

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



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March 18, 2026
Sent via email

Carlos Huerta
Environmental Resources Analyst
Coachella Valley Water District
75-515 Hovley Lane East
Palm Desert, CA 92211
chuerta@cvwd.org

**Subject: Pierce Street Consolidated Water and Sewer Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2026020790**

Dear Carlos Huerta:

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

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.

species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

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

PROJECT DESCRIPTION SUMMARY

Proponent: Coachella Valley Water District

Objective: The Project proposes construction of potable water lines, wastewater collection lines, and lift station to serve residents in various mobile home parks within the unincorporated community of Oasis. The proposed wastewater collection system includes the installation of approximately 24,800± linear feet of minimum 6-inch sewer lines in the public right-of-way. The Project will require trench, line installation, backfilling and re-paving.

Location: The Project's linear alignment occurs in the unincorporated communities of Oasis and Thermal, in eastern Coachella Valley, Riverside County, California. The Project's alignment is contained within an area west of Pierce Street and east of Fillmore Street, north and south of 66th Avenue and south of 70th Avenue. The Project is located within the following Assessor's Parcel Numbers: 749- 140-001, -004, -006, -008, -014, -019, -015, -016, -019; 749-190-003, -010, -009, -012, -011; 747-130-003, -006, -007, -008, -017, -018.

Timeframe: The MND indicates that Project construction will occur over a 4-month period and is currently planned for 2026-2027.

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 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 less than significant.

Existing Environmental Setting

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

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

Mitigation Measures

CEQA requires that an MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support CVWD in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for the CDFW Lake and Streambed Alteration Program, as well as revising the mitigation measures for nesting birds and burrowing owl.

1) Nesting Birds

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

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

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

Page 32 of the MND states "the potential exists for the Project to generate levels of noise and other disturbance that could adversely impact nesting birds protected under the Migratory Bird Treaty Act (MBTA 2023; 16 U.S.C. 703-712)). Therefore, if construction occurs within the nesting season (January 15 to September 15 for raptors and February 1st through August 31st for all other birds) a pre-construction nesting bird survey that also surveys for burrowing owl, should be performed." The Project has the potential to impact nesting birds that nest on the ground and in trees and shrubs along the Project's alignment.

The MND includes Mitigation Measure BIO-3, which indicates "If Project construction occurs during nesting bird season (January 15 to September 15 for raptors and February 1st through August 31st for all other birds) then a nesting bird survey shall be conducted across the Project site by a qualified ornithologist or biologist immediately prior to on-site disturbance during the nesting season." CDFW considers the measure to be inadequate in avoiding or reducing impacts to nesting birds to a level less than significant. CDFW recommends to the greatest extent feasible that initial ground disturbing and vegetation removal activities are conducted outside of the peak nesting bird season to align with the CVMSHCP's general conservation measure for nesting birds (see further above). CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds and their nests and eggs are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al.,

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

To support CVWD in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-3 is revised with the following additions in **bold** and removals in ~~strike through~~:

Mitigation Measure BIO-3: Nesting Birds

To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. 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.

~~If Project construction occurs during nesting bird season (January 15 to September 15 for raptors and February 1st through August 31st for all other birds) then a nesting bird survey shall be conducted across the Project site by a qualified ornithologist or biologist immediately prior to on-site disturbance during the nesting season. If nesting birds are found, no work would be permitted near the nest until young have fledged. The surveys should comply with CDFW recommendations, which include establishing avoidance buffers of about 500 feet for birds of prey and species listed as threatened or endangered, and 100-300 feet for unlisted songbirds. This avoidance buffer can be changed at the discretion 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 biological monitor based on nesting bird behavior. To the maximum extent practicable, in the vicinity of the CVMSHCP CA Project construction should occur outside of the 15 March – 15 September nesting season for least Bell's vireo, and the 1 May – 15 September nesting season for southwestern willow flycatcher, summer tanager, yellow warbler and yellow breasted chat.~~

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

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.).

