.

The DEIR lacks a complete assessment of biological resources associated with nesting birds, burrowing owls, and bats 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 a DEIR include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the DEIR 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 an assessment of biological resources, artificial nighttime lighting, construction noise, and pesticides associated with cannabis cultivation, as well as revising the mitigation measures for nesting birds, burrowing owl, and bats.

1) Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special

emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed project are adequately investigated and discussed.

The DEIR and its supporting documents lack an adequate assessment of biological resources that may occupy the adjacent Whitewater River and the Airport Boulevard bridge. While the Project's Biological Resources Assessment (Biological Assessment), dated February 2024, describes some of the vegetation and land cover types supported within the Whitewater River (pages 17 and 18) and its ability to support local wildlife movement (pages 24 and 29), the DEIR and its supporting documents lack an analysis of the potential for the Airport Boulevard bridge to support nesting birds (see Nesting Birds section) and bats (see Bats section). The DEIR and its supporting documents also lack the results of focused surveys for burrowing owl within the Project site and adjacent Whitewater River (see Burrowing Owl section). Further, the DEIR lacks adequate analyses of the potential direct and indirect impacts of the Project associated with lighting (see Artificial Nighttime Lighting section) and noise (see Construction Noise section) on wildlife using the Whitewater River, including the Airport Boulevard bridge, and the vacant, vegetated parcel to the north. 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 without a complete and accurate description of the existing environmental setting, the DEIR likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. Also, the single reconnaissance-level field survey on which much of the Biological Assessment was based was conducted on July 7, 2023. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period.

CDFW recommends that the DEIR is revised to include the findings of a complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). To be complete, the biological inventory needs to include a buffer area surrounding the Project site including the Whitewater River including the Airport Boulevard bridge. Based on findings from a recent biological inventory, CDFW recommends that the DEIR is revised to include an analysis of direct, indirect, and cumulative impacts to biological resources, including, but not limited to lighting and noise, and identification of appropriate avoidance, minimization, and mitigation measures. Recent and complete information on biological resources and analysis of a Project's direct, indirect, and cumulative impacts support the Lead Agency in developing appropriate avoidance, minimization, and mitigation measures to demonstrate that Project impacts to biological resources are avoided or reduced to below a level of significance.

CDFW recommends that the City of Coachella include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas, including the Whitewater River, Airport Boulevard bridge, and the vacant, vegetated area to the north, with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

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, MM BIO-2, and MM BIO-3, as well as CDFW-recommended MM BIO-[A], MM BIO-[B], MM BIO-[C], and MM BIO-[D].

2) *Nesting Birds*

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

With regard to the CVMSHCP, per its associated Implementing Agreement (IA) and Permits from CDFW and the U.S. Fish and Wildlife Service (the Wildlife Agencies),

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

Page 4.4.24 of the DEIR indicates that "nesting birds and raptors have the potential to nest in shrubs and trees and/or burrow on bare ground throughout and near the Study Area." CDFW concurs that the Project site and surrounding areas, including the Whitewater River, contain suitable habitat for birds that nest on the ground and in shrubs and trees. The DEIR includes a Mitigation Measure BIO-1 for nesting birds, indicating that "to avoid disturbance of nesting and special-status bird species protected by the MBTA and CFGC, activities related to the Project, including but not limited to, vegetation removal, ground disturbance, and construction shall not occur during the bird breeding season (January 15 through August 31) unless a pre-construction nesting bird survey is conducted within seven days prior to ground disturbance." CDFW considers the mitigation measure for nesting birds in the DEIR to be inadequate in scope and timing to reduce impacts to nesting birds to a level less than significant. In alignment with the CVMSHCP's general conservation measure for nesting birds (CVMSHCP Section 9.7), CDFW recommends Project construction activities are conducted outside of the peak nesting bird season. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds and their nests and eggs are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017²). 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*

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

the time of year to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Additionally, the DEIR lacks an adequate discussion of the Project's potential direct, indirect, and cumulative impacts to nesting birds located within the Project site and within the adjacent Whitewater River including the Airport Boulevard bridge, which may provide suitable habitat for cliff swallows (*Petrochelidon pyrrhonota*). Cliff swallows can build nests within a week, and eggs can be laid before nests are completely finished. To avoid or reduce impacts to a level less than significant, CDFW recommends the DEIR is revised to include an analysis of impacts to nesting birds in the Whitewater River, including the Airport Boulevard bridge, and appropriate avoidance, minimization, and mitigation measures. For example, the Project may result in direct and indirect impacts to nesting birds occupying the bed, bank, and channel of the Whitewater River and the Airport Boulevard bridge through the introduction of artificial nighttime lighting during Project construction and/or long-term operations (see Artificial Nighttime Lighting section below), as well as noise associated with Project construction (see Construction Noise section below).

