



State of California - Natural Resources Agency
CDFW OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
(909) 484-0459
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

August 13, 2021
Sent via email

August 16 2021

STATE CLEARINGHOUSE

Nicole Sauviat Criste, Consulting Planner
City of La Quinta
78495 Calle Tampico
La Quinta, CA 92253
consultingplanner@laquintaca.gov

**Subject: Draft Environmental Impact Report Coral Mountain Resort
State Clearinghouse No. 2021020310**

Dear Nicole Criste:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report (DEIR) from the City of La Quinta for Coral Mountain Resort (Project), State Clearinghouse No. 2021020310, pursuant the California Environmental Quality Act (CEQA) statute and guidelines¹. Thank you for the opportunity and extension of August 13, 2021 to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. 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. (Fish & G. Code, § 1802.) Similarly, for purposes of CEQA, CDFW provides, 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 may also act as a Responsible Agency regarding any discretionary actions under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381), such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code Sections 1600 *et seq.*), a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (Fish & G. Code Sections 2080 and 2080.1), and/or for administering the Natural Community Conservation Planning Program (NCCP). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW issued Natural Community Conservation Plan Approval and Take Authorization in 2008 for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), as per Section 2800, *et seq.*, of the California Fish and Game Code. The CVMSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the Incidental Take of Covered Species in association with activities covered under the permit. CDFW is providing the following comments as they relate to the Project's consistency with the CVMSHCP and the CEQA.

PROJECT DESCRIPTION SUMMARY

Project Location

The Project site encompasses an area of approximately 929 acres in the southeastern portion of the City of La Quinta. The local area is characterized as a developing area with a number of golf course and residential communities to the north, west, east, and southeast, the Santa Rosa Mountains to the west and south, and open space and the Coachella Valley Water District (CVWD) percolation ponds to the south. The Santa Rosa Mountains are to the west and south and Coral Mountain is within the southwest portion of the Project property. The approximately 386-acre portion of the Project site, to be developed under SP 2020-0002, is bounded by vacant land and Avenue 58 to the north; Madison Street to the east; residential estates, vacant land, and the Avenue 60 alignment to the south; and Coral Mountain, and vacant land to the west.

Project Description

The Project area consists of 929 acres in total. Of that, 543 acres occur on the east side of Madison Street, and will continue to develop as provided under SP 03-067, as a residential and golf country club. The western portion of the Project, on the west side of Madison Street, proposes the development of the approximately 386-acre area and is the focus of the DEIR. This portion of the Project would be developed under a new Specific Plan (SP 2020-0002) with up to 496 low density residential units on 232.3 acres; tourist and commercial land uses including a resort hotel with up to 150 rooms, a 16.62-acre recreational Wave Basin facility, 104 resort residential units, and 57,000 square feet of commercial development on approximately 120.8 acres; 60,000 square feet of neighborhood commercial uses on approximately 7.7 acres; and open space recreational uses on approximately 23.6 acres adjacent to Coral Mountain.

Within the 386 acres west of Madison Street, the Project also requests approval of General Plan Amendment (GPA 2019-0002), Zone Change (ZC 2019-0004), Specific Plan Amendment (SP 03-067), Specific Plan (SP 2020-0002), Tentative Tract Map (TTM 2019-0005), Site Development Permit (SDP 2021-0001), and Development Agreement (DA 2021-0002), as detailed below.

1. *General Plan Amendment*

The General Plan Amendment (GPA 2019-0002) will amend the current General Plan land use designations from General Commercial, Low Density Residential, and Open Space – Recreation to Neighborhood Commercial, Low Density Residential, Tourist Commercial, and Open Space –Recreation.

2. *Zone Change*

The proposed Zone Change (ZC 2019-0004) will revise the existing zoning of the Specific Plan Area from Neighborhood Commercial, Low Density Residential, and Golf Course, to Neighborhood Commercial (CN), Low Density Residential (RL), Parks and Recreation (PR), and Tourist Commercial (CT).

