STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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October 23, 2026
Sent via email

Adrian Moreno
Associate Planner
City of Coachella
53462 Enterprise Way
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amoreno@coachella.org

Subject: Hexavalent Chromium-6 Mitigation Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2026091017

Dear Adrian Moreno:

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

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

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Coachella Water Authority & Sanitary District (CWA)

Objective: The Project proposes retrofitting seven domestic water wells and the installation of wastewater discharge lines and three sewer line upgrades. The Project sites are located at separate locations throughout the city with two sites located adjacent to city parks, while other sites are located within existing residential subdivisions and open lands. Well improvements will include filter and reduction vessels, additional chemical injection systems and electrical systems, on-site backwash tanks, and discharge lines.

Location: The Project is located at seven CWA Well Sites (11, 12, 16, 17, 18, 19, and 20) and their associated facilities and in-street pipeline alignments. Associated Assessor Parcel Numbers include the following: 603-232-019 and -030, 768-210-014, 763-141-019 and -020, 603-220-035 and -051, 603-150-017, 612-540-008, and 779-620-041 in the City of Coachella, Riverside County.

Timeframe: The MND indicates Project activities would conclude in 2027.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City 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 burrowing owl (*Athene cunicularia hypugaea*).

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 City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) regarding local development mitigation fees, as well as revising the mitigation measures for nesting birds, burrowing owl, and bats.

1) Nesting Birds

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

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

The CVMSHCP includes a general conservation measure that applies to all Covered bird species to avoid impacts to their habitat during the nesting season (CVMSHCP Section 9.7).

Regarding the potential for the Project area to support nesting birds, page 51 of the MND states that "other common resident and/or migrant bird species are also expected to occur and possibly nest mostly within the study areas adjacent to the existing facilities and line alignments." CDFW adds that resident and migratory birds have the potential to nest in trees, shrubs, and on the ground within and surrounding the Project areas.

The MND includes Mitigation Measure BIO-3 for nesting bird surveys. CDFW appreciates that the measure requires that surveys for nesting birds are conducted any time of the year prior to Project construction activities. However, the measure includes outdated nest avoidance buffers and lacks information on the qualifications of the individuals that would conduct nesting bird surveys. CDFW considers the measure to be inadequate in scope to avoid or reduce impacts to nesting birds to a level less than significant.

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

Mitigation Measure BIO-3: Nesting Birds

To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a CDFW-approved qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. Following documentation of baseline conditions, the qualified biologist familiar with the nesting phenology of the nesting species may choose to adjust the buffers based on nest and buffer monitoring results. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall increase the buffers accordingly. Construction and any ground-disturbing activities may not occur inside the established buffers, which shall remain on-site until the qualified biologist determines the

young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. ~~Pre-construction clearance surveys for Costa's hummingbird, vermilion flycatcher, black-tailed gnatcatcher, crissal thrasher, LeConte's thrasher and other nesting birds protected under the MBTA and FCG shall be conducted by a qualified biologist prior to the commencement of initial project activities (i.e., vegetation removal, grading, structural demolition, operation of heavy equipment, etc.) that are proposed or. scheduled to occur. The nesting season for birds in the Coachella Valley is now considered to be year-round (January-December) therefore pre-construction clearance surveys for nesting birds are now required to be conducted prior to site disturbance at all times of the year to ensure that nesting birds protected by the MBTA and FGC are not impacted as a result of project implementation. The pre-construction surveys for Costa's hummingbird, vermilion flycatcher, black-tailed gnatcatcher, crissal thrasher, LeConte's thrasher and other nesting birds shall include the project site and adjacent areas where project activities have the potential to cause distress to nesting birds and/or potential nest failure. The surveys shall be conducted no more than three (3) days prior to the start of ground-disturbing activities. If no active bird nests are found, vegetation removal, grading, ground disturbance, structural demolition, etc. may commence. If active bird nests are found, disturbance avoidance buffer zones (i.e., Environmentally Sensitive Areas [ESAs]) would need to be established, clearly marked in the field, observed and monitored. No work would be permitted within the ESAs until young have fledged as determined by a qualified biologist. While there is no established protocol for nesting bird ESAs, when consulted, the CDFW generally recommends avoidance buffers of about 30-91 m (100-300 ft) for unlisted songbirds and 152 m (500 ft) for listed songbirds and raptors (i.e., eagles, hawks, owls, and falcons). Once nesting is complete, young have fledged and/or the nests are determined to no longer be active by the monitoring biologist, work may commence within the ESAs~~

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for revised MM BIO-2, MM-BIO-3, and MM BIO-4 and additional MM BIO-[A] and MM BIO-[B].

