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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 10, 2025
Sent via email

William Patterson
Environmental Supervisor
Coachella Valley Water District
75515 Hovley Land East
Palm Desert, CA 92211
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Highway 86 Water Transmission Main, Phase 3 and 4 Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2025050494

Dear William Patterson:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration from the Coachella Valley Water District (CVWD) 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

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.

activities that have the potential to adversely affect fish and wildlife resources.

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

PROJECT DESCRIPTION SUMMARY

Proponent: Coachella Valley Water District

Objective: The Project proposed improvements to the domestic water distribution system serving the communities in the vicinity of Oasis and Salton City, in Riverside County and Imperial County. The proposed Project entails the replacement of approximately 14.5 miles of existing 16-inch and 18-inch diameter asbestos cement pipe (ACP) and ductile iron pipe (DIP) domestic water transmission mains with approximately 15.4 miles of 24-inch diameter DIP water transmission main to serve the communities of Salton Sea Beach, Desert Shores, Salton City, and unincorporated areas in Riverside and Imperial Counties on the west side of the Salton Sea, hereinafter referred to as the Pipeline. Approximately 13 miles of the Pipeline, would be located within Caltrans Right of Way (ROW); approximately 2 miles of the Pipeline would be located within existing street ROW or newly obtained utility easements across private property outside of Caltrans ROW.

Pipeline construction would consist of both open trench and subsurface boring. The Pipeline would be installed with a minimum of 42 inches of earthen cover. Vertical deflections and restrained joints would be installed where the Pipeline crosses other utilities including irrigation mains, agricultural drain lines, storm drain culverts, and buried telephone lines. In-line valves would be installed at half-mile intervals and crosses to accommodate future connections that may be installed. The Pipeline would be placed in polyethylene wrap to protect the Pipeline from mildly corrosive soils. The portions of the Pipeline crossing under Caltrans access-control ROW would be encased within 36-inch diameter steel encasement. Once the new pipeline is installed, it would be flushed, pressure tested, chlorinated, and dechlorinated. Approximately 3.5 million gallons of water would be used during the process. This water would be discharged to nearby open space or agricultural lands percolate into the ground. Water used during construction would not be discharged into jurisdictional waters.

The existing ACP pipeline is proposed to be abandoned in place and filled with inert material, such as slurry or sand, to prevent further erosion. However, a small portion of

the ACP pipe within Coolridge Springs Road may require removal. All removal, transport, and disposal of any portion of the ACP pipe will be in compliance with all applicable standards for asbestos containing materials and will be properly transported to a landfill that accepts asbestos containing materials.

Jack-and-bore or other trenchless construction methods would be used to cross Highway 86 and drainages.

Location: The Project is located within unincorporated Riverside County and unincorporated Imperial County. The Project is located within Township 8 South, Range 9 East, Sections 31, 32, and 33; Township 9 South, Range 9 East, Sections 4, 5, 9, 21, 22, 27, 34, 35, and 36; Township 10 South, Range 9 East, Sections 1, 2, 11, 12, 13, 16, and 25; and Township 10 South, Range 10 East, Sections 18, 19, and 30, San Bernardino Base and Meridian. The proposed Pipeline would connect to the existing water distribution system via connection to an existing 30-inch diameter DIP west of Highway 86 at the intersection of Lincoln Street/84th Avenue in Riverside County. The Pipeline Alignment would follow 84th Avenue east for approximately one mile before turning southward where it would run roughly parallel to southbound Highway 86 in Caltrans ROW. Near Postmile 61, approximately one mile south of the Red Earth Casino, the Pipeline Alignment turns east for approximately 0.75, then continues south along Lesser Drive. The Pipeline would then intersect and run parallel to southbound Highway 86 for approximately 3 miles to Golden Avenue where the Pipeline would turn west and terminate at CVWD's existing Reservoir No. 1092 at the end of Diamond Avenue in Salton City in Imperial County. The proposed Pipeline would connect to existing water mains in Service Road and Golden Avenue.

Timeframe: The MND proposes a construction timeframe of approximately 17 months.

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 CVWD 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 a level less than significant.

