

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE



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August 4, 2026
Sent via email

Todd Carpenter
Project Planner
County of Riverside
4080 Lemon Street 12th Floor
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**Subject: PA240009/ PPT240010- Rangel Steel (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2026061284**

Dear Todd Carpenter:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the County of Riverside (County) 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: Alfredo Rangel

Objective: The Project proposes the development of a 24,904 square-foot industrial building and a 3,130 square-foot office building on the 30.72-acre Project site. Site improvements include, but are not limited to, parking, landscaping, and street improvements. A portion of Parcel 648-110-013 is within the boundaries of the Thousand Palms Conservation Area; however, this area is not proposed for development.

Location: The Project is located in unincorporated Riverside County, California, approximately 0.25 mile southeast of the Rio del Sol and 28th Avenue intersection, within Assessor's Parcel Numbers (APNs) 648-110-016, 648-110-013, and 648-120-001. The Project is located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Plan Area and the Project's impact area is located outside of Conservation Areas.

Timeframe: The MND lacks a discussion of the timeframe for Project construction activities.

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 County 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 avoidance, minimization, and mitigation measures are added to a revised MND 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 associated with desert kit fox (*Vulpes macrotis arsipus*), American badger (*Taxidea taxus*), and artificial nighttime lighting.

A complete and accurate assessment of the environmental setting and Project-related impacts to biological resources is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to less than significant.

Mitigation Measures

CEQA requires that an MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the County in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for desert kit fox, American badger, the CVMSHCP (local development mitigation fee and salvage of sand-dependent Covered species), CDFW's Lake and Streambed Alteration Program, and artificial nighttime lighting, as well as revising the mitigation measures for nesting birds and burrowing owl (*Athene cunicularia hypugaea*).

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 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 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 Covered bird species, including burrowing owl, to avoid impacts to their habitat during the nesting season (CVMSHCP Section 9.7). Per Implementing Agreement Section 13.2, the County is obligated to ensure and enforce implementation of all applicable requirements of the Wildlife Agencies' Permits, the Implementing Agreement, and the CVMSHCP for all Covered Activities, including ensuring compliance with state and federal laws that protect nesting birds and birds of prey.

Regarding the potential for the Project to impact nesting birds, the Project's Biological Resources Assessment (Biological Assessment), dated July 2025, indicates "The study area contains suitable habitat for the burrowing owl (*Athene cunicularia hypugaea*) and other nesting birds protected by the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code." CDFW notes that the Project site and surrounding area contain suitable habitat for birds that nest in trees and shrubs, as well as on the ground.

The MND includes Mitigation Measure BIO-2 for nesting bird surveys, which indicates "If an active nest is found, the qualified avian biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance." Mitigation Measure BIO-2 lacks details on appropriate nest buffers; therefore, CDFW considers Mitigation Measure BIO-2 to be inadequate in scope to avoid or reduce impacts to nesting birds to a level less than significant.

To support the County in avoiding or reducing impacts to nesting birds to a level less than significant, CDFW recommends Mitigation Measure BIO-2 is revised with the following additions in **bold** and removals in ~~strike through~~:

Mitigation Measure BIO-2: 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 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 avoid impacts to nesting birds (common, migratory, and special status) regardless of the time of year during the nesting season, a qualified Avian Biologist retained by the Project applicant will conduct pre-construction Nesting Bird Surveys (NBS) within 3 days prior to Project-related disturbance within the entire Project site and a 300-foot buffer around the Project site at the appropriate time of day/night, during appropriate weather conditions to nestable vegetation to identify any active nests. Surveys shall encompass all suitable areas including, trees, shrubs, bare ground, burrows and cavities. If no active nests are found, no further action will be required. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed prior to the commencement of ground-disturbing Project activities. If an active nest is found, the qualified avian biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for one hour (four hours for raptors) prior to approaching the nest to determine status. The qualified avian biologist shall not risk failure of the nest to determine the exact location or status and shall make every effort to limit the nest to potential predation as a result of the survey/monitoring efforts (e.g., limit number of surveyors, limit time spent at/near the nest, scan the site for potential nest predators before approaching, immediately depart nest area if indicators of stress or agitation are displayed). The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird. The qualified avian biologist shall use their best professional judgement regarding the monitoring period and whether approaching the nest is appropriate. The nests and buffer zones shall be field checked daily by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which~~