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, 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 burrowing owl. CDFW's Permit[2], which provides Take Authorization for Covered Activities under the CVMSHCP, does not authorize Take of burrowing owl individuals, nests, or eggs. For burrowing owl, Authorized Take provided by CDFW's Permit is for habitat only. 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).

Regarding potential presence of burrowing owl at Project sites, Mitigation Measure BIO-1 of the MND indicates that "burrowing owls were observed immediately adjacent to Well 11 and other suitable burrows and habitat were detected within the buffer zone study areas adjacent to Wells 11, 16, 17 and 18." CDFW agrees that Wells 11, 16, 17, and 18 and/or areas surrounding these sites contain suitable habitat for burrowing owl. CDFW also notes that Well #20 may contain suitable habitat for burrowing owl, including vacant and disturbed areas with sparse vegetation cover. CDFW recommends the MND is revised to indicate the presence of suitable habitat for burrowing owl at Well 20.

CDFW appreciates the inclusion of a requirement in Mitigation Measure BIO-1 to coordinate with CDFW to determine appropriate avoidance, minimization, and mitigation measures. CDFW adds that the U.S. Fish and Wildlife Service (USFWS) is also a permitting agency under the CVMSHCP; therefore, the Project proponent and City would need to consult with both CDFW and USFWS regarding the protection of burrowing owl.

[2] CDFW Findings of Fact under the California Environmental Quality Act and the Natural Community Conservation Planning Act and Natural Community Conservation Plan Permit #2935-2008-001-06.

The MND includes Mitigation Measure BIO-2, which requires the preparation of a burrowing owl management plan. The measure lacks requirements specifying the need for both focused surveys and pre-construction surveys for burrowing owl. Focused surveys are needed to provide appropriate data to coordinate with CDFW and USFWS on appropriate avoidance, minimization, and mitigation measures. Preconstruction surveys, conducted no less than 14 days prior to construction activities and again within 24 hours of construction, ensure that any changes in the occupancy status of burrowing owls since the time of completing focused surveys are detected to inform avoidance, minimization, and mitigation measures. CDFW recommends pre-construction surveys and focused surveys are conducted consistent with the timing and frequency of surveys described in Appendix D of the *Staff Report on Burrowing Owl Mitigation*[3] (Staff Report), or other protocol agreed upon by CDFW, prior to initiation of Project activities. Without requirements specifying the need to conduct focused and preconstruction surveys for burrowing owl, CDFW considers Mitigation Measure BIO-2 to be inadequate in scope and timing to reduce impacts to burrowing owl to a level less than significant.

To support the City in avoiding or reducing impacts to burrowing owl to a level less than significant, CDFW recommends that Mitigation Measure BIO-2 is revised as follows (with additions in **bold** and removals in ~~strikethrough~~):

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

Suitable and occupied burrowing owl habitat has been confirmed within the Project areas including Wells 11, 16, 17, 18, and 20; 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)[4]. 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."

[3] California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline

[4] 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.

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.