Existing Environmental Setting

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

The MND lacks a complete and appropriate assessment of biological resources within the Project site and surrounding area specifically as it relates burrowing owl (*Athene cunicularia*) and nesting birds, as discussed in the Burrowing Owl sections below. 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 CVWD in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends revising the mitigation measure for burrowing owl and nesting birds and adding mitigation measures for flat-tailed horned lizard and Colorado Desert fringe-toed lizard, Palm Springs pocket mouse, and CDFW's Lake and Streambed Alteration Program.

1) Nesting Birds

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

With regard to the CVMSHCP, per its associated Implementing Agreement (IA) and Permits from CDFW and the U.S. Fish and Wildlife Service (the Wildlife Agencies), Take associated with Covered Activities will not be in violation of the Migratory Bird Treaty Act and will be consistent with Fish and Game Code sections 3503 and 3503.5; therefore, all Covered Activities within and outside Conservation Areas must undertake measures to avoid the take of individuals, nests, and eggs of nesting birds. The CVMSHCP includes a general conservation measure that applies to all bird species to avoid impacts to habitat for nesting birds during the nesting season (CVMSHCP Section 9.7). Per IA Section 13.8, the CVWD is obligated to carry out all applicable requirements of the CVMSHCP, the Wildlife Agencies' Permits that authorize Take for Covered Activities under the CVMSHCP, and the IA, which include compliance with laws that protect nesting birds.

Pages 37 and 38 of the MND indicate that the vegetation communities within the Biological Survey Area (BSA) for the Project contain mixed cover of shrubs and trees, which can support nesting birds. CDFW concurs that habitat for nesting birds is located throughout the Project's long linear alignment. The MND includes Mitigation Measure BIO-3 for nesting birds, indicating that "prior to vegetation removal or initial ground disturbance during the nesting bird season, which is February 15 – September 15 for passerine species and January 1 – September 15 for raptors, a pre-construction nesting bird survey shall be conducted by the Project Biologist prior to the start of work." Conducting work outside the peak nesting season is an important avoidance and minimization measure. 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**.

To support CVWD in reducing impacts to nesting birds to a level less than significant, CDFW recommends that the CVWD revise Mitigation Measure BIO-3 with the following additions in **bold** and removals in ~~strikethrough~~:

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.

Mitigation Measure BIO-3: Nesting Birds

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to all vegetation removal or ground-disturbing activities throughout all portions of the Project. 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 vegetation removal or initial ground disturbance during the nesting bird season, which is February 15—September 15 for passerine species and January 1—September 15 for raptors, a pre-construction nesting bird survey shall be conducted by the Project Biologist prior to the start of work. The nesting bird survey shall include the BSA plus a 100-foot buffer, where feasible. Within 72 hours of the nesting bird survey, all Project impact areas surveyed by the Project Biologist must be cleared of vegetation by the contractor or a follow-up nesting bird survey is required.~~

~~A minimum 100 foot no-disturbance buffer shall be established around any active nest of migratory birds and a minimum 250 foot no-disturbance buffer shall be established around any nesting special status species including LeConte's thrasher and burrowing owl. The contractor shall immediately stop work in the buffer area until the appropriate buffer is established and is prohibited from conducting work that could disturb the birds (as determined by the Project Biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by the Project biologist~~

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for recommended revisions to MM BIO-2 and MM BIO-3 and CDFW-recommended MM BIO-[A], MM BIO-[B], and MM BIO-[C].

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.

Page 41 of the MND indicates that “the presence of potentially suitable habitat features as well as the recent local occurrences of the species indicate that burrowing owls have a high potential to occur during Project construction.” CDFW concurs that the Project site, along its long linear alignment, contains suitable habitat for burrowing owl. The MND also indicates that “a protocol breeding season survey was not completed (page 40) but “a habitat assessment survey was completed to identify the map and portions of the BSA [Biological Study Area] with potentially suitable habitat.” Regarding the size of the BSA, page 1 of the Project’s Biological Resources Technical Report, dated