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 recommends the City include a revised Mitigation Measure BIO-1 in a revised DEIR as follows, with additions in **bold** and removals in ~~striketrough~~:

Mitigation Measure BIO-1: Nesting Birds

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

~~permit, the following measures shall be implemented: To avoid disturbance of nesting and special-status bird species protected by the MBTA and CFGC, activities related to the project, including but not limited to, vegetation removal, ground disturbance, and construction shall not occur during the bird breeding season (January 15 through August 31) unless a preconstruction nesting bird survey is conducted within seven days prior to ground disturbance. A qualified biologist, who is familiar with the identification of avian species in the Coachella Valley, will conduct the preconstruction nesting bird survey within seven days prior to ground disturbance to evaluate the presence/absence, location, and status of any active nests on or adjacent to the Project Area. The extent of the survey area surrounding the Project Area shall be determined by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. If an active nest(s) is discovered, a suitable buffer shall be established around the active nests, as determined by the biologist, and construction activity will not occur within the buffer until the biologist has determined that the nest is no longer active. Buffer size shall consider the species involved and relevant level of tolerance to adjacent activity, the location of the nest relative to proposed activities, and site conditions that naturally buffer the location, such as vegetation screening, topography, etc. If construction activities are delayed or paused for more than 14 days during the nesting season, the nest survey will be re-initiated for areas that still contain potential nesting habitat. No parking, storage of materials, or construction activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Encroachment into this buffer shall occur only at the discretion of the qualified biologist, if it is determined that encroachment will not adversely impact the nesting birds.~~

3) *Burrowing Owl*

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

Take of individual burrowing owls and their nests or eggs is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.” Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in

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

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

Page 21 of the Project’s Biological Assessment indicates that “no burrows or sign of burrowing owl was observed during the site reconnaissance. The soils and berms in the Study Area are relatively compacted and there is frequent human activity along the berms via work vehicles, however this species is known to nest in disturbed habitats. If ground squirrels were to colonize and create potential burrows there is a high likelihood that burrowing owls could inhabit the site. Burrowing owls are common along agricultural canals and drains in the Imperial and Coachella valleys. Several observations are documented in the vicinity of the site in similar habitats. Thus, this species has a moderate potential to occur within the scrub habitat throughout the Study Area and particularly the berms along the river.” CDFW concurs that the Project site and surrounding area including the Whitewater River contain suitable nesting and foraging habitat for burrowing owl. However, the DEIR and Biological Assessment lack information on the protocols used to conduct the single field survey for burrowing owl and lack survey reports, including, for example, the qualifications of the surveyors, survey methods, a map of suitable burrows or burrow surrogates, etc. The Project’s Biological Assessment only indicates that a reconnaissance-level field survey was conducted on July 7, 2023. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Given the DEIR’s lack of findings from recent focused surveys for burrowing owl following the guidelines in the

Staff Report on Burrowing Owl Mitigation,³ the number and locations of suitable and occupied burrows within the Project site and surrounding areas including the Whitewater River are unknown. Given the lack of results from focused surveys for burrowing owl following recommended protocols and the lack of survey reports, CDFW is limited in its ability to provide biological expertise to support the City in reducing impacts to burrowing owl to a level less than significant. CDFW recommends that the DEIR is revised to include the results of four focused surveys for burrowing owl within the Project site and surrounding area, including survey reports⁴, following the guidelines outlined in Appendix D of the *Staff Report on Burrowing Owl Mitigation* and to incorporate appropriate avoidance, minimization, and mitigation measures for burrowing owl. Given the presence of suitable habitat for burrowing owl within the Project site and surrounding areas including the Whitewater River, recent, focused surveys are needed to inform appropriate avoidance, minimization, and mitigation measures and support the City in avoiding or reducing impacts to burrowing owl to a level less than significant.