3. *Specific Plan Amendment*

The Specific Plan Amendment (Amendment V of Specific Plan 03-067) is being processed to remove the area west of Madison Street from Specific Plan 03-067, thus, creating two separate and distinct communities, “Coral Mountain Resort”, west of Madison Street, and “Andalusia Country Club”, east of Madison Street. The Specific Plan Amendment will result in only the deletion of the westerly 386 acres. No changes to land use designations, densities or intensities, development standards or guidelines are proposed for the lands east of Madison Street. It is expected that Andalusia will continue to build out under the requirements of the SPA.

4. *Specific Plan*

Approval of the Coral Mountain Resort Specific Plan (SP 2020-0002) will establish a new master plan governing the allowable land uses, design guidelines, and development standards for the 386-acre property west of Madison Street, to allow creation of a boutique resort and master-planned community. The Project will result in a variety of land uses on the westerly 386 acres, as shown in Exhibit 3-5 of the DEIR. Low Density Residential land uses will occupy approximately 232.3 acres and result in a maximum of 496 dwelling units. Tourist Commercial land uses will result in 104 dwelling units, 150 hotel rooms, and 57,000 square feet of private resort-serving commercial uses available to residents and hotel guests, on approximately 120.8 acres. General Commercial land uses will occupy approximately 7.7 acres, with up to 60,000 square feet of retail commercial uses available to the general public. Open Space Recreation land uses will occur on approximately 23.6 acres in the southwest portion of the site.

The Project proposes four planning areas, identified as Planning Areas (PA) I, II, III, and IV, on the 386-acre property. PA I is designated for Neighborhood Commercial; PA II is designated for Low Density Residential; PA III is designated for Tourist Commercial; and PA IV is designated for open space Parks and Recreation located adjacent to Coral Mountain.

COMMENTS AND RECOMMENDATIONS

CDFW's comments and recommendations on the DEIR are explained in greater detail below and summarized here. CDFW has concerns regarding the completeness of the DEIR and finds the conclusion in the DEIR that Peninsular bighorn sheep (PBS; Sheep; *Ovis canadensis nelsoni*) are not on the Project site inaccurate, and the corresponding lack of avoidance and minimization measures inadequate to protect fish and wildlife resources, specifically Peninsular bighorn sheep. Specific comments include that there is: no discussion or analysis that addresses the presence of sheep on and directly adjacent to the Project site; inadequate avoidance and minimization measures for Peninsular bighorn sheep, burrowing owl, bats, and nesting birds; questions about land ownership and adjacency to the Santa Rosa Mountains Wildlife Area; and concerns about the adequacy and enforceability of mitigation measures proposed by the City of La Quinta (the CEQA lead agency). CDFW is concerned that the DEIR fails to adequately address Peninsular bighorn sheep and requests that the DEIR be revised and recirculated pursuant to CEQA Guidelines §15088.5(a). The revised DEIR should include: biological surveys to assess Peninsular bighorn sheep use of the site and the areas immediately adjacent to the Project site; clear identification of any proposed avoidance and minimization measures to avoid take of Peninsular bighorn sheep; discussion and analysis based on documented sheep use of the Coral Mountain which demonstrates the reduction or elimination of potential impacts; and discussion on land ownership for the Coral Mountain area, specifically regarding Bureau of Land Management owned property; additional analysis of light and noise-related impacts on Coral Mountain, among other items included in the discussion below. Additional details on these comments are provided below.

Mitigation Measures for Project Impacts to Biological Resources

Coachella Valley MSHCP Implementation

The proposed Project occurs within the CVMSHCP area and is subject to the provisions and policies of the CVMSHCP. To be considered a covered activity, Permittees need to demonstrate that proposed actions are consistent with the CVMSHCP and its associated Implementing Agreement. The City of La Quinta is the Lead Agency and is signatory to the Implementing Agreement of the CVMSHCP. To demonstrate consistency with the CVMSHCP, the DEIR should address, at a minimum, the City's obligations as follows:

- a. Addressing the collection of fees as set forth in Section 8.5 of the CVMSHCP.
- b. Demonstrating how the Project complies with the CVMSHCP requirements and policies, including: 1) compliance with relevant processes to ensure application of the Conservation Area requirements set forth in Section 4.0 of the CVMSHCP and thus, satisfaction of the local acquisition obligation; 2) compliance with the applicable Land Use Adjacency Guidelines set forth in Section 4.5 of the CVMSHCP; 3) compliance with the Avoidance, Minimization and Mitigation Measures in Section 4.4 of the CVMSHCP; and 4) implementation consistent with the Species Conservation Goals and Objectives in Section 9 of the CVMSHCP.

