STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
wildlife.ca.gov

October 29, 2026
Sent via email

Michael Coyne
Planning and Building Director
City of Calexico
608 Heber Avenue
Calexico, CA 92231
mcoyne@calexico.ca.gov

Subject: City of Calexico 6th Cycle Housing Element Update (PROJECT)
Draft Environmental Impact Report (DEIR)
SCH# 2026030920

Dear Michael Coyne:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a DEIR from the City of Calexico (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

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

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: City of Calexico

Objective: The Project comprises the City's 6th Cycle (2021–2029) Housing Element Update and associated General Plan, Zoning Ordinance, and Municipal Code amendments. The Housing Element identifies housing sites including sites requiring rezoning and/or increased residential densities, and assumes full implementation of the housing site rezoning program and associated residential development through 2050. Project actions include General Plan map and text amendments, Zoning Ordinance amendments to establish residential development opportunities and ministerial/by-right processing, rezoning and upzoning of identified sites, and implementation of Housing Element programs. The proposed Project does not approve specific development projects but establishes regulatory and policy changes that would allow future residential development consistent with amended land use designations and zoning standards.

The proposed Project would facilitate future development that would result in vegetation removal, grading, and construction activities affecting special status wildlife, sensitive natural communities, wetlands and other jurisdictional aquatic resources, and wildlife movement and nursery habitat.

Location: The Project is located the City of Calexico, which is an incorporated City within the County of Imperial in California. The City is bounded by unincorporated Imperial County to the north, with the community of Heber located approximately two miles away. To the west, the All-American Canal separates Calexico from surrounding agricultural lands and the Mt. Signal Solar Farm. The City's eastern boundary adjoins unincorporated Imperial County, while its southern boundary is defined by the U.S.–Mexico international border. The project location is comprised of 53 Housing Element sites included in the Housing Element Sites Inventory,

collectively referred to as the "housing sites." The housing sites are distributed throughout the City.

Timeframe: The DEIR indicates that this Project addresses the 2021-2029 planning period.

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 significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. CDFW is concerned that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW requests that analysis and additional or revised avoidance, minimization, and mitigation measures are added to the DEIR to 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 and Project-related impacts to biological resources has not been adequately analyzed in the DEIR. CDFW is concerned that the DEIR may provide an incomplete analysis of Project-related environmental impacts.

The DEIR (p. 4.1-11) indicates that the proposed Project would include long-term conversion of approximately 166 acres of agricultural land ("Important Farmland, including 100 acres of Prime Farmland and 66 acres of Farmland of Statewide Importance") to future residential development. CDFW is concerned that the DEIR does not adequately analyze impacts to biological resources from conversion of this agricultural land. For instance, in Imperial Valley, burrowing owls are highly dependent on irrigation canals for nesting habitat (Wilkerson and Siegel 2011[2]). The DEIR acknowledges (p. 4.3-7) that agricultural or irrigation ditches and canals in the Project area may provide habitat for sensitive species and that agriculture lands "may also support burrowing owl habitat and provide foraging and roosting opportunities for migratory birds that winter in the region." However, the DEIR does not include an analysis of how the loss of 166 acres of agricultural land and the associated irrigation canals and ditches could impact populations of burrowing owl and migratory birds. The DEIR also concludes that "disturbed habitat" will not support wildlife. However, burrowing owls frequently move into disturbed areas prior to and during construction since they are

[2] Wilkerson, RL and RB Siegel. 2011. Distribution and abundance of western burrowing owl (Athene cunicularia hypugaea) in southeastern California. The Southwestern Naturalist 56(3): 378-384

adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971[3]).

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.

The DEIR identifies general mitigation measures, specifically MM 1 through MM 7c, that would be implemented for future discretionary development projects. To support the City in ensuring that the impacts to biological resources associated with future discretionary development projects are reduced to less than significant, CDFW recommends revising the mitigation measures for burrowing owl, nesting birds, and bats, as well as adding a mitigation measure for avoidance of bats during tree removal.

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.).

The DEIR includes Mitigation Measure BIO-6 for avoidance of nesting birds and raptors. The Proposed measure states that "any proposed activity that could affect nesting migratory birds or raptors shall occur outside of the general bird breeding season of February 15 to

[3] Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. Journal of Raptor Research 42(2): 87- 98.
Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, Speotyto cunicularia, in the Imperial Valley of California. Condor 73:162–176.