November 2024, indicates that “general biological surveys were conducted within a Biological Study Area (BSA) which encompasses the project centerline plus an approximate 25-foot buffer along either side of the proposed pipeline.” CDFW recommends conducting a habitat assessment and focused surveys within a 500-foot buffer, as recommended in the *Staff Report on Burrowing Owl Mitigation*³. Regarding the timing of field surveys, page 36 of the MND states “field surveys and jurisdictional delineations were conducted between April 25 and April 27, 2022.” Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Given the MND’s lack of findings from a habitat assessment conducted over an appropriate area and recent focused surveys for burrowing owl following the guidelines in the *Staff Report on Burrowing Owl Mitigation*, the number and locations of suitable and occupied burrows within the Project site and surrounding areas are unknown. Given the lack of results from a habitat assessment and focused surveys following recommended protocols and the lack of survey reports, CDFW is limited in its ability to provide biological expertise to support CVWD in reducing impacts to burrowing owl to a level less than significant. CDFW recommends that the MND is revised to include the results of a habitat assessment and focused surveys, including survey reports, for burrowing owl within the Project site and surrounding area 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.

The MND includes Mitigation Measure BIO-2, which indicates that “surveys must be conducted in all portions of the Project footprint that encompass suitable habitat for the species, with an approximate 50 meter buffer.” CDFW finds Mitigation Measure BIO-2 to be insufficient in scope and timing to reduce impacts to burrowing owl to a level less than significant. For example, Mitigation Measure BIO-2 lacks adequate buffers for focused surveys and details on appropriate survey methods for burrowing owl and methods of avoiding impacts to burrowing owl if they are observed within the Project site and/or surrounding areas.

The MND also indicates that burrowing owl exclusion may be implemented by the Project (page 50). Burrowing owl relocation is considered a potentially significant impact under CEQA and should only be considered as a last resort, after all other options have been evaluated. Burrowing owl relocation (i.e., eviction/passive and active relocation) can result in take of burrowing owl individuals, nests, and eggs, which is not authorized under the CVMSHCP. Consultation with CDFW is warranted to determine if an Incidental Take Permit is necessary to avoid a violation of Fish and Game code section

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>

2080. CDFW recommends that the CVWD revise Mitigation Measure BIO-2 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 qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version) prior to vegetation removal or ground-disturbing activities for all phases of Project construction. 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 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 should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities. ~~A qualified biologist shall conduct a take avoidance survey in accordance with the 2012 CDFW *Staff Report on Burrowing Owl Mitigation* within 2 months and again within 14 days prior to the start of ground disturbance for each phase of construction. Surveys must be conducted in all portions of the Project footprint that encompass suitable habitat for the species, with an approximate 50 meter buffer. If no active burrows are discovered, no further avoidance or minimization measures are required.~~

~~If burrows are detected but determined to be inactive or it is outside the burrowing owl breeding season (February 1—August 31), exclusion methods shall be implemented to prevent owls from occupying the burrows during Project activities. If active burrows are identified, a no work buffer shall be placed around the burrow and CVWD must notify CDFW within 48 hours of the discovery. The buffer shall be 200 meters between April 1—Oct 15 and 50 meters between Oct 16—Mar 31. The buffer shall be demarcated with temporary high visibility fencing installed under the supervision of a biologist. Additional biological monitoring or other avoidance measures if required by CDFW shall be implemented.~~

~~If passive relocation actions outside the breeding season (September 1—February 14) are determined to be necessary, coordination with CDFW will occur prior to the initiation of relocation activities.~~

3) Special-Status Reptiles

Page 34 of the Project's Biological Resources Technical Report, dated November 2024 (Biological Report), indicates that flat-tailed horned lizard (*Phrynosoma mcallii*; California Species of Special Concern) and Colorado Desert fringe-toed lizard (*Uma notata*; California Species of Special Concern) have a low to moderate potential to occur within the Project site. Page 43 of the MND indicates that potential impacts to these species would be reduced to less than significant through implementation of Mitigation Measures BIO-1 (Worker Environmental Awareness Program) and BIO-5 (Animal Entrapment) for flat-tailed horned lizard, and Mitigation Measure BIO-1, BIO-5, and BIO-6 (Measures to Incorporated into the Project Design to Minimize the Spread of Invasive Species and General Impacts to Local Wildlife) for Colorado Desert fringe-toed lizard. CDFW considers these mitigation measures to be inadequate in scope to reduce impacts to flat-tailed horned lizard and Colorado Desert fringe-toed lizard a level less than significant. For example, these measures lack requirements to survey for species prior to ground-disturbing activities and avoid and minimize impacts to special-status reptiles and their suitable habitat if they are identified.