The DEIR includes Mitigation Measure BIO-2, which generally aligns with Required Avoidance, Minimization, and Mitigation measures for burrowing owl under the CVMSHCP (Section 4.4). However, these measures are outdated and do not ensure that impacts to burrowing owl individuals and their nests and eggs will be avoided. To support the City in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends that Mitigation Measure BIO-2 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

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

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a CVMSHCP-approved Acceptable Biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities. 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 prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed

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

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

avoidance and monitoring actions, including measures necessary to avoid take of burrowing owl individuals, nests, and eggs. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site 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), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained from CDFW prior to commencement of Project activities.

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CVMSHCP-approved Acceptable Biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities. ~~In accordance with Section 4.4 Required Avoidance, Minimization, and Mitigation Measures of the CVMSHCP, a pre-construction survey will be conducted within 500 feet of the project disturbance footprint to identify burrows that could be utilized by burrowing owl. Potentially suitable burrows shall be checked by a qualified biologist to see if they are occupied or not prior to the start of project disturbance activities. If the burrow is unoccupied, the burrow shall be made inaccessible to burrowing owl, and the project may proceed. If either a nesting or escape burrow is occupied, the burrowing owl shall be relocated pursuant to accepted CDFW protocols. A burrow is assumed occupied if records indicate that at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owl are present. Active burrows shall be avoided during the burrowing owl breeding season (January 15 to August 31) with an appropriate buffer zone as determined by a qualified biologist. If occupied burrows cannot be avoided, determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g. distance to nearest suitable habitat and presence of burrow) and in coordination with CDFW and the City. Passive relocation may only occur in the non-breeding season (September to January).~~

4) Bats

With regard to the suitability of the Project site and surrounding area to support bats, Page F-10 (Appendix F) of the Biological Assessment states that pallid bat (*Antrozous pallidus*), a California Species of Special Concern, “roosts in crevices of rock outcrops, caves, mine tunnels, buildings, *bridges*, and hollows of live and dead trees.” Page F-10 of the Biological Assessment also indicates that Townsend’s big-eared bat (*Corynorhinus townsendii*), a California Species of Special Concern, roosts in bridges, and “suitable roosting habitat associated [sic] occurs with the Airport Boulevard bridge in the southwest portion of the Study Area.” CDFW concurs that the Airport Boulevard bridge may contain crevice habitat (e.g., expansion joints, cavities accessed via weep holes, etc.) that is suitable roosting habitat for these and other bridge-roosting bat species. CDFW also notes that bats have the potential to roost in cliff swallow nests that may be built on the Airport Boulevard bridge, as observed on other nearby bridges that cross the Whitewater River. Importantly, the DEIR and its supporting documents lack an assessment of potential roosting habitat for bats associated with the Airport Boulevard bridge, the findings of focused surveys associated with suitable bat roosting habitat, or an analysis and discussion of potential direct and indirect impacts of the Project, such lighting and noise, and appropriate avoidance, minimization, and mitigation measures. Without survey results and an impact analysis, CDFW is limited in its ability to provide biological expertise to support the City in avoiding or reducing impacts to special-status bats to a level less than significant. To support the City in reducing impacts to bats to a level less than significant, CDFW recommends the DEIR is revised to include the findings of a habitat assessment for suitable bat roosting habitat within the adjacent bridge, appropriate focused surveys (see recommended mitigation measure below), and an impact analysis, along with appropriate avoidance, minimization, and mitigation measures.

The DEIR and its supporting documents also lack the findings from focused surveys for western yellow bat (*Lasiurus xanthinus*), a California Species of Special Concern and CVMSHCP Covered Species, which have the potential to roost in the grove of fan palms (*Washingtonia* sp.) located just north of the proposed Project. Without findings from a habitat assessment and focused surveys, an impact assessment, and appropriate avoidance, minimization, and mitigation measures, the Project is at risk of impacting bats, such as the abandonment of roosting habitat or a maternity colony, which could result in the take of bats including special-status species.

