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GAVIN NEWSOM, Governor
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March 9, 2023
Sent via email

David Black
Planner IV
Imperial County Planning & Development Services Department
801 Main Street
El Centro, CA 92243

Glamis Specific Plan (PROJECT)
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)
SCH# 2020100348

Dear Mr. Black:

The California Department of Fish and Wildlife (CDFW) received a Draft Environmental Impact Report (DEIR) from the Imperial County Planning & Development Services Department for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines¹.

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

CDFW ROLE

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

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.



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: Polaris

Objective: The Project proposes a development within the unincorporated community of Glamis, California, in the eastern portion of Imperial County. Centered around the Glamis Beach Store, the 143-acre Glamis Specific Plan Area is generally bounded by the Imperial Sand Dunes Recreation Area on the south and by the North Algodones Dunes Wilderness on the north. The Project is intended to enhance the experience of existing recreational users of the adjacent areas and implement the County's objectives for the area by facilitating development of recreation-serving land uses and required infrastructure. Permitted uses within the Project include recreational, commercial/retail, OHV and RV storage, entertainment and hospitality uses, seasonal guest and employee housing, renewable energy, infrastructure, and a research and development facility for Polaris.

Location: The Project Area is located in the unincorporated community of Glamis, a remote area in the central portion of Imperial County. The project site is located approximately 27 miles east of the City of Brawley, approximately 32 miles northeast of the City of El Centro, approximately 20 miles north of Interstate 8, and approximately 35 miles southeast of the Salton Sea. The Project site is located in Section 33, Range 18 East, Township 13 South, within the U.S. Geological Survey (USGS) Glamis, California, 7.5-minute topographic quadrangle (assessor parcel numbers [APN] 039- 310-017, 039-310-022, 039-310-023, 039-310-026, 039-310-027, 039-310-029, and 039-310-030).

Timeframe: The Project proposes construction activities for Phase 1 through Phase 4 to occur within a timeframe of 20 to 50 years.

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 Imperial County Planning & Development

Services Department in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The DEIR 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 DEIR are explained in greater detail below and summarized here. CDFW is concerned that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information to facilitate a meaningful review by CDFW, including a recent and complete assessment of biological resources on the Project site and information on desert tortoise, burrowing owl, and artificial nighttime lightning plans. CDFW recommends additional information and analysis is added to a revised DEIR.

Project Description and Project-Related Impacts

CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate project description, the DEIR likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description and discrepancies in the analysis of project-related impacts.

The DEIR includes a general description of construction in four phases to be conducted over as much as a 50-year timeframe. The DEIR should analyze impacts to biological resources resulting from the extended timeline of construction and should acknowledge that surveys for biological resources will need to be repeated prior to each phase of the Project, or prior to tiered projects, to assess the presence of biological resources and to avoid or reduce impacts to less than significant (see "Assessment of Biological Resources" section below). The DEIR should acknowledge that wildlife may move into disturbed or graded sites when construction is paused. Analysis and appropriate mitigation measures to avoid and reduce impacts to biological resources resulting from the timing of construction for the Project should be included in a revised DEIR.

The DEIR (p. 7-5) concludes that cumulative impacts to "burrowing owl, Colorado fringe toed lizard, Gila woodpecker, Le Conte's thrasher and loggerhead shrike would be avoided with implementation of MM BIO-1 through MM BIO-5." However, the DEIR only appears to include MM BIO-1 to MM BIO-3 for flat-tailed horned lizard, jurisdictional waters, and nesting birds. Clarification of this discrepancy and reevaluation of cumulative impacts of the Project on biological resources should be included in a revised DEIR.

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 DEIR. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the DEIR may provide an incomplete analysis of Project-related environmental impacts.

The DEIR bases its analysis of impacts to biological resources on a general biological assessment conducted on June 28, 2019. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. CDFW is concerned that the field assessment is outdated and was not conducted at the appropriate time(s) of year or using standard protocols to detect all special-status species on-site. In addition, no focused, protocol-level surveys were conducted for special-status plant or animal species. Therefore, CDFW recommends that the results of a complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within off-site areas with the potential to be affected by Project activities be included in a revised DEIR (see “Assessment of Biological Resources” section below).