Regarding the CVMSHCP, per requirements in the Wildlife Agencies' Permits that authorize incidental take and/or loss of habitat for Covered Species, the Implementing Agreement, and the CVMSHCP, 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 burrowing owl. Per IA Section 13.8, CVWD is obligated to implement the necessary requirements to fulfill the purposes the Wildlife Agencies' Permits, the Implementing Agreement, and the CVMSHCP,

including compliance with laws that protect burrowing owl.

Page 32 of the MND states that “Suitable habitat for burrowing owl was observed at various locations along the alignment. Mammal (likely California ground squirrel) burrows and one drainpipe suitable for burrowing owl use, were also observed within these areas. For these reasons, suitable habitat for burrowing owl to occur along the alignment is present.” CDFW concurs that the Project site and surrounding areas contain suitable nesting and foraging habitat for burrowing owl.

Regarding the timing of surveys, page 30 of the MND indicates “The subject Project alignment and a 500±-foot buffer area were surveyed on November 5, 2021, and April 25 and September 16, 2022. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Regarding the methodology of the surveys, page 37 of the MND indicates that “Where accessible, the Project site and adjoining lands were surveyed on foot along its linear components. The occurrence of fauna and flora was noted and documented, including birds.” The MND lacks details on if surveys for burrowing owl were conducted independently from surveys for other wildlife and what survey methods were used for burrowing owl. To obtain a complete, accurate assessment of biological resources with respect to burrowing owl, CDFW recommends recent focused surveys specifically for burrowing owl and consistent with the timing and frequency of surveys described in Appendix D of the *Staff Report on Burrowing Owl Mitigation*,³ which describes surveys during the breeding season and nonbreeding season. These focused surveys should not be combined with survey efforts for other species.

Because the MND lacks the findings of recent focused surveys for burrowing owl consistent with the guidelines in the *Staff Report on Burrowing Owl Mitigation*, the number and locations of suitable and occupied burrows within the Project site are unknown. CDFW recommends that the MND is revised to include the results of focused surveys for burrowing owl within the entire Project site and surrounding area, including survey reports,⁴ consistent with the guidelines outlined in Appendix D of the *Staff Report on Burrowing Owl Mitigation* and to incorporate appropriate avoidance, minimization, and mitigation measures for burrowing owl. Focused surveys are needed to inform appropriate avoidance, minimization, and mitigation measures and support CVWD in avoiding or reducing impacts to burrowing owl to a level less than significant. CDFW requests that if burrowing owls are detected during focused surveys, survey results are submitted to the CDFW and the U.S. Fish and Wildlife Service (USFWS), and CVWD initiate consultation with CDFW and USFWS to identify a path

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

forward regarding the protection of burrowing owls. Early coordination with CDFW and USFWS is important in identifying appropriate avoidance, minimization, and mitigation measures and reducing the chance of Project delays.

The MND includes Mitigation Measure BIO-2 for burrowing owl. CDFW considers the measure to be inadequate in scope and timing to avoid or reduce impacts to burrowing owl to a level less than significant. To support CVWD 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 ~~strike through~~:

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

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

Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and again within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation (2012 or most recent version)*. Preconstruction surveys should be repeated when there is a pause in construction of more

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

than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not begin again until consultation with CDFW and USFWS is completed.

~~If Project construction occurs within the February 1st through August 31st nesting season a pre-construction nesting bird survey that also surveys for burrowing owl, shall be performed. Two "take avoidance" surveys for burrowing owl shall be conducted, the first no less than 14 days and no more than 30 days. The second survey shall be conducted within 24 hours of the initiation of ground disturbance, may be required in areas containing potentially suitable habitat, in accordance with the CDFW 2012 protocol. If no burrowing owls are detected during those surveys, implementation of ground disturbance activities could proceed without further consideration of this species assuming there is no lapse between the surveys and initiation of construction. If burrowing owls are detected during the take avoidance surveys, avoidance and minimization measures would then be required and the need for mitigation for otherwise unavoidable impacts triggered. Mitigation may include deferral of work in some areas to provide a distance buffer, use of effective noise barriers or other means that, if needed, will be described in greater detail in the requisite mitigation plan.~~

3) CDFW Lake and Streambed Alteration Program

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or deposit debris, waste or other materials that could pass 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. It may also apply to work undertaken within the flood plain of a body of water.