August 31. If such activities cannot be conducted outside the general bird breeding season, a qualified biologist with experience in conducting nesting bird surveys shall be retained to conduct a pre-activity nesting bird survey (i.e., prior to any project activities, such as ground disturbance or vegetation removal, that could disrupt nesting birds)." CDFW appreciates that the measure directs future discretionary development projects to conduct activities outside of the nesting season. However, CDFW 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 resident and migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

To support the City and future discretionary development projects in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-6 is revised as follows (with additions in **bold** and removals in ~~strikethrough~~):

Mitigation Measure BIO-6: 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 CDFW-approved 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, the 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. Following documentation of baseline conditions, the qualified biologist familiar with the nesting phenology of the nesting species may choose to adjust the buffers based on nest and buffer monitoring results. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall increase the buffers accordingly. Construction and any ground-disturbing activities may not occur inside the established buffers, which shall remain on-site until the 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. ~~To prevent direct impacts to nesting migratory birds or raptors protected under the Migratory Bird Treaty Act and California Fish and Game Code, the project proponent shall implement the following within Discretionary Development Sites:~~

~~Any proposed activity that could affect nesting migratory birds or raptors shall occur outside of the general bird breeding season of February 15 to August 31. If such activities cannot be conducted outside the general bird breeding season, a qualified biologist with experience in conducting nesting bird surveys shall be retained to conduct a pre-activity nesting bird survey (i.e., prior to any project activities, such as ground disturbance or vegetation removal, that could disrupt nesting birds). The pre-activity survey shall occur within 500 feet of the construction activity and no more than three days prior to the activities to confirm the presence or absence of active bird nests.~~

~~If an active nest is found by the qualified biologist, a nest avoidance buffer of 300 feet for passerine birds and 500 feet for raptors should be demarcated by temporary fencing, flagging, and/or staking as deemed appropriate to avoid impacts. No project construction activities, including vegetation removal and/or trimming activities, will be allowed within the buffer until the qualified biologist has determined that the nest is no longer active. The qualified biologist shall monitor the active nest with sufficient frequency and duration to determine if the buffer distances are appropriately sized to protect the breeding success of the nest. Avoidance buffers may be either increased or decreased by the qualified biologist based on such factors as the avian species involved, ambient levels of human activity, and screening vegetation~~

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-6, MM BIO-3a, and MM BIO-4, 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.).

CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993[4]), and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity (Gervais et al. 2003[5]). In addition, burrowing owls frequently move into disturbed areas prior to and during construction since they are adapted to highly modified habitats (Chipman et al. 2008; Coulombe 1971[6]). In Imperial Valley, burrowing owls are highly dependent on irrigation canals for nesting habitat (Wilkerson and Siegel 2011[7]). Impacts to burrowing owl from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat.

The DEIR includes Mitigation Measures BIO-3a and BIO-3b for burrowing owl. CDFW recommends that Mitigation Measure BIO-3a is revised to include methodology for the habitat assessment and focused surveys, as well as appropriate coordination with, and reporting to, CDFW (see below). Note that Mitigation Measure BIO-3b includes some activities that should occur within the context of an Incidental Take Permit issued by CDFW. In addition, the height of stacked hay bales described in the measure may pose a risk to burrowing owls by encouraging perching by predatory raptors. If burrowing owls are detected on a project site, the City and project proponent should begin consultation with CDFW immediately to avoid project delays.

---

[4] Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (Speotyto cunicularia), in A. Poole and F. Gill, editors, The Birds of North America, The Academy of Natural Sciences, Philadelphia, Pennsylvania, and The American Ornithologists' Union, Washington, D.C., USA.

[5] Gervais, J. A., D. K. Rosenberg, R. G. Anthony. 2003. Space use and pesticide exposure risk of male burrowing owls in an agricultural landscape. Journal of Wildlife Management 67: 155-164.

[6] Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. Journal of Raptor Research 42(2): 87- 98.
Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, Speotyto cunicularia, in the Imperial Valley of California. Condor 73:162–176.

[7] Wilkerson, RL and RB Siegel. 2011. Distribution and abundance of western burrowing owls (Athene cunicularia hypugaea) in southeastern California. The Southwestern Naturalist 56(3): 378-384.

To support the City and future discretionary development projects in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends Mitigation Measures BIO-3a is revised as follows (with additions in **bold** and removals in ~~strikethrough~~):

Mitigation Measure BIO-3a: Burrowing Owl Focused Survey**s** and Pre-Construction Survey**s**.

~~Future development of Discretionary Development Sites determined to have potential to support burrowing owl shall be required to comply with the following measure:~~
Prior to the start of Project-related activities, including vegetation removal or ground-disturbing activity, **a**~~A~~ **CDFW-approved** qualified biologist shall be retained to conduct a habitat assessment **for** ~~and focused~~ burrowing owl ~~surveys~~ in accordance with the California Department of Fish and Wildlife 2012 Staff Report **on**~~for~~ Burrowing Owl Mitigation. **If suitable burrowing owl habitat is confirmed within or surrounding the Project site, focused burrowing owl surveys, conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (*Staff Report*; 2012 or most recent version)[8], shall be conducted by a CDFW-approved qualified biologist prior to any Project activities, including vegetation- or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW immediately, and shall submit the results of focused surveys to CDFW 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*, 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* under "Survey Reports. Consultation with CDFW must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to 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.**
~~These focused surveys should be conducted either during the breeding season or non-breeding season in the year or months prior to the specific residential project if potential burrowing owl habitat is located within 500 feet of the proposed impact footprint for that project phase.~~

[8] 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.