Thus, CDFW would like to make a clarification to the following statement within the DEIR:

"The construction of the proposed project will change the physical environment of the project site, which is currently vacant and undeveloped. The site is surrounded by development to the north, east, and south, and vacant land to the north, west, and south. Although the proposed project will result in the permanent loss of approximately 386 acres of vacant land, the project will be required to pay fees to assure the off-site conservation of habitat lands for sensitive species covered by the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). Therefore, the loss of biological resources will be less than significant with the payment of fees to avoid impacts on special status species. Additionally, the project is required to conduct burrowing owl, bat, and nesting bird surveys to determine whether roosting or nesting is occurring at the site. If roosting or nesting is discovered at the project site during the surveys, the mitigation measures include performance standards to ensure construction of the project does not significant impact biological resources (see Section 4.3, Biological Resources)."

This statement is inaccurate. Demonstrating implementation of the CVMSHCP is not simply paying the required development fee; it requires demonstrating consistency with all the CVMSHCP's requirements that provides a permittee's project with Take coverage through the CVMSHCP for project impacts to Covered Species and covered natural communities classified by the CVMSHCP as "adequately conserved" by the overall CVMSHCP. Please revise the DEIR to include a complete analysis of how the City ensures the Project fully implements the required terms and conditions of the CVMSHCP.

Peninsular Bighorn Sheep

The proposed Project occurs in or immediately adjacent to Essential Habitat for Peninsular bighorn sheep (U.S. Fish and Wildlife Service, 2000) and has the potential to impact Peninsular bighorn sheep, a federally endangered species (Fed. Register, Vol. 63, No. 52, 1998) and a State endangered and California Fully Protected species (Calif. Dep. Fish and Game 1992), and a Covered Species under CVMSHCP. Fully Protected Mammals may not be taken or possessed at any time and no licenses or permits may be issued for their Take except for necessary scientific research, including efforts to recover fully protected species (Fish & G. Code Section 4700). All Covered Activities of the CVMSHCP must avoid actions that will result in violations of the fully protected species provisions (NCCP Permit # 2835-2008-001-06). Take cannot be provided under the CVMSHCP for Peninsular bighorn sheep, however, CDFW has acknowledged and agreed that if the measures set forth in the CVMSHCP are fully complied with, the Covered Activities are not likely to result in Take of these species. It is critical that to receive coverage for potential Take of Peninsular bighorn sheep habitat that the Project properly implements the CVMSHCP. CDFW requests that the DEIR is modified to include a discussion of State Fully Protected Mammals which should clearly state that no Take is allowed of Peninsular bighorn sheep including under the CVMSHCP.

The proposed Project occurs in Essential Habitat for Peninsular bighorn sheep (U.S. Fish and Wildlife Service, 2000) and has the potential to impact Peninsular bighorn sheep, a federally

endangered species (Fed. Register, Vol. 63, No. 52, 1998) and a State endangered and California Fully Protected species (Calif. Dep. Fish and Game 1992), and a Covered Species under CVM SHCP. The DEIR incorrectly identifies that "this species [PBS] is not present at the site due to the absence of suitable habitat" (page 231). This statement is inaccurate. CDFW has monitored PBS movement in the Santa Rosa and Santa Jacinto mountains since 2009 with GPS collars and direct observation. CDFW's GPS data documents current and historic sheep use of Coral Mountain (Figure 1; CDFW 2020).