Mitigation Measures

CEQA requires that an EIR must identify potentially feasible mitigation measures that avoid or reduce each significant impact to the extent feasible. CDFW believes that the mitigation measures proposed in the DEIR are not sufficient to avoid or reduce impacts to below a level of significance. To support Imperial County Planning & Development Services Department in ensuring that Project impacts to biological resources are reduced to a level that is less than significant, CDFW recommends revised mitigation measures for flat-tailed horned lizard and nesting birds, as well as additional mitigation measures for ephemeral streams, recent assessment of biological resources, desert tortoise, burrowing owl, artificial nighttime lightning, construction noise, and trash management.

1) *Lake and Streambed Alteration*

Figure 4-5 in the DEIR shows the locations of several ephemeral streams in the Project area, and Page 4.12 of the DEIR describes how these ephemeral streams will be modified to redirect them around the Project Planning Areas. Given these proposed impacts to streams, the Project applicant will need to notify CDFW per Fish and Game Code section 1602. 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.

Although the DIER includes MM BIO-2 for jurisdictional waters, it is not sufficient in timing or scope to ensure impacts to ephemeral stream resources are reduced to less than significant. CDFW recommends that in addition to MM BIO-2, Imperial County Planning & Development Services Department include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[A]: CDFW Lake and Streambed Alteration Program

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

2) *Assessment of Biological Resources*

The Project's Biological Resources Assessment Report, dated July 2019 and revised in November 2020, indicates that general biological surveys were conducted on June 28, 2019. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Additionally, surveys were conducted in June, a time of year when special-status species such as desert tortoise (see section below) and annual and semi-annual plants including rare species may not be detectable. For example, rare annual herbs known to occur near the Project site such as cottonheads (*Nemacaulis denudate* var. *gracilis*; California Rare Plant Rank: 2B.2), Wiggins' croton (*Croton wigginsii*; California Rare Plant Rank: 2B.2), and giant Spanish-needle (*Palafoxia arida* var. *gigantea*; California Rare Plant Rank 1B.3) have bloom periods that range from February to May. Focused surveys should be completed during this period to determine if these species are present onsite. The California Rare Plant Rank 1B indicates plants that are rare, threatened, or endangered in California and elsewhere, and California Rare Plant Rank 2B indicates plants that are rare, threatened, or endangered in California but more common elsewhere. Impacts to these species must be analyzed during preparation of environmental documents relating to CEQA because they meet the definition of rare or endangered under CEQA Guidelines §15125 (c) and/or §15380.

CDFW recommends the DEIR is revised to include the results of a complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). Focused plant surveys should be conducted during the appropriate time of year including the bloom periods of rare plants that have the potential to occur onsite.

Additionally, page 5.2-10 of the DEIR indicates that project buildout is expected within 20 to 50 years. The DEIR includes limited information on the timing of construction of each of the phases (or portions of phases) of the Project. Because Project construction activities may be spread out over a potentially 50-year time period, and plant and animal species may move into and occupy the Project site in between construction activities, additional assessments of biological resources are needed in advance of each construction activity to ensure impacts to biological resources are less than significant. CDFW recommends that the Imperial County Planning & Development Services Department include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[B]: Assessment of Biological Resources

Prior to each Project construction activity and throughout all phases of the Project, a complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. Throughout all phases of the Project, appropriate avoidance, minimization, mitigation measures shall be implemented as described in the Project's final CEQA document, or in consultation with CDFW if new species are observed, for all rare, threatened, endangered, and other sensitive species identified

during repeated biological inventories. If new or increased, potentially significant impacts are identified, the County shall consider and complete any necessary CEQA analysis (e.g., Supplemental EIR).