In particular, CDFW recommends the DEIR is revised to include an analysis of Project impacts associated with artificial nighttime lighting on bats that may use the grove of fan palms and the Airport Boulevard bridge. Numerous studies have shown that direct lighting on roost structures can have profound negative effects on bats roosting in those structures. For example, the complete abandonment (or significant reduction of the bat population) at human-made structures used by roosting bats following the installation of

bright artificial lighting has been documented on multiple occasions.^{5,6} The intensity of the artificial light near the roost affected the bats' behavior during emergence more than the color of the light,⁷ while the loss of bat colonies at structures that were newly illuminated was most apparent when light was applied in such a manner that there was no dark corridor for the bats to exit and return to the roost.⁸

Adverse effects from the illumination of a roost structure by artificial lights extend beyond simply having the potential to discourage further use of that structure by bats. Not only did bright artificial lighting at roosts delay the start of the emergence and/or prolong the duration of bats' emergence from that structure, but also juveniles at roost structures that were illuminated were significantly smaller than juveniles at roost structures that were not illuminated by bright artificial lights⁹. The smaller body masses of juveniles at illuminated sites may be attributed to the delayed emergences at those sites, which not only reduces the total foraging time available for lactating female bats (and later, juveniles learning to hunt) each night, but also causes those bats to miss the peak insect abundance that occurs at dusk, reducing their foraging efficiency. These findings suggest that even if a maternity colony chooses to remain at a newly illuminated roost site, juvenile survivorship is negatively affected, and therefore the reproductive success of those colonies could be severely compromised.

Maintaining darkness at maternity roosts is particularly important because at these types of roosts, aggregations of bats are present consistently over a long period of time, individual bats emerge from predictable locations, and juvenile bats are learning how to

⁵ Boldogh, S.D., D. Dobrosi, and P. Samu. 2007. The Effects of the Illumination of Buildings on House-Dwelling Bats and Its Conservation Consequences. *Acta Chiropterologica* 9:527–534. doi:10.3161/1733-5329 (2007)9[527:TEOTIO]2.0.C;2.

⁶ Rydell, J., J. Eklöf, and S. Sánchez-Navarro. 2017. Age of Enlightenment: Long-Term Effects of Outdoor Aesthetic Lights on Bats in Churches. *Royal Society Open Science* 4(8):161077. <http://dx.doi.org/10.1098/rsos.161077>.

⁷ Downs, N.C., et al. 2003. The Effects of Illuminating the Roost Entrance on the Emergence Behavior of *Pipistrellus pygmaeus*. *Biological Conservation* 111:247–252. doi:10.1016/S0006-3207(02)00298-7.

⁸ Rydell, J., J. Eklöf, and S. Sánchez-Navarro. 2017. Age of Enlightenment: Long-Term Effects of Outdoor Aesthetic Lights on Bats in Churches. *Royal Society Open Science* 4(8):161077. <http://dx.doi.org/10.1098/rsos.161077>.

⁹ Boldogh, S.D., D. Dobrosi, and P. Samu. 2007. The Effects of the Illumination of Buildings on House-Dwelling Bats and Its Conservation Consequences. *Acta Chiropterologica* 9:527–534. doi:10.3161/1733-5329 (2007)9[527:TEOTIO]2.0.C;2.

fly.^{10,11} Illumination of a maternity roost renders the colony more vulnerable to opportunistic predators such as raptors and owls, and predator-avoidance behaviors such as delayed emergence times reduce their foraging opportunities, thereby lowering juvenile survivorship. Suitable maternity roost sites are a limited resource, and if an alternate roost site is not available, extirpation of the entire colony could occur as a result of artificial lighting. Because bright artificial lighting at roost structures has significant negative effects on bats, including the potential for the extirpation of an entire maternity colony, the addition of lighting near an established roost needs to be considered during the environmental impact review process. CDFW recommends all Project lighting is shielded to ensure no overspill into the Whitewater River and the Airport Boulevard bridge or into the vacant, vegetated area to the north of the Project site where the grove of fan palms is located.

The DEIR includes Mitigation Measure BIO-3 for bats indicating that “a special-status bat species emergence survey shall be conducted if construction activities are to occur within 300 feet of the California fan palm oasis during the bat maternity season (April 1 through August 31).” CDFW considers this measure to be inadequate in scope and timing to avoid or reduce impacts to bats to a level less than significant. For example, the mitigation measure does not address potential impacts to bats that may roost within the Airport Boulevard bridge. Further, multiple focused surveys are needed to determine if a potential roost site is occupied by bats. To reduce impacts to bats to a level less than significant, CDFW recommends the City revise Mitigation Measure BIO-3 with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-3: Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Bats

Prior to the initiation of Project activities within suitable bat roosting habitat—including both the Airport Boulevard bridge and the fan palm grove located north of the Project site—the City and Project proponent shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence

¹⁰ Rydell, J., J. Eklöf, and S. Sánchez-Navarro. 2017. Age of Enlightenment: Long-Term Effects of Outdoor Aesthetic Lights on Bats in Churches. *Royal Society Open Science* 4(8):161077. <http://dx.doi.org/10.1098/rsos.161077>.