~~To offset potential project-related impacts to burrowing owl and its habitat, a Burrowing Owl Management Plan shall be developed by a qualified biologist who has experience working with and/or managing burrowing owls on project sites. The Burrowing Owl Management Plan shall outline project- and/or well site-specific protection measures that are in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (Staff Report; CDFG 2012).~~
~~The Burrowing Owl Management Plan shall also identify protection measures to be implemented should the species be found at the well sites or study areas where they are found to occur at any time of the year (i.e., migration periods, breeding/summer, and wintering). This may include protocol focused surveys for burrowing owl conducted in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW 2012) in the areas containing suitable habitat, The Burrowing Owl Management Plan shall outline specific survey methods and timing in accordance with the Staff Report and shall include instruction on survey requirements should there be a lapse in construction or project activities.~~
~~Avoidance, minimization and/or mitigation methods outlined in the Burrowing Owl Management Plan shall include, but not be limited to, establishment of no-disturbance buffers around potential or occupied burrowing owl burrows, additional biological monitoring requirements during project activities, and any passive relocation or active translocation. Monitoring of the burrowing owls may also be required. Regular reporting timeframes and requirements for communication with CDFW shall also be clearly outlined in the Burrowing Owl Management Plan. The Burrowing Owl Management Plan shall be submitted to CDFW for review and subject to CDFW approval prior to the start of project ground-disturbing activities~~.

3) Bats

Bats are protected as nongame mammals under Fish and Game Code section 4150. Page

10 of the MND states that "project impacts will include loss of a small stormwater retention basin, approximately two palm trees and landscape planters." Mitigation Measure BIO-4 in the MND further states "prior to site disturbance, structural demolition, tree trimming or removal and/or ground-disturbing activities that may have the potential to affect roosting bat habitat (e.g., buildings with tile roofs, palm trees with untrimmed aprons, mesquite trees, etc." CDFW concurs that the Project areas contain suitable roosting habitat for bats, including, but not limited to, palm trees with untrimmed frond skirts.

The MND includes Mitigation Measure BIO-4, which requires pre-construction clearance surveys for special-status roosting bat species. CDFW clarifies that all bat species are protected under Fish and Game Code section 4150. Also, Mitigation Measure BIO-4 lacks a requirement to conduct focused surveys for bats. CDFW recommends that two focused surveys in the spring and two focused surveys in the fall are conducted to determine presence of daytime, nighttime, wintering, and maternity roost sites for all bat species. CDFW considers Mitigation Measure BIO-4 to be inadequate in scope and timing to avoid or reduce impacts to bats to a level less than significant. CDFW recommends Mitigation Measure BIO-4 is revised with the following additions in **bold** and removals in ~~strikethrough~~::

Mitigation Measure BIO-4: Bat Surveys

Prior to the initiation of Project activities within suitable bat roosting habitat, the Project Proponent shall retain a CDFW-approved qualified biologist(s) to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by the qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys.

If active maternity roosts are identified in the work area or 1000 feet extending from the work area, Project construction will only occur outside of the maternity roosting season after young bats are volant (flying). Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 1000 feet extending from the work area, a minimum 1000-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. ~~Prior~~

~~to site disturbance, structural demolition, tree trimming or removal and/or ground-disturbing activities that may have the potential to affect roosting bat habitat (e.g., buildings with tile roofs, palm trees with untrimmed aprons, mesquite trees, etc.), a qualified biologist shall conduct a pre-construction clearance survey for special status roosting bat species that are known from the area. The survey should be performed no more than 14 days prior to the start of construction or site disturbance that has the potential to disturb roosting bats. If no active bat roosts or maternity colonies are found, structural demolition, vegetation trimming or removal and ground disturbance may proceed without additional restrictions related to special status roosting bat species. All potential bat roosting habitat located in areas would have the potential to be affected by the project should be removed in a manner approved by the qualified biologist outside the maternity season (March 15-August 31). If bat roosts are identified, a no disturbance 100-ft (or as otherwise determined appropriate by the qualified biologist) ESA should be established, clearly marked in the field and observed by project personnel, until the biologist has confirmed that young are volant (able to fly) and the roost is no longer active. Also, if bat roosts are found, a bat avoidance and mitigation plan would likely be required. Removal of the roost(s) shall only occur when the mitigation plan has been approved by the appropriate resource agencies (e.g., City, CDFW, CVCC) and only when bats are not present in the roost. If avoidance is not feasible, coordination with the appropriate resource agencies should occur to determine appropriate mitigation measures.~~

The Project proposes removal of palm trees within the Project areas. The removal of palm trees that contain roosting habitat for bats can subject bats to impacts ranging from permanent loss of day roosts, including maternity roosts, to direct mortality if avoidance, minimization, and mitigation measures are not implemented. To support the City in avoiding or reducing impacts to bats to less than significant, CDFW also recommends that the following mitigation measure is added to a revised MND:

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

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

biologist.