3) *Flat-tailed Horned Lizard*

Page 5.3-16 of the DEIR indicates that flat-tailed horned lizard (*Phrynosoma mcallii*) could potentially occur within the softer sands in the creosote bush scrub on-site, and that there is an abundance of ants onsite that could support the presence of this species. Although the DEIR includes Mitigation Measure BIO-1 for flat-tailed horned lizard, the timing and scope are insufficient to ensure that impacts are reduced to a level less than significant. To ensure impacts to flat-tailed horned lizard are reduced to less than significant throughout all phases of the Project, CDFW recommends the Imperial County Planning & Development Services Department make the following changes to Mitigation Measure BIO-1 for flat-tailed horned lizard (with additions in **bold** and removals in ~~strikethrough~~):

Mitigation Measure BIO-1: Flat-tailed Horned Lizard

Prior to construction of each Project activity, protocol-level surveys for flat-tailed horned lizard should be conducted by a qualified biologist, in accordance with the *Flat-tailed Horned Lizard Rangewide Management Strategy* (Flat-tailed Horned Lizard Interagency Coordinating Committee 2003), to determine if this species is present within the Project site. Per the Management Strategy, survey protocol for flat-tailed horned lizard for a project site between 51 and 100 hectares (141 acres = 57 hectares) requires eight one-hour presence/absence surveys by qualified flat-tailed horned lizard surveyors. All roads within and near the survey area shall be driven twice to allow for detection of lizards. If flat-tailed horned lizard is present, the qualified biologist shall immediately notify CDFW to determine appropriate avoidance, minimization, and mitigation measures.

Preconstruction surveys shall also be conducted no less than 14 days prior to the start of all Project-related activities. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the in accordance with the *Flat-tailed Horned Lizard Rangewide Management Strategy* (Flat-tailed Horned Lizard Interagency Coordinating Committee 2003). If the preconstruction surveys confirm presence of flat-tailed horned lizard, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW to determine appropriate avoidance, minimization, and mitigation measures.

Prior to construction of each Specific Plan activity, a Capture/Relocation Plan for flat-tailed horned lizard shall be prepared by a qualified biologist. The plan shall include

preconstruction survey and monitoring methods, capture and relocation methods, and suitable relocation areas. The Capture/Relocation Plan may include additional protection measures during construction including:

- Creating areas of land or small paths/culverts between project facilities for wildlife movement,
- Installing silt fencing around work areas to prevent migration of adjacent wildlife into impact areas,
- Installing pitfall traps in spring/summer/fall to trap any individuals that remain on the site for removal from work areas), and/or
- Biological monitoring during construction to inspect fencing and pitfall traps ~~and relocate wildlife species out of harm's way, if required.~~ **Only a qualified biologist with an appropriate permit from CDFW may handle flat-tailed horned lizard.** The Capture/Relocation Plan shall be submitted to and approved by CDFW **prior to implementation.**

4) Burrowing Owl

Burrowing owl (*Athene cunicularia*) is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. 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.). 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.”

Pages 13 and 14 of the Project’s Biological Resources Report identified small burrows with tracks at several locations. Page 52 of the Biological Resources Assessment Report shows a photo of a burrow within the Project site. Also as discussed further above, the Biological Resources Report indicates that general biological surveys were last conducted in June 28, 2019, and should be updated to reflect the biological resources currently onsite. Given the Project site’s limited vegetation cover, documented presence of burrows, and adjacency to natural open space areas, the Project site and surrounding area has the potential to provide suitable foraging and/or nesting habitat for burrowing owl.

CDFW recommends the DEIR is revised to include the results of a recent habitat assessment for burrowing owl, focused surveys, and an impact assessment per the

guidelines provided in the Staff Report on Burrowing Owl Mitigation (CDFG 2012²). Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of the proposed Project. Burrowing owl surveys and an impact assessment will also inform appropriate avoidance and minimization measures for the Project and help demonstrate that impacts to burrowing owls are less than significant.

CDFW recommends that Imperial County Planning & Development Services Department include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[C]: Burrowing Owl

No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted by a qualified biologist according to the specifications of the *Staff Report on Burrowing Owl Mitigation* (California 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 by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation*. If burrowing owls are detected during the focused surveys, the qualified biologist and Project Applicant 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, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, 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. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in

² California Department of Fish and Game (CDFG). 2012. Staff report of burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html

itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.

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 prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.

