



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director

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

July 20, 2026
Sent via e-mail

Patricia Villagomez
Planning Manager
City of Desert Hot Springs
11999 Palm Drive
Desert Hot Springs, CA 92240
pvillagomez@cityofdhs.org

Subject: Mary Jane Properties, LLC (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2026061309

Dear Patricia Villagomez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Desert Hot Springs for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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 &

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.

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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: Hovhannes Markosyan & Arthur Msrian

Objective: The proposed Project involves the construction of a 11,800 square foot building including a 10,800 square foot warehouse and 1,000 square foot office and store that would be used for indoor cannabis cultivation, manufacturing and distribution. Paved parking, landscaping, and trash enclosures would cover approximately 32,342 square feet of the site.

Location: The Project site is located in the City of Desert Hot Springs, San Bernardino County, California at Latitude, 33.92628 N and Longitude -116.5194 W. The Project encompasses one partially developed parcel situated to the north of Dillon Road on South Atlantic Avenue, with Assessor Parcel Number (APN) 665-120-027, totaling approximately 2.48 acres. The Project site is surrounded by vacant and undeveloped land to the south.

Timeframe: The MND does not provide a specific start date, however it does anticipate that construction is expected to last eight months.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City of Desert Hot Springs in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Based on the Project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends in Attachment A, CDFW concludes that a Mitigated Negative Declaration is appropriate for the Project.

I. Environmental Setting and Related Impact Shortcoming

Comment #1 Potential Impacts to Burrowing Owl (*Athene cunicularia*) and Existing Mitigation Measure BIO-2

IS/MND- page 35-37, Biological Resource Assessment page 16-17

Issue: Western burrowing owl is a candidate listed species under CESA, as such is granted the full protection of a threatened species under CESA. The Project has the potential to result in permanent loss, degradation, and impacts to burrowing owl habitat.

Specific impact: Project related activities may result in direct or indirect take of burrowing owl by reducing/eliminating suitable habitat for the species, restricting species movement, or causing injury or mortality.

Why impact would occur: General surveys were conducted in November and December of 2023. Although no evidence of burrowing owls was detected within the Project site, the Project site is within potential burrowing owl habitat, and suitable habitat is present on site as stated in the biological study. According to CNDDDB, burrowing owls have been documented within a 1-mile radius of the study site (CDFW 2026).

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Project activities include vegetation removal, grading, and construction, and the Project may result in take of burrowing owl during Project activities.

Evidence impacts would be significant: CDFW is concerned that the MND does not provide adequate species-specific measures to reduce impacts to less than significant. Moreover, the MND acknowledges that burrowing owl has the potential to nest on the Project site but does not adequately address the species' current regulatory status or the potential for take. Inadequate avoidance, minimization, and mitigation measures for impacts to sensitive or special status species will result in the Project having adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species by CDFW.

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 Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), per its associated Permits from CDFW and the U.S. Fish and Wildlife Service (collectively the Wildlife Agencies) and the Implementing Agreement, Authorized Take incidental to Covered Activities must be consistent with, and in compliance with, local, state, and federal laws including, but not limited to, California Fish and Game Code sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act of 1918. Therefore, all Covered Activities within the Plan Area, whether they are within or outside Conservation Areas, must undertake measures to avoid the take of individuals, nests, and eggs of nesting birds and birds of prey. The CVMSHCP includes a general conservation measure that applies to all bird species, including, but not limited to, all Covered birds and birds of prey, to avoid impacts to habitat during the nesting season (CVMSHCP Section 9.7). Per IA Section 13.2, the City is obligated to ensure and enforce that all Covered Activities are implemented consistent with the applicable requirements of the Wildlife Agencies' Permits, the Implementing Agreement, and the CVMSHCP for its Covered Activities, including ensuring compliance with state and federal laws that protect nesting birds and birds of prey. The CDFW Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 does not provide Take Authorization for burrowing owl individuals, nests, or eggs.

Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends that the IS/MND be revised to include updated surveys to indicate baseline conditions on the site. Please note that CDFW generally considers field assessments for wildlife valid for a one-year period, and assessments for rare plants

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may be considered valid for a period of up to three years. Focused surveys must be conducted using appropriate protocols (or guidelines) and should be conducted at the appropriate time of year to detect the presence of special status species on-site. CDFW recommends the adoption of Mitigation Measures BIO-2a and revisions to MM BIO-2 (edits are in ~~strikethrough~~ and **bold**):

Biological Resources Mitigation Measure 2 (MM BIO-2)

Protocol-compliant focused surveys **and pre-constructions surveys** for desert tortoise and for the burrowing owl should be conducted by a qualified biologist prior to construction. If desert tortoises or burrowing owls are detected, the USFWS, CDFW, and CVAG would need to be consulted for further guidance. ~~on relocation and additional impact avoidance, minimization and mitigation measures may be required, including potentially fencing, burrow collapse and other measures, as determined by the agencies.~~

Biological Resources Mitigation Measure 2a (MM BIO-2a) 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). 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 as 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 within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not recommence until consultation with CDFW and USFWS is completed.

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COMMENT #2: Nesting Bird Surveys and Existing Mitigation Measure BIO-3

IS/MND Document, Page # 37

Issue: CDFW appreciates the inclusion of mitigation measure BIO-MM 3. However, CDFW is concerned that Mitigation Measure BIO-3, as currently written, is not sufficient in timing or scope to prevent impacts to nesting birds.

Specific impact: Project implementation could result in the loss of nesting and/or foraging habitat onsite.

Evidence impact would be significant: 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 Permits from the Wildlife Agencies and the Implementing Agreement, Authorized Take incidental to Covered Activities must be consistent with, and in compliance with state and federal laws, which include, but are not limited to, California Fish and Game Code sections 3503 and 3503.5 and the federal Migratory Bird Treaty Act of 1918. Therefore, all Covered Activities within the Plan Area, whether they are located within or outside Conservation Areas, must undertake measures to avoid the take of individuals, nests, and eggs of nesting birds and birds of prey. The CVMSHCP includes a general conservation measure that applies to all bird species, including, but not limited to, Covered birds and birds of prey, to avoid impacts to their habitat during the nesting season (CVMSHCP Section 9.7). Per Implementing Agreement Section 13.2, the City is obligated to ensure and enforce that all Covered Activities are implemented consistent with the applicable requirements of the Wildlife Agencies' Permits, the Implementing Agreement, and the CVMSHCP for its Covered Activities, including ensuring compliance with state and federal laws that protect nesting birds and birds of prey.

Recommended Potentially Feasible Mitigation Measure: 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. Newly added language is written in **bold** and language to be deleted is written in ~~strike through~~. CDFW recommends the current mitigation measure be revised as follows:

Biological Resources Mitigation Measure 3 (MM BIO-3)

To the greatest extent feasible, the Project will avoid ~~For any grading or other site disturbance or tree or vegetation removal occurring during the~~ **peak** nesting season between January 15 and ~~August 31,~~ **September 15. Regardless of the time of year, nesting bird surveys shall be performed by** a qualified biologist ~~shall conduct at least one nesting bird survey, and more if deemed necessary by the consulting biologist, no more than 3 days prior to vegetation removal or immediately prior to initiation of~~

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Project-related ground disturbing activities. **Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts.** If **active nests** ~~nesting birds~~ are present, no work shall be permitted near the nest until the young birds have fledged. ~~While there is no established protocol for nest avoidance, when consulted, the CDFW generally recommends avoidance buffers of about 250 to 500 feet for federally and state-listed threatened and endangered avian species and birds of prey, and 100–250 feet for songbirds.~~ **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 ground disturbance occurs outside the nesting season, this requirement shall be waived.~~

COMMENT #3: Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides and recommended Mitigation Measure BIO-4

Issue: Cannabis cultivation sites often use substantial quantities of pesticides, including insecticides, and rodenticides.

Specific Impact: CDFW appreciates that the MND includes a discussion on the use of chemicals. However, CDFW is concerned that the analysis does not include a measure to avoid, minimize, and mitigate the impacts of pesticides used in cannabis cultivation.

Why impact would occur: Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites. (Note that with the passage of AB 1788, signed by the governor on September 29, 2020, the general use of second-generation anticoagulants is now banned in California.) Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs/walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether; these pose a hazard to nontarget wildlife and result in prolonged/inhumane death. California Department of Pesticide Regulation stipulates that pesticides must meet certain criteria to be legal for use on cannabis. For details, visit: [Legal Pest Management Practices for Cannabis Growers in California](#).