~~Additionally, 14-day and a 24-hour pre-construction "take avoidance" surveys for burrowing owls are required by the California Department of Fish and Wildlife 2012 guidelines prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging and trenching/excavation) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. These take avoidance surveys are required both inside and outside of the breeding season whenever work would occur within 500 feet of potential burrowing owl habitat. Working in collaboration with the construction contractor, the qualified biologist will ensure these survey parameters (i.e., within 14 days and again within 24 hours prior to the start of the activity) are implemented. If burrowing owl are not detected during the take avoidance survey, no further action is required. If burrowing owl are detected, mitigation measure MMBIO-3b shall be followed.~~ **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. 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, and CDFW strongly recommends that preconstruction surveys follow the recommendations and guidelines provided in Appendix D of 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 begin coordinating with CDFW I. Project activities shall not begin until consultation with CDFW is completed.**

3) Bats

Bats are protected as nongame mammals under Fish and Game Code section 4150. The DEIR (p. 4.3-9) indicates that suitable habitat including "large palm trees, with many untrimmed dead fronds" and structures "such as sheds, outbuildings, and bridges" could provide habitat for special-status bats. CDFW clarifies that all bat species are protected under Fish and Game Code section 4150. CDFW concurs that the Project areas contain suitable roosting habitat for bats, including, but not limited to, palm trees with untrimmed frond skirts.

The DIER includes Mitigation Measure BIO-4, which requires avoidance of maternity roosts. CDFW recommends that two focused surveys in the spring and two focused surveys in the fall are conducted to determine presence of daytime, nighttime, wintering, and maternity roost sites for all bat species. CDFW considers Mitigation Measure BIO-4 to be inadequate in scope and timing to avoid or reduce impacts to bats to a level less than significant. To support the City and future discretionary development projects in avoiding or reducing impacts to bats to a level less than significant, CDFW recommends Mitigation Measure BIO-4 is revised with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-4: **Bat Focused Surveys**; **Maternity and Wintering** ~~Maternal~~ Bat

Roost Avoidance.

Prior to the initiation of Project activities within suitable bat roosting habitat, the Project Proponent shall retain a CDFW-approved qualified biologist(s) 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 the 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 (including use of night vision goggles) shall be used during all dusk emergence and pre-dawn re-entry surveys.

If active maternity roosts are identified in the work area or 1000 feet extending from the work area, Project construction will only occur outside of the maternity roosting season after young bats are volant (flying). Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 1000 feet extending from the work area, a minimum 1000-foot no-work buffer shall be provided around 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.
~~Prior to construction within any Discretionary Development Sites, the project proponent shall obtain a qualified biologist to conduct a survey of potential bat roosts for sensitive bat species, including western yellow bat, western mastiff bat, and pocketed free-tailed bat, located within and/or immediately adjacent to the areas where project activities have the potential to directly impact active roosts or disrupt bat breeding activities. Potential roost sites (e.g., palm fronds, trees, rock crevices, abandoned buildings, etc.) will be identified by a qualified bat biologist and searched for signs of bat use, such as urine streaking, grease marks and droppings, moth wings, and dead bats.~~

~~If any project activities are proposed during the bat maternity season (April 1 through August 31), a qualified biologist will conduct a dusk emergent bat survey of potential roost sites that have signs of bat use no more than two weeks prior to construction. Dusk emergence count surveys shall be conducted on a warm night when nighttime lows are not less than 45 degrees Fahrenheit and during dry weather conditions. Surveys should be conducted from approximately 15 minutes before sunset to 1 hour after sunset. Prior to any dusk emergence count, the lead biologist shall identify the primary locations~~

~~where bats may be roosting so these locations can be targeted during the emergence count. Surveys should include both a visual component using night vision goggles as appropriate, as well as an electronic acoustic monitoring device/bat detector (e.g., Anabat).~~

~~If bats are detected during the dusk emergence surveys, the project proponent shall not trim or remove the roost (e.g., palm trees) until it can be determined that the bats no longer are present. In addition, if a maternal roost is identified, no construction will occur within 200 feet of the maternal roost during the pupping season (typically April 1 through August 31).~~

~~By-Right Development Sites shall comply with applicable regulatory requirements addressing the same resource protections identified above, as established through the City's Zoning Ordinance. Consistent with Housing Element Program 2E, the Zoning Ordinance will be amended to establish a ministerial review process and applicable requirements for by-right development.~~