5) Desert Tortoise

Page 25 of the DEIR Vol. 2 indicates that desert tortoise (*Gopherus agassizii*) is “found to the east near Mesquite Mine but no signs of old tortoise presence or burrows observed.” Unprocessed data in the California Natural Diversity Database (CNDDB) indicate multiple observations of desert tortoise 2.5 miles southeast and less than 1 mile northeast of the Project site. Given the potential for desert tortoise to occur at the Project site and to be impacted throughout all phases of the Project, CDFW recommends that the Imperial County Planning & Development Services Department add the following mitigation to a revised DEIR:

Mitigation Measure BIO-[D]: Desert Tortoise

Prior to commencing Project activities throughout all phase of the Project, a focused survey for desert tortoise shall be conducted by a qualified biologist, according to protocols in *Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise* (USFWS 2019; [https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise Pre-project%20Survey%20Protocol 2019.pdf](https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise%20Pre-project%20Survey%20Protocol%202019.pdf)), during the species’ most active periods (April through May or September through October). CDFW recommends working with USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning survey work and that biologists retained to complete desert tortoise protocol-level surveys submit their qualifications to CDFW and USFWS prior to initiation of surveys. If desert tortoise is found to be present, the qualified biologist shall immediately notify

CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

Preconstruction surveys for desert tortoise shall also be conducted no more than 48 hours prior to initiation of Project activities during all phases of the Project and after any pause in Project activities lasting 30 days or more. Desert tortoise preconstruction surveys, completed by a CDFW-approved biologist, shall be conducted in accordance with the USFWS 2019 desert tortoise survey methodology (*Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise*; <https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise%20Pre-project%20Survey%20Protocol%202019.pdf>). The surveys shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and a 50-foot buffer zone. Preconstruction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the surveys shall be submitted to CDFW prior to construction start. If the preconstruction surveys confirm desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If the preconstruction surveys confirm presence of desert tortoise, Project activities shall be halted and the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

6) Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

The DEIR indicates that the Project site has the potential to support nesting birds, and inactive nests were identified within the Project site as discussed in the Biological Resources Assessment Report (see pages 14 and 52). Although the DEIR includes Biological Measure 3 (BIO-3) for nesting birds, the timing and scope are insufficient to

ensure that impacts are reduced to a level less than significant. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site be avoided **any time birds are nesting on-site.**

To ensure impacts to nesting birds are reduced to less than significant any time they are located on-site and throughout the construction of all phases of the Project, CDFW recommends the Imperial County Planning & Development Services Department make the following changes to Mitigation Measure BIO-3 for Nesting Birds (with additions in **bold** and removals in ~~strikethrough~~):

Mitigation Measures BIO-3: Nesting Birds

Nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities throughout the construction of all phases of the Project. 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, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If activities associated with vegetation removal, construction, or grading are planned during the bird nesting/breeding season (generally February 1 through August 31; January 1 for raptors), a qualified biologist shall conduct preconstruction surveys for active nests in all suitable areas, including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, and during appropriate weather conditions. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, flushing suddenly from atypically close range, agitation, aggressive interactions, or other behaviors). Preconstruction nesting bird surveys should be conducted weekly beginning 14 days prior to initiation of ground disturbing activities, with the last survey conducted no more than three (3) days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional preconstruction surveys should be conducted so that no more than 3 days have elapsed between the survey and ground-disturbing activities.

~~If active nests are identified, the biologist shall establish suitable buffers around the nest and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. The buffer should generally be a minimum of 300 feet for raptors and 100 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species.~~

7) Artificial Nighttime Lighting

The DEIR lacks a thorough discussion of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources as a result of construction and long-term operation the Project. The Project is located adjacent to the North Algodones Dunes Wilderness, managed by the Bureau of Land Management, which protects one of the largest dune complexes in North America and supports a variety of species including flat-tailed horned lizard (*Phrynosoma mcallii*; California Species of Special Concern), desert tortoise (*Gopherus agassizii*; State and Federally Threatened), and the Colorado Desert fringe-toed lizard (*Uma notata*; California Species of Special Concern). Table 1-1 in the DEIR includes a Mitigation Measure AES-2 specifically for Glint and Glare Analysis for Solar Generating Facilities. Additional avoidance and minimization measures are needed to address artificial nighttime lighting associated with other Project elements identified on page 5.1-15 of the DEIR including lighting for special events, safety and security, and construction activities, and lighting mounted on buildings. The DEIR lacks a description of all types of lighting that would be used by the Project and an analysis of direct and indirect impacts on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. Available research indicates that artificial nighttime 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; and the detection of resources and natural enemies and navigation³. Further, many of the effects of artificial nighttime lighting on population or ecosystem-level processes are still poorly known.