~~no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.~~

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

2) Burrowing Owl

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

Take of individual burrowing owls and their nests or eggs is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Take is defined in Fish and Game Code section 86 as "hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill." Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

With regard to the CVMSHCP, 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 Covered bird species, including burrowing owl, to avoid impacts to their habitat during the nesting season (CVMSHCP Section 9.7). Per Implementing Agreement Section 13.2, the County is obligated

to ensure and enforce implementation of all applicable requirements of the Wildlife Agencies' Permits, the Implementing Agreement, and the CVMSHCP for all Covered Activities, including ensuring compliance with state and federal laws that protect nesting birds and birds of prey. CDFW's NCCP Permit #2835-2008-001-06 for the CVMSHCP does not authorize Take of burrowing owl individuals, nests, or eggs.

With regard to suitable habitat for burrowing owl within the Project site, page C-3 of the Biological Assessment indicates the following: "High: Suitable habitat (ground squirrel burrows, concrete rubble, edges of roadway, rock) is present." CDFW agrees that the Project site and surrounding areas contain suitable habitat for burrowing owl.

The MND includes Mitigation Measure BIO-1 for burrowing owl, which indicates "Prior to construction, a qualified biologist will survey the construction area including a 500-foot buffer, or to the edge of the property if less than 500 feet, for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine whether an owl is present in the burrow. If the burrow is determined to be occupied, the Wildlife Agencies will be contacted to coordinate next steps." Mitigation Measure BIO-1 lacks information on specific methods and timing for surveys for burrowing owl; therefore, CDFW considers the measure to be inadequate in scope and timing to reduce impacts to burrowing owl to a level less than significant. CDFW recommends focused surveys consistent with the timing and frequency of surveys described in Appendix D of the *Staff Report on Burrowing Owl Mitigation*² (Staff Report), or other protocol agreed upon by CDFW, are conducted prior to initiation of Project activities. Focused surveys are needed to provide adequate time to coordinate with CDFW on appropriate avoidance, minimization, and mitigation measures if burrowing owls are detected and to support the Project in avoiding or reducing impacts to burrowing owl to a level less than significant. CDFW notes that in addition to conducting focused surveys, pre-construction surveys are also needed close to the time of start of construction activities to both inform if there have been any changes in burrowing owl occupancy since the time of focused surveys and to inform appropriate avoidance, minimization, and mitigation measures. CDFW recommends that pre-construction surveys for burrowing owl follow the guidelines described in Appendix D (pp. 29 and 30) of the Staff Report, including surveys no less than 14 days prior to initiation of ground-disturbing activities and again within 24 hours prior to ground disturbance.

To support the County in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends that Mitigation Measure BIO-1 is revised with the following additions in **bold** and removals in ~~strike through~~:

Mitigation Measure BIO-1: Burrowing Owl Focused and Pre-Construction Surveys

² 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>

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 (Staff Report; 2012 or most recent version)*³. 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*, 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 and USFWS 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 coordinate with CDFW and USFWS. Project activities shall not begin until consultation with CDFW and USFWS is completed. ~~Prior to construction, a qualified biologist will survey the construction area including a 500-foot buffer, or to the edge of the property if less than 500 feet, for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine whether an owl is present in the burrow. If the burrow is determined to be occupied, the Wildlife Agencies will be contacted to coordinate next steps. In the meantime, the burrow will be flagged and a 160-foot buffer during the nonbreeding season or a 250-foot buffer during the breeding season or a buffer to the edge of the property boundary if less than 500 feet will be established around the burrow. The buffer area will be staked and flagged. No~~

³ 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>.