¹¹ Voigt, C.C., et al. 2018. *Guidelines for Consideration of Bats in Lighting Projects*. EUROBATs Publication Series No. 8. Bonn, Germany: UNEP/EUROBATs Secretaria.

survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys.

If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction will only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around wintering roosts (hibernacula). The buffer shall not be reduced. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed during winter torpor (November to mid-February). If avoidance of a hibernacula is not feasible, the Project Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan shall be submitted for CDFW review and approval prior to construction activities. The qualified biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall be in place prior to the initiation of Project-related activities to allow enough time for bats to relocate. Removal of roosts will be guided by accepted exclusion and deterrent techniques. The Project proponent shall compensate no less than 2:1 for permanent impacts to roosting habitat.

~~A special-status bat species emergence survey shall be conducted if construction activities are to occur within 300 feet of the California fan palm oasis during the bat maternity season (April 1 through August 31). The emergence survey will be conducted in areas of suitable roosting habitat during the maternity season to document the presence of special-status bat species maternal roosting habitat. The emergence survey will be conducted 30 minutes before sunset and last for up to two hours after sunset. Any special-status bat species observed during the maternity roosting season within or adjacent to the Project Area should be avoided and provided a minimum buffer as determined by the qualified biologist (a 100-foot to 300-foot buffer is recommended) prior to the commencement of construction.~~

5) Artificial Nighttime Lighting

Page 4.1-22 of the DEIR states that “implementation of the proposed Project has the potential to generate new sources of daytime glare and nighttime lighting onto and from the Project site from the following sources: glass interposed facades; lighting around and interior to the proposed buildings; internal vehicular circulation; security, walkway and street lighting; signage; and an on-site freeway-oriented electronic billboard that would be visible along SR 86.” Regarding construction impacts associated with lighting, page 4.1-23 of the DEIR indicates that the “Project would adhere to the City’s construction hour limitations and no nighttime construction would occur. However, there would be nighttime security lighting onsite, which would introduce a new source of nighttime lighting in the Project vicinity on currently vacant land and may result in a significant impact to surrounding receptors. Therefore, in order to minimize any potential light/glare impacts to sensitive uses, mitigation is required. Specifically, as provided for in Mitigation Measures AES-1 and AES-2, construction equipment staging and stockpile areas would be situated on the central and western portions of the Project site, away from Airport Boulevard and the neighboring existing residential uses, and all construction-related lighting would be down-directed toward the work areas and oriented away from adjacent uses and would consist of the minimal wattage necessary to provide safety at the construction site.” Regarding operational impacts, page 4.1-23 states that “potential sources of nighttime lighting would include outdoor sources such as lighting for entryways, walkways, security lighting, and vehicle headlights. [...] These nighttime lighting sources could result in impacts related to off-site spill or glare.” Mitigation Measures AES-1 and AES-2 focus on shielding lighting impacts from residential and non-residential areas near the Project site.

The DEIR lacks an analysis of direct, indirect, and cumulative impacts of artificial nighttime lighting, including impacts associated with construction and long-term operations, on biological resources including migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. See the Nesting Bird, Burrowing Owl, and Bats sections above highlighting examples of biological resources that could be negatively impacted by artificial nighttime lighting proposed by the Project. The Project site is located adjacent to the Whitewater River, the Airport Boulevard bridge, and a vacant, vegetated area to the north that includes a grove of fan palms—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. The Project’s proposed artificial nighttime lighting has the potential to significantly and adversely affect wildlife in these vacant areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and

seasonal cycles; the detection of resources and natural enemies; and navigation.¹² Many species use photoperiod cues for communication (e.g., bird song¹³), determining when to begin foraging,¹⁴ behavioral thermoregulation,¹⁵ and migration.¹⁶ Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.¹⁰

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

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

Mitigation Measure BIO-[B]: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City and Project proponent 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 and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

6) Construction Noise

Construction activities may result in substantial noise through road use, equipment, and

¹² 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.

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

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

¹⁵ Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.