CDFW recommends that the DEIR is revised to include lighting specifications for all artificial nighttime lighting that will be used by the Project, an analysis of the direct and indirect impacts of artificial nighttime lighting on biological resources, and avoidance, minimization, and mitigation measures that will reduce impacts to less than significant.

³ Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. *The ecological impacts of nighttime light pollution: a mechanistic appraisal*. Biological Reviews, 2013.

To avoid and minimize the Project's direct and indirect impacts of artificial nighttime lightning within the Project site and surrounding open-space areas, CDFW recommends that Imperial County Planning & Development Services Department include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[E]: Artificial Nighttime Lighting

During Project construction of all phases of the Project and operations during the lifetime of the Project, the County shall ensure that the Project eliminates all nonessential lighting throughout the Project area and avoids or limits the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The County shall ensure that all lighting for Project is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County 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.

8) Construction Noise

Construction activities may result in substantial noise through road use, equipment, and other project-related activities. This may adversely affect wildlife species in several ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 decibels (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

The DEIR (pages 5.11-10 and 5.11-11) indicates that "construction activities for Phase 1 through Phase 4 would occur within a timeframe of 20 to 50 years" and that noise-generating construction activities may include infrastructure for water/wastewater, hotel and retail uses, research and development uses, renewables such as photovoltaics and wind turbines, and recreational vehicle parking. Because of the potential for construction noise to negatively impact wildlife, CDFW recommends that Imperial County Planning & Development Services Department include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[F]: Noise

During construction of all phases of the Project, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means should be below the 55-60 dB range within 50-feet from the source.

9) *Trash Management*

Given the Project's adjacency to the North Algodones Dunes Wilderness, which supports rare reptiles such as flat-tailed horned lizard (*Phrynosoma mcallii*; California Species of Special Concern) and the Colorado Desert fringe-toed lizard (*Uma notata*; California Species of Special Concern), CDFW recommends the DEIR is revised to include measures to reduce the attractiveness of the Project area to predators of these species like common raven, coyote, and other predators and scavengers by controlling trash and educating workers.

CDFW recommends that Imperial County Planning & Development Services Department include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[G]: Trash Management

The County shall ensure that trash receptacles installed within the Project area are designed to have locking lids to deter common raven, coyote, and other scavengers from being able to access the contents of the receptacles. Signage shall be installed to encourage use of the trash cans. Trash should be removed from receptacles regularly so that trash does not spill out of the receptacles.

10) *Landscaping*

The DEIR (page 4-19) indicates that "landscaping will be desert scape and minimal to be consistent with the existing nature of the project site and achieve reduced water consumption." To ameliorate the water demands of this Project, CDFW 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, 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/districts and resource conservation districts 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.)

CONCLUSIONS


CDFW appreciates the opportunity to comment on the DEIR to assist the Imperial County Planning & Development Services Department in identifying and mitigating Project impacts to biological resources. CDFW concludes that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information for meaningful review of impacts to biological resources, including a recent assessment of biological resources on the Project site and information on desert tortoise, burrowing owl, and artificial nighttime lightning plans. The CEQA Guidelines (§ 15088.5) indicate that recirculation is required when insufficient information in the DEIR precludes meaningful review. CDFW recommends that a revised EIR with a recent and complete

David Black, Planner IV
Imperial County Planning & Development Services Department
March 9, 2023
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assessment of impacts to biological resources, as well as mitigation to avoid and reduce those impacts to less than significant, be recirculated for public comment.

CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Environmental Scientist, 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
<p>Mitigation Measure BIO-[A]: CDFW Lake and Streambed Alteration Program</p> <p>Prior to construction and issuance of any grading permit, the Project Sponsor 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 Sponsor should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Timing: Prior to construction and issuance of any grading permit</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>
<p>Mitigation Measure BIO-[B]: Assessment of Biological Resources</p> <p>Prior to each Project construction activity and throughout all phases of the Project, a complete, recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of</p>	<p>Timing: Prior to each Project construction activity and throughout all phases of the Project</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>

<p>year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought. Throughout all phases of the Project, appropriate avoidance, minimization, mitigation measures shall be implemented as described in the Project's final CEQA document, or in consultation with CDFW if new species are observed, for all rare, threatened, endangered, and other sensitive species identified during repeated biological inventories. If new or increased, potentially significant impacts are identified, the County shall consider and complete any necessary CEQA analysis (e.g., Supplemental EIR).</p>		
<p>Mitigation Measure BIO-1: Flat-tailed Horned Lizard</p> <p>Prior to construction of each Project activity, protocol-level surveys for flat-tailed horned lizard should be conducted by a qualified biologist, in accordance with the <i>Flat-tailed Horned Lizard Rangewide Management Strategy</i> (Flat-tailed Horned Lizard Interagency Coordinating Committee 2003), to determine if this species is present within the Project site. Per the Management Strategy, survey protocol for flat-tailed horned lizard for a project site between 51 and 100 hectares (141 acres = 57 hectares) requires eight one-hour presence/absence surveys by qualified flat-tailed horned lizard surveyors. All roads within and near the survey area shall be driven twice to allow for detection of lizards. If flat-tailed horned lizard is present, the qualified biologist shall immediately notify CDFW to determine appropriate avoidance, minimization, and mitigation measures.</p> <p>Preconstruction surveys shall also be conducted no less than 14 days prior to the start of all Project-related activities. Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the in</p>	<p>Timing: For each Project construction activity and throughout all phases of the Project for focused surveys; and no less than 14 days prior to Project activities for preconstruction surveys.</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>

<p>accordance with the <i>Flat-tailed Horned Lizard Rangewide Management Strategy</i> (Flat-tailed Horned Lizard Interagency Coordinating Committee 2003). If the preconstruction surveys confirm presence of flat-tailed horned lizard, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW to determine appropriate avoidance, minimization, and mitigation measures.</p> <p>Prior to construction of each Specific Plan activity, a Capture/Relocation Plan for flat-tailed horned lizard shall be prepared by a qualified biologist. The plan shall include preconstruction survey and monitoring methods, capture and relocation methods, and suitable relocation areas. The Capture/Relocation Plan may include additional protection measures during construction including:</p> <ul style="list-style-type: none"> ○ Creating areas of land or small paths/culverts between project facilities for wildlife movement, ○ Installing silt fencing around work areas to prevent migration of adjacent wildlife into impact areas, ○ Installing pitfall traps in spring/summer/fall to trap any individuals that remain on the site for removal from work areas), and/or ○ Biological monitoring during construction to inspect fencing and pitfall traps and relocate wildlife species out of harm's way, if required. Only a qualified biologist with an appropriate permit from CDFW may handle flat-tailed horned lizard. ○ The Capture/Relocation Plan shall be submitted to and approved by CDFW prior to implementation and the County of Imperial (or an agency delegated to oversee this program). 		
<p>Mitigation Measure BIO-[C]: Burrowing Owl</p> <p>No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted by a qualified biologist according to the specifications of the <i>Staff Report on Burrowing Owl Mitigation</i> (California</p>	<p>Timing: No less than 60 days prior to the start of Project-related activities habitat assessment and focused surveys; and no less than</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning &</p>