Page 33 of the MND states that "Project crosses two agricultural drains, both crossing Pierce Street north of Ave 70, and also crosses the CVSC [Coachella Valley Stormwater Channel] at Ave 66. The agricultural drains are dedicated to conveying agricultural runoff to the nearby CVSC and therefore water is seasonally present that can support emergent vegetation [...]. As originally conceived, the Project could adversely impact state or federal wetlands and/or riparian habitat within the CVSC. The Project design has been modified and now calls for HDD [Horizontal Directional Drilling] under the stormwater channel beginning and ending outside the CVSC cross section, thereby avoiding impacts to waters of the State or U.S." CDFW notes that activities associated with HDD have the potential to impact streams through, for example, the inadvertent release of drilling fluid (a frac-out) into streams and the

introduction of lighting and noise associated with HDD operations. Given that the Project's alignment crosses several drainages and the Whitewater River, and proposed Project activities including HDD have the potential to impact streams, CDFW recommends the CVWD notify CDFW's Lake and Streambed Alteration Program.

CDFW recommends CVWD add the following Mitigation Measure to a revised MND:

Mitigation Measure BIO-[A]: CDFW Lake and Streambed Alteration Program

Prior to construction and issuance of any grading permit, the Project Sponsor 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 should 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

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
Mitigation Measure BIO-3: Nesting Birds To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through	Timing: No more than 3 days prior to vegetation removal or ground-	Implementation: Coachella Valley Water District Monitoring and

<p>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.</p>	<p>disturbing activities.</p> <p>Methods: See Mitigation Measure</p>	<p>Reporting: Coachella Valley Water District</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 CDFW-approved qualified biologist prior to any Project activities, including vegetation- or ground-disturbing activities. CDFW strongly recommends that focused surveys are conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation (2012 or most recent version)</i>⁶. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall submit the results of focused surveys to CDFW and USFWS as soon results become available and before commencement of</p>	<p>Timing: Focused surveys: Consistent with timing in Appendix D of the Staff Report on Burrowing Owl Mitigation and prior to commencement of any Project activities, including vegetation- or ground-disturbing activities.</p>	<p>Implementation: Coachella Valley Water District</p> <p>Monitoring and Reporting: Coachella Valley Water District</p>

⁶ California Department of Fish and Wildlife (CDFW). 2012. Staff Report on Burrowing Owl Mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>.

<p>any Project activities, including any vegetation- or ground-disturbing activities. CDFW recommends that the information included in the survey results be consistent with Appendix D of the <i>Staff Report on Burrowing Owl Mitigation</i>, including a detailed map showing locations of all burrowing owls, burrowing owl sign, potential burrows, and occupied burrows (occupied means at least one burrowing owl or its sign has been observed within the last three years; may be indicated by owl sign including feathers, pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance or perch site); a description of the behavior of burrowing owls during surveys; a description of survey methods; and other items listed in Appendix D of the <i>Staff Report on Burrowing Owl Mitigation</i> under “Survey Reports.” Consultation with CDFW and USFWS must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to occupied burrowing owl habitat or burrow(s) or burrowing owl individuals, nests, or eggs cannot be avoided, CESA authorization (i.e., Incidental Take Permit under Fish and Game Code section 2081(b)) should be obtained from CDFW prior to commencement of Project activities, including vegetation- or ground-disturbing activities.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and again within 24 hours prior to ground disturbance, in accordance with the <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 CDFW-approved 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 and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not begin again until consultation with CDFW and USFWS is completed.</p>	<p>Pre-construction surveys: No less than 14 days prior to start of Project-related activities and again 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>Mitigation Measure BIO-[A]: CDFW Lake and Streambed Alteration Program</p> <p>Prior to construction and issuance of any grading</p>	<p>Timing: Prior to construction and issuance of any grading permit</p>	<p>Implementation: Coachella Valley Water District</p>

permit, the Project Sponsor 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 should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.	Methods: See Mitigation Measure	Monitoring and Reporting: Coachella Valley Water District
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