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. Per the CVMSHCP 6.6.1(page 6-19), the City 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 City's obligation to pay a Local Development Mitigation Fee for the Project, CDFW recommends the City add the following mitigation measure to a revised MND:

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

Prior to construction, to comply with its obligations under the CVMSHCP, the City of Coachella shall pay to the Coachella Valley Conservation Commission a Local Development Mitigation Fee for the Project.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/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 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:
Kim Freeburn
84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
Mitigation Measure BIO-3: Nesting Birds **To the greatest extent feasible, the Project will avoid construction and any ground-disturbing activities during the peak nesting season (January 15 through September 15). Regardless of the time of year, nesting bird surveys shall be performed by a CDFW-approved qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, the qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. Following documentation of baseline conditions, the qualified biologist familiar with the nesting phenology of the nesting species may choose to adjust the buffers based on nest and buffer monitoring results. If the qualified biologist determines that Project activities may be causing an adverse reaction, the qualified biologist shall increase the buffers accordingly. Construction and any ground-disturbing activities may not occur inside the established buffers, which shall remain on-site until the qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.**	**Timing:** No more than 3 days prior to vegetation removal or ground-disturbing activities. **Methods:** See Mitigation Measure	**Implementation:** Project Proponent and City of Coachella **Monitoring and Reporting:** City of Coachella
Mitigation Measure BIO-2: Burrowing Owl Focused and Pre-Construction Surveys **Suitable and occupied burrowing owl habitat has been confirmed within the Project areas including Wells 11, 16, 17, 18, and 20; therefore, focused burrowing owl surveys shall be conducted by a CDFW-approved qualified biologist prior to any**	**Timing: Focused surveys:** Consistent with timing in Appendix D of the Staff Report on Burrowing Owl Mitigation	**Implementation:** Project Proponent and City of Coachella **Monitoring and Reporting:** City of Coachella

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)[5]. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall submit the results of focused surveys to CDFW and USFWS as soon results become available and before commencement of any Project activities, including any vegetation- or ground-disturbing activities. CDFW recommends that the information included in the survey results be consistent with Appendix D of the *Staff Report*, 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***	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	

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

***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.**		
Mitigation Measure BIO-4: Bat Surveys **Prior to the initiation of Project activities within suitable bat roosting habitat, the Project Proponent shall retain a CDFW-approved qualified biologist(s) to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by the qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys.** **If active maternity roosts are identified in the work area or 1000 feet extending from the work area, Project construction will only occur outside of the maternity roosting season after young bats are volant (flying). Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active hibernacula are identified in the work area or 1000 feet extending from the work area, a minimum 1000-foot no-work buffer shall be provided around hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed.**	**Timing:** See Mitigation Measure **Methods:** See Mitigation Measure	**Implementation:** Project Proponent and City of Coachella **Monitoring and Reporting:** City of Coachella

Mitigation Measure BIO-[A]: Avoidance of Bats during Tree Removal **Tree removal work with the potential to house roosting bats shall be performed after maternity season when young are volant (flying) but before expected onset of torpor (wintering inactivity) to minimize direct impacts to roosting bats (i.e., tree removal could be conducted between approximately September 15 and October 31). Tree removal work may also be conducted following winter torpor and prior to the start of the maternity season (i.e., tree removal could be conducted between approximately February 15 and March 31). No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. All palm removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed with supervision by a qualified bat biologist.**	**Timing:** See Mitigation Measure **Methods:** See Mitigation Measure	**Implementation:** Project Proponent and City of Coachella **Monitoring and Reporting:** City of Coachella
Mitigation Measure BIO-[B]: CVMSHCP Local Development Mitigation Fee **Prior to construction, to comply with its obligations under the CVMSHCP, the City of Coachella 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 and City of Coachella **Monitoring and Reporting:** City of Coachella