~~development activities will be permitted within the buffer until the young are no longer dependent on the burrow.~~

3) Desert Kit Fox and American Badger

Desert kit fox is protected as a fur-bearing mammal under Title 14 of the California Code of Regulations (Chap. 5, §460) and may not be taken at any time. Because desert kit fox has high fidelity to natal dens, it is crucial to adequately assess whether desert kit fox is present on the Project site well in advance of commencing Project activities. American badger is a California Species of Special Concern. The Project site contains predicted suitable habitat of a medium suitability rank for both desert kit fox and American badger, based on California Wildlife Habitat Relationship system Predicated Habitat Models, accessed using CDFW's Biogeographic Information and Observation System. Project activities have the potential to result in harm or direct mortality to desert kit fox and American badger adults and young through, for example, the destruction of dens and natal burrows. CDFW recommends the MND is revised to include a discussion of the suitability of the Project site to support desert kit fox and American badger. Due to the MND's lack of analysis of potential impacts to desert kit fox and American badger and species-specific avoidance, minimization, and mitigation measures, CDFW considers the MND to be inadequate to reduce impacts to these mammals to a level less than significant.

To support the Project proponent and County in avoiding or reducing impacts to desert kit fox and American badger to a level less than significant, CDFW recommends the following mitigation measures are added to a revised MND:

Mitigation Measure BIO-[A] – Desert Kit Fox

Preconstruction surveys for desert kit fox shall be conducted within 14 days prior to the start of construction by a CDFW-approved qualified biologist. The survey area shall include the Project disturbance areas plus a 500-foot buffer during the breeding season (January 15 through August 31 or until pups are foraging on their own) and a 250-foot buffer outside the breeding season. Pre-construction surveys should include 100-percent visual coverage of the Project area and buffers. Potentially occupied burrows in Project disturbance areas and the survey buffer shall be mapped, and the qualified biologist(s) shall utilize daily on-site monitoring, tracking stations, and wildlife cameras to determine whether the burrows are occupied. If a burrow is determined to be occupied by desert kit fox during the breeding season, the burrow shall be demarcated with a 500-foot buffer and connectivity to adjacent habitat shall be maintained. If a burrow is determined to be occupied outside the breeding season it shall be demarcated with a 250-foot buffer. Burrows determined to be unoccupied shall be demarcated with a 50-foot buffer. No disturbance of active dens shall take place when juvenile desert kit fox may be present and dependent on parental care. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. If occupied burrows are found in Project disturbance areas and cannot be avoided, the County and

Project proponent shall consult with CDFW on an appropriate path forward. The loss of desert kit fox habitat shall be mitigated at no less than a 2:1 ratio.

Mitigation Measure BIO-[B] – American badger

No more than 30 days prior to the beginning of ground disturbance and/or construction activities, a CDFW-approved qualified biologist(s) shall conduct surveys to determine if potential American badger burrows are present in the Project area. Pre-construction surveys should include 100-percent visual coverage of the Project area and buffers. If American badger burrows are located, the Project proponent shall have the qualified biologist(s) monitor the burrows using observation and tracking material and/or trail cameras over a three (3) day period to determine the status of the burrow. If non-natal active dens can be avoided and buffered from Project activities, the biologist shall flag a minimum 100-foot disturbance-free buffer zone. A minimum 500-foot disturbance-free buffer shall be placed around any natal dens and maintained, along with connectivity to adjacent habitat, until juvenile independence is determined by the biologist. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. Established buffers shall remain until the biologist determines the young have dispersed or the den is no longer active, or until Project activities cease. If occupied burrows are found in Project disturbance areas and cannot be avoided, the County and Project proponent shall consult with CDFW on an appropriate path forward. The loss of American badger habitat shall be mitigated at no less than a 2:1 ratio.