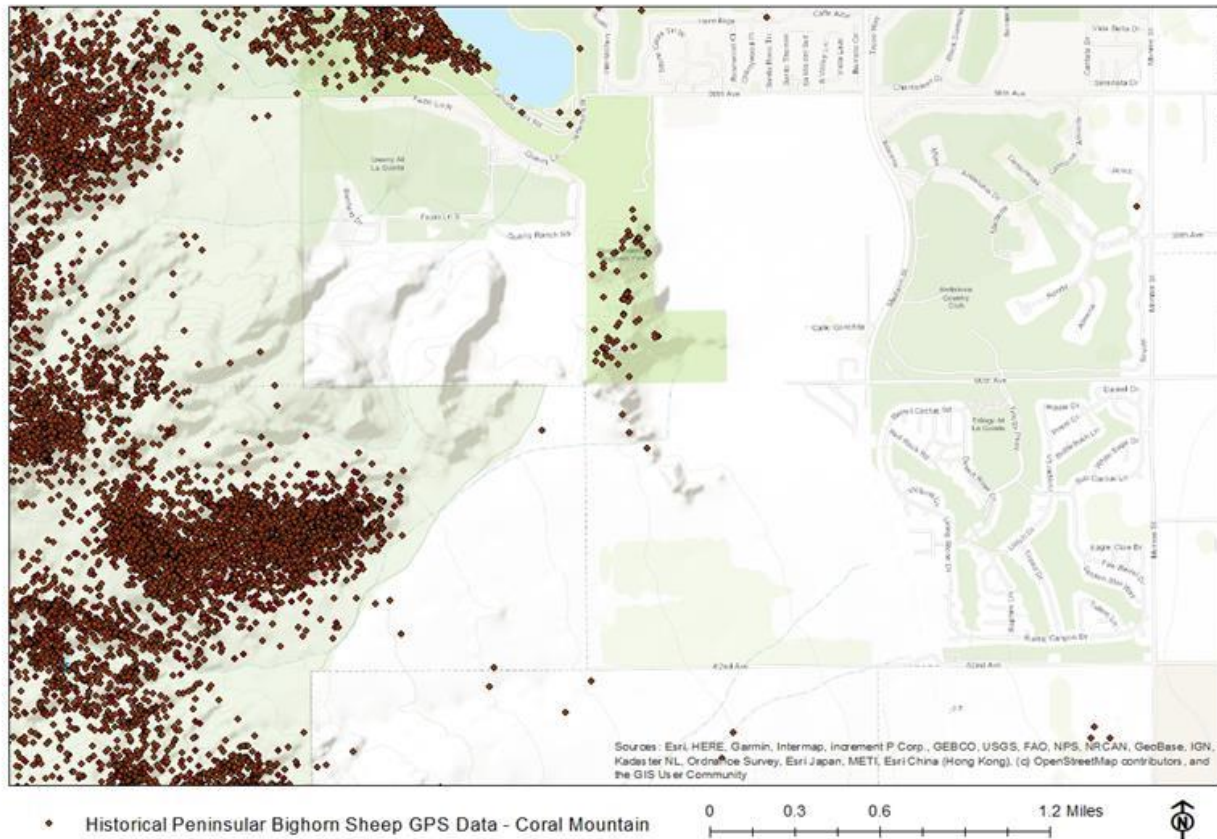


Figure 1. Historical Peninsular Bighorn Sheep Use of Project Site and Surrounding Area.

CDFW research on sheep movement, based on GPS data and direct observation, shows a trend of ewes spending a greater portion of their time in low-elevation habitat particularly during the lamb-rearing season (CDFW 2020). This temporal shift to lower elevations may be a response to long-term drought conditions. Alluvial fans and washes, where more productive soils support greater plant growth than steeper, rockier soils, tend to have more concentrated, nutritious forage (US Fish and Wildlife Service 2000). Following lambing, ewes have high energy needs for lactation and the time-period surrounding lambing and nursing is very demanding in terms of the energy and protein required by bighorn ewes. A wide range of forage resources and vegetation associations is needed to meet annual and drought related

variations in forage quality and availability. Lower elevation habitat can include alluvial fans, washes, and desert flats that provide more abundant and high-quality vegetation, such as water-rich cactus, than steeper terrain, and are crucial to the viability of bighorn sheep populations during times of drought (FWS 2000), and provide an important source of nutrition and water during lactation (Hansen and Deming 1980) and lamb-rearing (Hines 2019).