CDFW also recommends inclusion of a mitigation measure to avoid bats during tree removal. The removal of palm trees that contain roosting habitat for bats can subject bats to impacts ranging from permanent loss of day roosts, including maternity roosts, to direct mortality if avoidance, minimization, and mitigation measures are not implemented. To support the City and future discretionary development projects in avoiding or reducing impacts to bats to a level less than significant, CDFW also recommends that the following mitigation measure is added to a revised DEIR:

Mitigation Measure BIO-[A]: Avoidance of Bats during Tree Removal

Tree removal work with the potential to house roosting bats shall be performed after maternity season when young are volant (flying) but before expected onset of torpor (wintering inactivity) to minimize direct impacts to roosting bats (i.e., tree removal could be conducted between approximately September 15 and October 31). Tree removal work may also be conducted following winter torpor and prior to the start of the maternity season (i.e., tree removal could be conducted between approximately February 15 and March 31). No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. All palm removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed with supervision by a qualified bat biologist.

CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts to biological resources associated with future discretionary development projects. CDFW recommends that analysis and new or revised mitigation measures, as described in this letter, be addressed in 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:
Kim Freeburn
84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

Heather Brashear, CDFW
Heather.Brashear@Wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
Mitigation Measure BIO-6: 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 CDFW-approved qualified avian biologist no more than 3**	**Timing:** No more than 3 days prior to vegetation removal or ground-disturbing activities.	**Implementation:** Project Proponent and City of Calexico **Monitoring and Reporting:** City of Calexico

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, the 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. Following documentation of baseline conditions, the qualified biologist familiar with the nesting phenology of the nesting species may choose to adjust the buffers based on nest and buffer monitoring results. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall increase the buffers accordingly. Construction and any ground-disturbing activities may not occur inside the established buffers, which shall remain on-site until the 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.	**Methods:** See Mitigation Measure	
Mitigation Measure BIO-3a: Burrowing Owl Focused Surveys and Pre-Construction Surveys **Prior to the start of Project-related activities, including vegetation removal or ground-disturbing activity, a CDFW-approved qualified biologist shall be retained to conduct a habitat assessment for burrowing owl in accordance with the California Department of Fish and Wildlife 2012 Staff Report on Burrowing Owl Mitigation. If suitable burrowing owl habitat is confirmed within or surrounding the Project site, focused burrowing owl surveys, conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (*Staff Report*; 2012 or most recent version)[9], shall be conducted by a CDFW-approved**	**Timing: Habitat Assessment and 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	**Implementation:** Project Proponent and City of Calexico **Monitoring and Reporting:** City of Calexico

[9] 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.

qualified biologist prior to any Project activities, including vegetation- or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW immediately, and shall submit the results of focused surveys to CDFW 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*, 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* under "Survey Reports. Consultation with CDFW must be completed prior to commencement of any Project activities, including vegetation- or ground-disturbing activities. If impacts to 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. 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, and CDFW strongly recommends that preconstruction surveys follow the recommendations and guidelines provided in Appendix D of 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 begin coordinating with CDFW. Project activities shall not begin until consultation with CDFW is completed.**	ground-disturbing activities. **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. **Methods:** See Mitigation Measure	

Mitigation Measure BIO-4: Bat Focused Surveys; Maternity and Wintering Bat Roost Avoidance **Prior to the initiation of Project activities within suitable bat roosting habitat, the Project Proponent shall retain a CDFW-approved qualified biologist(s) 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 the 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 (including use of night vision goggles) shall be used during all dusk emergence and pre-dawn re-entry surveys.** **If active maternity roosts are identified in the work area or 1000 feet extending from the work area, Project construction will only occur outside of the maternity roosting season after young bats are volant (flying). Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 1000 feet extending from the work area, a minimum 1000-foot no-work buffer shall be provided around 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.**	**Timing:** See Mitigation Measure **Methods:** See Mitigation Measure	**Implementation:** Project Proponent and City of Calexico **Monitoring and Reporting:** City of Calexico
Mitigation Measure BIO-[A]: Avoidance of Bats during Tree Removal **Tree removal work with the potential to house roosting bats shall be performed after maternity season when young are volant (flying) but before**	**Timing:** See Mitigation Measure **Methods:** See Mitigation	**Implementation:** Project Proponent and City of Calexico **Monitoring and**

expected onset of torpor (wintering inactivity) to minimize direct impacts to roosting bats (i.e., tree removal could be conducted between approximately September 15 and October 31). Tree removal work may also be conducted following winter torpor and prior to the start of the maternity season (i.e., tree removal could be conducted between approximately February 15 and March 31). No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. All palm removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed with supervision by a qualified bat biologist.	Measure	**Reporting:** City of Calexico