4) Coachella Valley Multiple Species Habitat Conservation Plan

Local Development Mitigation Fee

The Project is located within the CVMSHCP Plan Boundary and contains habitat for Covered Species and/or conserved natural communities, including burrowing owl (discussed further above) and two sand-dependent Covered Species (discussed further below). Per the CVMSHCP 6.6.1 (page 6-19), the County is obligated to pay a Local Development Mitigation Fee for projects outside Conservation Areas or commit an equivalent dollar value of its lands in the Conservation Areas to permanent Conservation. Per CVMSHCP Section 5.2.1.1, a Local Development Mitigation Fee applies to new development within the Plan Area that impacts vacant land containing Habitat for Covered Species and/or conserved natural communities, including small vacant lots within urban areas that contain natural open space. To document the County's obligation to pay a Local Development Mitigation Fee for the Project, CDFW recommends the County add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[C]: CVMSHCP Local Development Mitigation Fee

Prior to construction, to comply with its obligations under the CVMSHCP, the County of

Riverside shall pay to the Coachella Valley Conservation Commission a Local Development Mitigation Fee for the Project.

Salvage of Sand-Dependent Covered Species

The Project site contains suitable and CVMSHCP-modeled habitat for two dune-dependent Covered Species, Palm Springs pocket mouse (*Perognathus longimembris bangsi*) and Coachella Valley round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*). Section 6.6.1 of the CVMSHCP (Obligations of Local Permittees) states that within and outside Conservation Areas “on parcels approved for Development, the Permittees shall encourage the opportunity to salvage Covered sand-dependent species in accordance with the Implementation Manual.” To be consistent with CVMSHCP requirements, CDFW recommends that the County include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[D]: Salvage of Sand-Dependent Covered Species

Prior to vegetation removal or ground-disturbing activities, the County of Riverside shall collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.

Other Permittee Requirements for Projects Outside Conservation Areas

Regarding compliance with requirements under the CVMSHCP, page 46 of the MND states that “A portion of Parcel 648- 110-013 is within the boundaries of the Thousand Palms Conservation Area. However, this area is not proposed for development; therefore, no impacts to the Conservation Area are expected. As such, there are no conservation requirements for the Project under the CVMSHCP. No other conservation or avoidance measures are expected.” CDFW is concerned that this statement is inconsistent with Permittee requirements under the CVMSHCP. As required under the CVMSHCP, the Project is required to take measures to avoid impacts to the habitat of Covered birds and birds of prey during the nesting season and avoid take of individuals, nests, and eggs of nesting birds and burrowing owls, as discussed in the nesting bird and burrowing owl sections above. In addition, Projects located adjacent to or within Conservation Areas are also required to comply with Land Use Adjacency Guidelines outlined in Section 4.5 of the CVMSHCP, including avoidance and minimization measures associated with drainage, toxics, lighting, noise, invasive plants, barriers, and grading/land development. CDFW requests that the MND and its supporting documents are revised to accurately describe CVMSHCP requirements that apply to the Project.

5) CDFW's 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.

With regard to potential impacts to stream resources, the MND includes inconsistent and conflicting information on if the Project site contains fish and wildlife resources subject to Fish and Game Code section 1600, et seq. For example, page 50 of the MND states that "The Project area was surveyed with 100 percent visual coverage, and the on-site drainages are considered jurisdictional under CDFW," whereas page 51 of the MND states that "There are no streams, channels, washes, or swales that meet the definitions of Section 1600 of the State of California Fish and Game Code (FGC) under the jurisdiction of the CDFW." CDFW notes that the Project site contains at least three ephemeral streams, based on review of historical aerial imagery using Google Earth, that traverse the site. As detailed in the paragraph above, the Project proponent would need to notify CDFW through the Lake and Streambed Alteration Program if any streams will be impacted by the Project.

The MND includes Mitigation Measure BIO-3, indicating that "A Wastewater Discharge Requirement and Lake and Streambed Alteration Agreement shall be obtained from the Colorado River Regional Water Quality Board and California Department of Fish and Wildlife." For impacts to streams subject to Fish and Game Code section 1600, et seq., the Project proponent is required to notify CDFW. The MND lacks a clear description of this requirement; therefore, CDFW considers the MND to be inadequate to reduce impacts to stream resources to a level less than significant.