To reduce impacts to flat-tailed horned lizard and Colorado Desert fringe-toed lizard to a level less than significant, CDFW recommends the following mitigation measure is added to a revised MND:

Mitigation Measure BIO-[A]: Flat-Tailed Horned Lizard and Colorado Desert Fringe-Toed Lizard

Prior to initiation of ground-disturbing activities, for all portions of the Project, a qualified biologist knowledgeable in the habitat, ecology, and field identification of flat-tailed horned lizard and Colorado Desert fringe-toed lizard shall survey the entirety of the Project site for both individuals and areas containing suitable habitat for these species. A qualified biologist shall identify and delineate potentially suitable habitat for flat-tailed horned lizard and Colorado Desert

fringe-toed lizard and work with construction crews to ensure the Project's disturbance footprint, e.g. alignment of access roads, areas of use by heavy earth-moving equipment, etc., avoids impacts to these areas of suitable habitat to the maximum extent. If any individual flat-tailed horned lizard and Colorado Desert fringe-toed lizard are detected, the Project shall halt all activities that have the potential to impact the identified individuals, immediately notify CDFW, and submit species-specific measures that when implemented, will avoid, minimize, and mitigate for impacts.

4) Palm Springs Pocket Mouse

Page 56 of the Project's Biological Resources Technical Report indicates that the "Project is anticipated to temporarily impact approximately 34.77 acres of potentially suitable Palm Springs pocket mouse habitat" and that the species has "a low to moderate potential to occur within the Project area." Page 56 of the Biological Resources Technical Report indicates that the "implementation of BIO-1 will serve to reduce impacts to this species. No additional avoidance and minimization measures to reduce potential impacts to Palm Springs pocket mouse and its habitat are proposed." CDFW considers Mitigation Measure BIO-1 to be inadequate in scope to reduce impacts to a level less than significant. For example, Mitigation Measure BIO-1 lacks a requirement to survey for suitable habitat for Palm Springs pocket mouse prior to ground-disturbing activities and avoid and minimize impacts to Palm Springs pocket mouse suitable habitat and individuals.

To reduce impacts to Palm Springs pocket mouse to a level less than significant, CDFW recommends the following mitigation measure is added to a revised MND:

Mitigation Measure BIO-[B]: Palm Springs Pocket Mouse

Prior to initiation of ground-disturbing activities, for all portions of the Project, a qualified biologist knowledgeable in the habitat, ecology, and field identification of Palm Springs pocket mouse shall visually survey the entirety of the Project site and appropriate buffer surrounding these areas to identify any features/habitats (i.e., burrows, dens, cavities, etc.) suitable to support Palm Springs pocket mouse. The qualified biologist shall mark potentially occupied features for avoidance and ensure the Project's disturbance footprint, e.g. alignment of access roads, areas of use by heavy earth-moving equipment, etc., avoids potentially occupied features to the maximum extent. If individual Palm Springs pocket mouse are detected, the Project shall halt all activities that have the potential to impact the identified individuals, immediately notify CDFW, and submit species-specific avoidance measures that when implemented, will avoid, minimize, and mitigate for impacts.

5) Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following: divert or obstruct the natural flow of any river, stream, or lake; change the bed, channel, or bank of any river, stream, or lake; use material from any river, stream, or lake; or deposit or dispose of material into any river, stream, or lake. Note that "any river, stream, or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Page 106 of the MND states that "the Project is an underground water transmission main. Construction of the Project would occur mostly within road ROWs that are either paved or highly disturbed. Where the Pipeline crosses drainages, waterways, and Highway 86, the Pipeline would be constructed with trenchless methods (jack and bore) in order to avoid impacting these resources." The MND does not indicate if a Notification of Streambed Alteration will be submitted to CDFW for the Project. CDFW notes that trenchless methods such as jack and bore have the potential to result in the release of drilling fluid, a frac-out, onto the surface where fish and wildlife resources can be impacted. A frac-out has the potential to deposit material into a stream, an activity that requires notification to CDFW pursuant to Fish and Game Code section 1602. To help reduce impacts to streams and associated fish and wildlife resources to less than significant, CDFW recommends the MND is revised to include the following measure:

MM BIO-[C]: CDFW Lake and Streambed Alteration Program

Prior to construction and issuance of any grading permit, CVWD shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

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

William Patterson
Coachella Valley Water District
June 10, 2025
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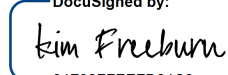
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

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

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

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Mitigation Measure BIO-3: Nesting Birds</p> <p>Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to all vegetation removal or ground-disturbing activities throughout all portions of the Project. 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</p>	<p>Timing: No more than 3 days prior to all vegetation removal or ground-disturbing activities.</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

<p>stop work if nesting pairs exhibit signs of disturbance.</p>		
<p>Mitigation Measure BIO-2: Burrowing Owl Focused and Pre-Construction Surveys</p> <p>Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation (2012 or most recent version)</i> prior to vegetation removal or ground-disturbing activities for all phases of Project construction. 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 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</p>	<p>Timing: Focused surveys: Prior to vegetation removal or ground-disturbing activities. Pre-construction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance and when there is a pause in construction of more than 30 days.</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

<p>(i.e., Incidental Take Permit under Fish and Game Code section 2081) should be obtained from CDFW prior to commencement of Project activities.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</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 should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Avoidance and Monitoring Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p>		
<p>Mitigation Measure BIO-[A]: Flat-Tailed Horned Lizard and Colorado Desert Fringe-Toed Lizard</p> <p>Prior to initiation of ground-disturbing activities, for all portions of the Project, a qualified biologist knowledgeable in the habitat, ecology, and field identification of flat-tailed horned lizard and Colorado Desert fringe-toed lizard shall survey the entirety of the Project site for both individuals and areas containing suitable habitat for these species. A qualified biologist shall identify and delineate potentially suitable habitat for flat-tailed horned lizard and Colorado Desert fringe-toed lizard and work with</p>	<p>Timing: Prior to initiation of ground-disturbing activities</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

<p>construction crews to ensure the Project’s disturbance footprint, e.g. alignment of access roads, areas of use by heavy earth-moving equipment, etc., avoids impacts to these areas of suitable habitat to the maximum extent. If any individual flat-tailed horned lizard and Colorado Desert fringe-toed lizard are detected, the Project shall halt all activities that have the potential to impact the identified individuals, immediately notify CDFW, and submit species-specific measures that when implemented, will avoid, minimize, and mitigate for impacts.</p>		
<p>Mitigation Measure BIO-[B]: Palm Springs Pocket Mouse</p> <p>Prior to initiation of ground-disturbing activities, for all portions of the Project, a qualified biologist knowledgeable in the habitat, ecology, and field identification of Palm Springs pocket mouse shall visually survey the entirety of the Project site and appropriate buffer surrounding these areas to identify any features/habitats (i.e., burrows, dens, cavities, etc.) suitable to support Palm Springs pocket mouse. The qualified biologist shall mark potentially occupied features for avoidance and ensure the Project’s disturbance footprint, e.g. alignment of access roads, areas of use by heavy earth-moving equipment, etc., avoids potentially occupied features to the maximum extent. If individual Palm Springs pocket mouse are detected, the Project shall halt all activities that have the potential to impact the identified individuals, immediately notify CDFW, and submit species-specific avoidance measures that when implemented, will avoid, minimize, and mitigate for impacts.</p>	<p>Timing: Prior to initiation of ground-disturbing activities</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>

<p>Mitigation Measure BIO-[C]: CDFW Lake and Streambed Alteration Program</p> <p>Prior to construction and issuance of any grading permit, CVWD shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Project Sponsor shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Timing: Prior to initiation of Project activities.</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: CVWD</p> <p>Monitoring and Reporting: CVWD</p>
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