<p>Department of Fish and Game, March 2012 or most recent version).</p> <p>If the habitat assessment demonstrates suitable burrowing owl habitat, then focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</i>. If burrowing owls are detected during the focused surveys, the qualified biologist and Project Applicant 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, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, 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. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.</p> <p>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 <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.</p>	<p>14 days prior to Project activities for preconstruction surveys.</p> <p>Methods: See Mitigation Measure</p>	<p>Development Services Department</p>
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<p>Mitigation Measure BIO-[D]: Desert Tortoise</p> <p>Prior to commencing Project activities throughout all phase of the Project, a focused survey for desert tortoise shall be conducted by a qualified biologist, according to protocols in <i>Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise</i> (USFWS 2019; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise Pre-project%20Survey%20Protocol 2019.pdf), during the species' most active periods (April through May or September through October). CDFW recommends working with USFWS and CDFW concurrently to ensure a consistent and adequate approach to planning survey work and that biologists retained to complete desert tortoise protocol-level surveys submit their qualifications to CDFW and USFWS prior to initiation of surveys. If desert tortoise is found to be present, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.</p> <p>Preconstruction surveys for desert tortoise shall also be conducted no more than 48 hours prior to initiation of Project activities during all phases of the Project and after any pause in Project activities lasting 30 days or more. Desert tortoise pre-construction surveys, completed by a CDFW-approved biologist, shall be conducted in accordance with the USFWS 2019 desert tortoise survey methodology (<i>Preparing for Any Action that May Occur within the Range of the Mojave Desert Tortoise</i>; https://www.fws.gov/sites/default/files/documents/Mojave%20Desert%20Tortoise Pre-project%20Survey%20Protocol 2019.pdf). The surveys shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign within the Project area and a 50-foot buffer zone. Preconstruction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Results of the surveys shall be submitted to CDFW prior to construction start. If the preconstruction surveys confirm desert tortoise absence, the CDFW-approved biologist shall ensure desert tortoise do not enter the Project area. If the preconstruction surveys confirm presence of desert</p>	<p>Timing: During the desert tortoise active season and prior to initiation of Project activities during all phases of the Project for focused surveys; and no more than 48 hours prior to Project activities for preconstruction surveys.</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>
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<p>tortoise, Project activities shall be halted and the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.</p>		
<p>Mitigation Measures BIO-3: Nesting Birds</p> <p>Nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of the Project. 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, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. If activities associated with vegetation removal, construction, or grading are planned during the bird nesting/breeding season (generally February 1 through August 31; January 1 for raptors), a qualified biologist shall conduct preconstruction surveys for active nests in all suitable areas, including trees, shrubs, bare ground, burrows, cavities, and structures, at the appropriate time of day/night, and during appropriate</p>	<p>Timing: No more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of the Project</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>

<p>weather conditions. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior (e.g., copulation, carrying of food or nest materials, nest building, flushing suddenly from atypically close range, agitation, aggressive interactions, or other behaviors). Preconstruction nesting bird surveys should be conducted weekly beginning 14 days prior to initiation of ground-disturbing activities, with the last survey conducted no more than three (3) days prior to the start of clearance/construction work. If ground-disturbing activities are delayed, additional preconstruction surveys should be conducted so that no more than 3 days have elapsed between the survey and ground-disturbing activities. If active nests are identified, the biologist shall establish suitable buffers around the nest and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests. The buffer should generally be a minimum of 300 feet for raptors and 100 feet for songbirds, unless a smaller buffer is specifically determined by a qualified biologist familiar with the nesting phenology of the nesting species.</p>		
<p>Mitigation Measure BIO-[E]: Artificial Nighttime Lighting</p> <p>During Project construction of all phases of the Project and operations during the lifetime of the Project, the County shall ensure that the Project eliminates all nonessential lighting throughout the Project area and avoids or limits the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The County shall ensure that all lighting for Project is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare onto other properties or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The County 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.</p>	<p>Timing: During Project construction of all phases of the Project and operations during the lifetime of the Project</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>

<p>Mitigation Measure BIO-[F]: Noise</p> <p>During construction of all phases of the Project, the County shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The County shall ensure use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means should be below the 55-60 dB range within 50-feet from the source.</p>	<p>Timing: During construction of all phases of the Project</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>
<p>Mitigation Measure BIO-[G]: Trash Management</p> <p>The County shall ensure that trash receptacles installed within the Project area are designed to have locking lids to deter common raven, coyote, and other scavengers from being able to access the contents of the receptacles. Signage shall be installed to encourage use of the trash cans. Trash should be removed from receptacles regularly so that trash does not spill out of the receptacles.</p>	<p>Timing: During project construction and throughout the life of the Project</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Project applicant</p> <p>Monitoring and Reporting: Imperial County Planning & Development Services Department</p>