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

other project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 decibels (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Page 4.4-24 of the DEIR indicates that the noise associated with Project construction activities may result in direct impacts to nesting birds located in close proximity to the Project area. CDFW notes that the Project may result in direct and indirect impacts associated with noise to biological resources occupying the adjacent Whitewater River, the Airport Boulevard bridge, and the vacant, vegetated parcel to the north of the Project area. The DEIR lacks additional analysis and discussion of the potential impacts of noise on biological resources in areas surrounding the Project area. As discussed in the Biological Resources section above, CDFW recommends the DEIR is revised to include an analysis of potential impacts to wildlife associated with construction noise and to incorporate appropriate avoidance, minimization, and mitigation measures. CDFW also recommends that the City include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[C]: Construction Noise

During construction of the Project, the City shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in the early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The City shall ensure use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

7) Cannabis-Specific Impacts on Biological Resources

There are many impacts to biological resources associated with cannabis cultivation, whether indoor or outdoor cultivation (i.e., pesticides, fertilizers/imported soils, water pollution, groundwater depletion, vegetation clearing, construction and other development in floodplains, fencing, roads, noise, artificial light, dams and stream crossings, water diversions, and pond construction). CDFW recommends that the City include in the DEIR an analysis of cannabis-specific impacts to biological resources that

may result from the Project activities. Design specifications of cultivation structures should be included in the DEIR to demonstrate that the structures are fully enclosed structures with permanent walls/roof and impermeable floors.

Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. (Even if used indoors, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals disposed of outside.) Nonlethal doses of pesticides can negatively affect wildlife; pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams, in violation of Fish and Game Code section 5650(6). Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites. Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs/walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether; these pose a hazard to nontarget wildlife and result in prolonged/inhumane death. California Department of Pesticide Regulation stipulates that pesticides must certain criteria to be legal for use on cannabis. For details, visit:
<https://www.cdpr.ca.gov/docs/cannabis/questions.htm>;
<https://www.cdpr.ca.gov/docs/county/cacfltrs/penfltrs/penf2015/2015atch/attach1502.pdf>.

The DEIR lacks a discussion of whether the Project’s cultivation activities will involve pesticides such as fungicides, herbicides, insecticides, and rodenticides. Because of the potential for Project activities to involve the use of pesticides in cannabis cultivation and other cannabis-related activities, CDFW recommends that the City include a mitigation measure conditioning the Project to development of a plan to avoid, minimize, and mitigate the impacts of pesticides used in cannabis cultivation. CDFW recommends that the City add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[D]: Pesticides

Prior to construction and issuance of any grading permit, the Project proponent shall develop a plan in consultation with the City. The plan shall be reviewed and approved by the City as a condition of project approval. The plan shall identify measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.

Artificial Light for Cannabis Operations

Cannabis cultivation operations often use artificial lighting or "mixed-light" techniques in greenhouse structures and indoor operations to increase yields. They also employ exterior lighting for security. If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O'Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect biological resources (see previous section "Artificial Nighttime Lighting"). The DEIR does not specify whether artificial light will be used either indoors or outdoors for cannabis cultivation or whether building design will allow indoor light to escape. Because the Project is located immediately adjacent to riparian habitat associated with Whitewater River, and because of the potential for the use of artificial light to impact nocturnal wildlife species and migratory birds that fly at night, CDFW recommends the DEIR be revised to include an analysis of cannabis-specific impacts on biological resources and Mitigation Measure BIO-[B]: Artificial Nighttime Lighting. Light should not be visible outside of any structure used for cannabis cultivation.

Role of CDFW LSA Program in Cannabis Licensing

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through EPIMS (Environmental Permit Information Management System; <https://epims.wildlife.ca.gov>) and learn more about permitting at

<https://wildlife.ca.gov/Conservation/Cannabis/Permitting>.

8) Landscaping

Page 4.10-25 of the DEIR states that “native plant materials and other drought-tolerant plants will be used in all non-turf areas of Project landscaping. Large expanses of lawn and other water-intensive landscaped areas will be kept to the minimum necessary and consistent with the functional and aesthetic needs of the Project, while providing soil stability to resist erosion.” The DEIR lacks additional information on landscaping plans, such as a plant palette or planting locations. CDFW recommends that the DEIR include recommendations regarding landscaping from Section 4.0 of the CVMShCP “Table 4-112: Coachella Valley Native Plants Recommended for Landscaping” (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>). CDFW also recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/cities and resource conservation cities in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California’s Save our Water website: <https://saveourwater.com/>.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final.

