

**Facilities
Planning &
Development**

Julie Arthur, Executive Director

Governor's Office of Planning & Research

August 7, 2023

Aug 07 2023

California Department of Fish and Wildlife
Inkand Deserts Region
3602 Inland Empire Blvd., Ste. C-220
Ontario, CA 91764

STATE CLEARINGHOUSE

Attn.: Alyssa Hockaday, Senior Environmental Scientist (Specialist)

Re: CDFW Comments on the Draft Supplemental Environmental Impact Report
Rancho Mirage High School Field Lighting Project, SCH#: 2006011095

Dear Ms. Hockaday,

The Palm Springs Unified School District (District) is in receipt of the California Department of Fish and Wildlife (CDFW) letter of August 4, 2023 regarding the comments provided by CDFW on the Draft Supplemental Environmental Impact Report (SEIR) Rancho Mirage High School Field Lighting Project (proposed Project).

The District appreciates the concern that CDFW has expressed regarding the potential for the proposed Project to impact biological resources. The District also understands the role that CDFW has a Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State.

The District also understands that CDFW may be Responsible Agency for the proposed Project under the California Environmental Quality Act (CEQA) should the District need to request a permit from CDFW, as the regulatory authority as provided by the Fish and Game Code, such as a lake and streambed alteration agreement (SAA) or for "take" permit as defined by State law of any species protected under the California Endangered Species Act. As noted in the Draft SEIR, the District does not anticipate needing either a SAA or take permit for the proposed Project. However, should the need arise, the District will contact CDF and initiate appropriate consultation efforts.

As a Trustee Agency, the District has reviewed CDFW's comments in your August 4, 2023 letter with respect to burrowing owls (*Athene cunicularia*) to move into the project site prior to and during construction activities, and nesting birds including disruption to nesting birds, nest failure or abandonment, loss of nesting habitat, and potential take from ground-disturbing activities and construction.

Upon further review of the information provided by CDFW in both your August 4 and July 14 letters, the District is making the following revisions to mitigation measure MM BIO-1 as noted below. The changes are noted by underline (additions) and ~~strikeout~~ (for deletions).

MM BIO-1: Pre-Construction Surveys for Migratory Bird and Burrowing Owls ~~(including avoidance if found)~~ ~~If ground disturbance is proposed between February 1st and August 31st,~~
Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior.
~~a qualified biologist shall conduct a nesting bird survey within 7 to 10 days of initiation of grading on site, focusing on covered species.~~
The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground.
Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.
~~If active nests are reported, species-specific measures shall then be prepared. At a minimum, grading in the vicinity of a nest shall be postponed until the young birds have fledged. For construction between September 1st and January 31st, no pre-removal nesting bird survey is required.~~
~~In the event active nests are found, exclusionary fencing shall be placed 200 feet around the nest until such time as nestlings have fledged. Nests of raptors and burrowing owls shall be provided with a 500-foot buffer. Ground disturbance between September 1 and January 31 shall be exempt from this requirement.~~
Additionally, pre-construction surveys for burrowing owls should be undertaken no less than 60 days ~~between 14 and 30 days~~ prior to any kind of ground disturbance related to modifications to facilities and properties. The burrowing owl habitat assessment shall be conducted by a qualified biologist according to the specifications of the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012 or most recent version).
If the habitat assessment demonstrates suitable burrowing owl habitat, then focused burrowing owl surveys shall be conducted in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, monitoring, relocation, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites,

Ltr. to California Department of Fish and Wildlife, Inland Deserts Region
Re: Comments on Draft SEIR Rancho Mirage High School Field Lighting Project
August 7, 2023
Page 3

acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and USFWS to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.

It is the opinion of the District that the modifications as noted above to MM BIO-1 will meet the recommendations of CDFW.

This information (your letter of August 4, 2023 and this response) will be provided to the Board of Trustees for their consideration at the Board meeting scheduled for August 8, 2023 as part of the agenda item to consider the Final EIR for the proposed Project.

Please let us know if you have any further questions.

Sincerely,



Julie Athur,
Executive Director, Facilities Planning and Development

Cc: Kim Freeburn, Environmental Program Manager, CDFW Inland Deserts Regions
Heather Brashear, CDFW Inland Deserts Region