To avoid or reduce impacts to stream resources subject to Fish and Game Code section 1600 et seq. to a level less than significant, CDFW recommends the County add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[E]: CDFW's Lake and Streambed Alteration Program

Prior to construction and issuance of any grading permit, the Project proponent 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 proponent shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

6) Artificial Nighttime Lighting

Page 3 of the MND indicates that “Nighttime lighting will be installed and face downward and towards the Project site, away from adjacent parcels. The expected hours of operation are Monday through Friday from 7:00 am to 4:00 pm.” The MND lacks additional information on lighting plans and avoidance, minimization, and mitigation measures associated with artificial nighttime lighting. The MND also lacks an analysis of direct, indirect, and cumulative impacts of artificial nighttime lighting, including impacts associated with long-term operations, on biological resources including migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. The Project is located adjacent to vacant areas on all sides and near open space areas to the north and east associated with the Thousand Palms Conservation Area—areas that provide suitable nesting, roosting, foraging, and refugia habitat, and wildlife movement areas for birds, migratory birds that fly at night, burrowing owls, bats, and other nocturnal and crepuscular wildlife. The Project’s proposed artificial nighttime lighting has the potential to significantly and adversely affect wildlife in vacant and open space areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation.⁴ Many species use photoperiod cues for communication (e.g., bird song⁵), determining when to begin foraging,⁶ behavioral thermoregulation,⁷ and migration.⁸ Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.¹⁰

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

To support the County in avoiding or reducing the Project’s direct and indirect impacts of artificial nighttime lighting on biological resources to a level less than significant, CDFW recommends that the County include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[F]: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, the Project Proponent and County of Riverside shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The Project Proponent and County of Riverside shall ensure

⁴ Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews*, 88.4: 912-927.

⁵ Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

⁶ Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127.

⁷ Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.

⁸ Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The Project Proponent and County of Riverside shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

7) Landscaping

Page 3 of the MND states that the "Project landscaping includes drought tolerant plant species. Landscaping is provided along the Project entrance and parking area. Approximately 19,895 sq. ft., or 22.2% of the Project is irrigated landscaped and will be in compliance with the County of Riverside Ordinance No. 859." The MND lacks additional information on landscaping plans. CDFW recommends that the MND include recommendations regarding landscaping from Section 4.0 of the CVMSHCP "Table 4-112: Coachella Valley Native Plants Recommended for Landscaping" (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>). CDFW also recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, moths, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/cities and resource conservation cities in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: <https://saveourwater.com/>.

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

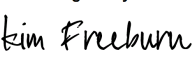
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental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

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Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
Mitigation Measure BIO-2: 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 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.	Timing: No more than 3 days prior to vegetation removal or ground-disturbing activities. Methods: See Mitigation Measure	Implementation: Project Proponent Monitoring and Reporting: Project Proponent and County of Riverside
Mitigation Measure BIO-1: Burrowing Owl Focused and Pre-Construction Surveys	Timing: Focused surveys: Consistent with	Implementation: Project Proponent

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 (Staff Report; 2012 or most recent version)</i>⁹. 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 <i>Staff Report</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</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 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	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. 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	Monitoring and Reporting: Project Proponent and County of Riverside
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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>.