Evidence impact would be significant: Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to pesticides. Even if used indoors, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals disposed of outside. Nonlethal doses of pesticides can negatively affect wildlife; pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009). Raptors (e.g., hawks and owls) and mammalian carnivores (e.g., coyotes, foxes, etc.) are some of the common victims of secondary poisonings by anticoagulant rodenticides (Mendelssohn and Paz 1977, Gabriel et al. 2018).

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Recommended Potentially Feasible Mitigation Measure to reduce impacts to less than significant: CDFW recommends minimizing the use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams, in violation of Fish and Game Code section 5650(6).

CDFW recommends that the City of Desert Hot Springs include a mitigation measure conditioning the Project to develop a plan to avoid, minimize, and mitigate the impacts of pesticides used in cannabis cultivation. CDFW recommends inclusion of the following mitigation measure to reduce impacts to less than significant:

Biological Resources Mitigation Measure 4 (MM BIO-4)

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

ADDITIONAL COMMENTS AND RECOMMENDATIONS

Native Landscaping: To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at: [Calscape - Restore Nature One Garden at a Time](#). Water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species. Additionally, some facilities display drought tolerant locally native species demonstration gardens (for example the Riverside-Corona Resource Conservation District in Riverside). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: [Home - Save Our Water, California](#).

Role of Lake and Streambed Alteration Agreement Program in Cannabis Licensing: The California Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have a Lake or Streambed Alteration Agreement (LSA) Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through the [Environmental Permit Information Management System \(ca.gov\)](#). Cannabis cultivators may learn more about cannabis cultivation permitting at: [Cannabis Cultivation Permitting](#).

- **Self-Certification**-Cannabis cultivation projects that will not substantially modify any river, stream, or lake, can complete the online self-certification. CDFW will review the information and determine whether a notification is required. If notification is not required, CDFW will provide the applicant with a written

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verification that a LSA Agreement is not required. Please note that if any part of the cultivation is located outdoors, the Project will not qualify for self-certification. To qualify for self-certification, cultivation projects must be in a permanent structure with walls and a roof, and impervious floor.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and mitigated 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

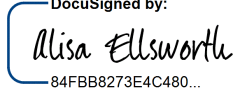
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental 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 the City of Desert Hot Springs in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Lydia Rodriguez, Senior Environmental Scientist (Specialist) at Lydia.Rodriguez@wildlife.ca.gov

Sincerely,

DocuSigned by:

84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

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

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

Mary Beth Woulfe, U.S. Fish and Wildlife Service
marybeth_woulfe@fws.gov

Lory Salazar-Velasquez, U.S. Fish and Wildlife Service
lory_salazar-velasquez@fws.gov

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Noelle Ronan, U.S. Fish and Wildlife Service
noelle_ronan@fws.gov

ATTACHMENTS

Attachment A: MMRP for CDFW-Proposed Mitigation Measures

REFERENCES

- Baldwin, D. H., J. A. Spromberg, T. K. Collier, and N. L. Scholz. 2009. A fish of many scales: Extrapolating sublethal pesticide exposures to the productivity of wild salmon populations. *Ecological Applications* 19:2004–2015.
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Attachment A

Mitigation Monitoring and Reporting Program (MMRP)

CDFW provides the following language to be incorporated into the MMRP for the Project.

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
MM BIO-2: Protocol-compliant focused surveys and pre-constructions surveys for desert tortoise and for the burrowing owl should be conducted by a qualified biologist prior to construction. If desert tortoises or burrowing owls are detected, the USFWS, CDFW and CVAG would need to be consulted for further guidance.	Prior to commencing ground or vegetation disturbing activities	Project Proponent
MM BIO-2a: 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, for all Phases of the Project. CDFW strongly recommends that focused surveys are conducted in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). 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 as 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	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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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 within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be repeated when there is a pause in construction of more than 30 days. Preconstruction surveys shall be performed by a CDFW-approved qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted and the qualified biologist shall coordinate with CDFW and USFWS. Project activities shall not recommence until consultation with CDFW and USFWS is completed.		
MM BIO-3: To the greatest extent feasible, the Project will avoid grading or other site disturbance or tree or vegetation removal occurring during the peak nesting season between January 15 and September 15. Regardless of the time of year, nesting bird surveys shall be performed by a qualified biologist no more than 3 days prior to vegetation removal or Project-related 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 present, no work shall be permitted near the nest until the young birds have fledged. 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	Prior to commencing ground or vegetation disturbing activities	Project Proponent

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