Kendra Reif, Community Development Director
City of Coachella
September 4, 2025
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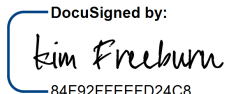
(Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information for a meaningful review of impacts to biological resources, including a complete assessment of biological resources for special-status species, burrowing owl, and bats. CDFW recommends that a revised DEIR, including a complete assessment of biological resources be recirculated for public comment. The CEQA Guidelines indicate that recirculation is required when insufficient information in the DEIR precludes a meaningful review (§ 15088.5). CDFW recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised DEIR.

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

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
Mitigation Measure BIO-[A]: Assessment of Biological Resources Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas, including the Whitewater River, Airport Boulevard bridge, and the vacant, vegetated area to the north, with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in	Timing: Prior to Project construction activities Methods: See Mitigation Measure	Implementation: City of Coachella and Project proponent Monitoring and Reporting: City of Coachella

consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.		
Mitigation Measure BIO-1: Nesting Birds To the greatest extent feasible, the Project will avoid construction activities during the peak nesting season (February 1 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the	Timing: No more than 3 days prior to all vegetation removal or ground-disturbing activities throughout all phases of the Project. Methods: See Mitigation Measure	Implementation: City of Coachella and Project proponent Monitoring and Reporting: City of Coachella

young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.		
Mitigation Measure BIO-2: Burrowing Owl Focused and Pre-Construction Surveys Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a CVMSHCP-approved Acceptable Biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version) prior to vegetation removal or ground-disturbing activities. 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 prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance and monitoring actions, including measures necessary to avoid take of burrowing owl individuals, nests, and eggs. The Burrowing Owl Plan shall include the number and location of occupied burrow sites (occupied site 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), acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other	Timing: Focused surveys: Prior to vegetation removal or ground-disturbing activities for all phases of the Project. Pre-construction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance for all phases of the Project and when there is a pause in construction of more than 30 days. Methods: See Mitigation Measure	Implementation: City of Coachella and Project proponent Monitoring and Reporting: City of Coachella

avoidance measures. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, appropriate CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained from CDFW prior to commencement of Project activities. Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (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 CVMSHCP-approved Acceptable Biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.		
Mitigation Measure BIO-3: Surveys for Daytime, Nighttime, Wintering (Hibernacula), and Maternity Roosting Sites for Bats Prior to the initiation of Project activities within suitable bat roosting habitat—including both the Airport Boulevard bridge and the fan palm grove located north of the Project site—the City and Project proponent shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula),	Timing: Prior to initiation of Project activities. Methods: See Mitigation Measure	Implementation: City of Coachella and Project proponent Monitoring and Reporting: City of Coachella

and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction will only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around wintering roosts (hibernacula). The buffer shall not be reduced. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset		
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and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed during winter torpor (November to mid-February). If avoidance of a hibernacula is not feasible, the Project Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan shall be submitted for CDFW review and approval prior to construction activities. The qualified biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall be in place prior to the initiation of Project-related activities to allow enough time for bats to relocate. Removal of roosts will be guided by accepted exclusion and deterrent techniques. The Project proponent shall compensate no less than 2:1 for permanent impacts to roosting habitat.		
Mitigation Measure BIO-[B]: Artificial Nighttime Lighting Throughout construction and the lifetime operations of the Project, the City and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City and Project proponent 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	Timing: Throughout construction and the lifetime operations of the Project. Methods: See Mitigation Measure	Implementation: City of Coachella and Project proponent Monitoring and Reporting: City of Coachella

sky (see the International Dark-Sky Association standards at http://darksky.org/). The City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.		
Mitigation Measure BIO-[C]: Construction Noise During construction of the Project, the City shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in the early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The City shall ensure use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source	Timing: During construction Methods: See Mitigation Measure	Implementation: City of Coachella and Project proponent Monitoring and Reporting: City of Coachella
Mitigation Measure BIO-[D]: Pesticides Prior to construction and issuance of any grading permit, the Project proponent shall develop a plan in consultation with the City. The plan shall be reviewed and approved by the City as a condition of project approval. The plan shall identify measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage,	Timing: Prior to construction and issuance of any grading permit. Methods: See Mitigation Measure	Implementation: City of Coachella and Project proponent Monitoring and Reporting: City of Coachella

and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.		
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