that preconstruction surveys follow the recommendations and guidelines provided in Appendix D of 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 until consultation with CDFW and USFWS is completed.		
Mitigation Measure BIO-[A] – Desert Kit Fox Preconstruction surveys for desert kit fox shall be conducted within 14 days prior to the start of construction by a CDFW-approved qualified biologist. The survey area shall include the Project disturbance areas plus a 500-foot buffer during the breeding season (January 15 through August 31 or until pups are foraging on their own) and a 250-foot buffer outside the breeding season. Pre-construction surveys should include 100-percent visual coverage of the Project area and buffers. Potentially occupied burrows in Project disturbance areas and the survey buffer shall be mapped, and the qualified biologist(s) shall utilize daily on-site monitoring, tracking stations, and wildlife cameras to determine whether the burrows are occupied. If a burrow is determined to be occupied by desert kit fox during the breeding season, the burrow shall be demarcated with a 500-foot buffer and connectivity to adjacent habitat shall be maintained. If a burrow is determined to be occupied outside the breeding season it shall be demarcated with a 250-foot buffer. Burrows determined to be unoccupied shall be demarcated with a 50-foot buffer. No disturbance of active dens shall take place when juvenile desert kit fox may be present and dependent on parental care. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. If occupied burrows are found in Project disturbance areas and cannot be avoided, the County and Project proponent shall consult with CDFW on an appropriate path forward. The loss of desert kit fox habitat shall be mitigated at no less than a 2:1 ratio.	Timing: Within 14 days prior to the start of construction. Methods: See Mitigation Measure	Implementation: Project Proponent Monitoring and Reporting: Project Proponent and County of Riverside
Mitigation Measure BIO-[B] – American badger No more than 30 days prior to the beginning of ground disturbance and/or construction activities, a CDFW-approved qualified biologist(s) shall conduct	Timing: No more than 30 days prior to beginning of ground	Implementation: Project Proponent Monitoring and Reporting: Project

surveys to determine if potential American badger burrows are present in the Project area. Pre-construction surveys should include 100-percent visual coverage of the Project area and buffers. If American badger burrows are located, the Project proponent shall have the qualified biologist(s) monitor the burrows using observation and tracking material and/or trail cameras over a three (3) day period to determine the status of the burrow. If non-natal active dens can be avoided and buffered from Project activities, the biologist shall flag a minimum 100-foot disturbance-free buffer zone. A minimum 500-foot disturbance-free buffer shall be placed around any natal dens and maintained, along with connectivity to adjacent habitat, until juvenile independence is determined by the biologist. The biologist has the authority to halt or stop work if individuals exhibit signs of disturbance. Established buffers shall remain until the biologist determines the young have dispersed or the den is no longer active, or until Project activities cease. If occupied burrows are found in Project disturbance areas and cannot be avoided, the County and Project proponent shall consult with CDFW on an appropriate path forward. The loss of American badger habitat shall be mitigated at no less than a 2:1 ratio.	disturbance and/or construction activities. Methods: See Mitigation Measure	Proponent and County of Riverside
Mitigation Measure BIO-[C]: CVMSHCP Local Development Mitigation Fee Prior to construction, to comply with its obligations under the CVMSHCP, the County of Riverside shall pay to the Coachella Valley Conservation Commission a Local Development Mitigation Fee for the Project.	Timing: Prior to construction Methods: See Mitigation Measure	Implementation: Project Proponent Monitoring and Reporting: Project Proponent and County of Riverside
Mitigation Measure BIO-[D]: Salvage of Sand-Dependent Covered Species Prior to vegetation removal or ground-disturbing activities, the County of Riverside shall collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.	Timing: Prior to vegetation removal or ground-disturbing activities Methods: See Mitigation Measure	Implementation: Project Proponent Monitoring and Reporting: Project Proponent and County of Riverside

Mitigation Measure BIO-[E]: CDFW's Lake and Streambed Alteration Program Prior to construction and issuance of any grading permit, the Project proponent 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 proponent shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.	Timing: Prior to construction and issuance of any grading permit Methods: See Mitigation Measure	Implementation: Project Proponent Monitoring and Reporting: Project Proponent and County of Riverside
Mitigation Measure BIO-[F]: Artificial Nighttime Lighting Throughout construction and the lifetime operations of the Project, the Project Proponent and County of Riverside shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The Project Proponent and County of Riverside shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The Project Proponent and County of Riverside shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.	Timing: Throughout construction and the lifetime operations of the Project. Methods: See Mitigation Measure	Implementation: Project Proponent Monitoring and Reporting: Project Proponent and County of Riverside