CDFW is concerned that the proposed development will introduce forage and water sources that will attract rams, ewes, and lambs, where they may become at risk to injury and death from drowning in swimming pools, toxic plants poisoning, vehicle strikes, the effects of ingesting intestinal parasites present among watered lawns and grasses, and other potential urban hazards. In the City of La Quinta, existing developments (including SilverRock, PGA West, and The Quarry at La Quinta) along the wildland-urban interface have become attractive nuisances for sheep because of artificial features that attract sheep, for example grass and artificial water sources. This results in sheep habituated to urban environments, and can lead to increased mortality risk through transmission of disease, ingestion of toxic materials, vehicle strikes, and drowning in artificial water sources. These developments are adjacent to Peninsular bighorn sheep habitat in the Santa Rosa and San Jacinto Mountains Conservation Area of the CVMSHCP. As a result of these issues, the MSHCP requirement for building a fence at this interface was triggered and the City of La Quinta is currently working with the Coachella Valley Conservation Commission to build a sheep fence. CDFW is concerned that this Project will create similar conditions and become an attractive nuisance to sheep that currently use Coral Mountain. Further, once the fence is built to exclude sheep in other areas of La Quinta the sheep may migrate to this Project site if it has attractive features. The revised DEIR should identify and implement specific measures, such as fencing, to keep sheep out of urban areas and prevent trespass of humans and domestic animals into adjacent sheep habitat.

Prior to the adoption of the DEIR, CDFW requests completion surveys and a habitat use assessment of Peninsular bighorn sheep, a California Fully Protected Species (Fish and Game Code § 3511), located within the Project footprint and within offsite areas with the potential to be affected. The surveys and assessment should address seasonal variations in use of the Project area. 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. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants to be 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.

Survey information and results in coordination with CDFW staff should be used to develop avoidance and minimization measures to avoid Take of Peninsular bighorn sheep. Based on the survey results and historic use of the Project site, Project modifications may be required to avoid Take of sheep.

Recreational Effects on Peninsular Bighorn Sheep

CDFW is concerned that the impacts of the increased human activity on Peninsular bighorn sheep and other sensitive resources was not adequately addressed in the DEIR. The DEIR assumes no presence of Peninsular bighorn sheep and therefore does not address edge effects on Essential Habitat for Peninsular bighorn sheep. In the CVMSHCP, Species Objective 1d for Peninsular bighorn sheep is “Ensure that any Development allowed does not fragment Essential Habitat, and that edge effects from such Development are minimized.” The Project is adjacent to Essential Habitat and the Santa Rosa Mountains Habitat Wildlife Area. Addressing edge effects is a CVMSHCP requirement that has not been adequately addressed and therefore the Permittee has not ensured that the Project demonstrates compliance with the CVMSHCP.

The CEQA document describes Plan Area IV as 23.6 acres of natural open space for low-impact active and passive recreational activities, including hiking, biking and rope and zipline courses. This open space area is located adjacent to Coral Mountain, which has rock outcrops known to be used as roosting habitat for several species of bats. Coral Mountain is also known to be used by Peninsular bighorn sheep. Limited details are provided in the CEQA document on the types and locations of proposed recreational infrastructure, e.g., multi-use trails, restroom facilities, trail and other recreational lighting, etc., or the permitted recreational uses within the open space areas, and enforcement plans.

Unauthorized public recreational use off trails by people, bikes, and dogs in sheep habitat within the Santa Rosa mountains may impact sheep use of the habitat. The current lack of enforcement of trail use and trail development in the adjacent conservation areas is creating undesirable conditions for the Peninsular bighorn sheep (Colby and Botta 2016). Potential issues include startling of ewes and lambs foraging in washes by mountain bikes; off-leash dogs and dogs in areas that don't allow dogs potentially chasing and harassing sheep; and creation of unauthorized trespass trails by user groups that intrude into sensitive sheep habitat. While some recreationists observe the trail rules and keep their dogs on leash, many people are observed not complying with the trail use regulations. The Project should provide clear measures to avoid contributing to trespass issues and ensure a safe environment for PBS. CDFW recommends that inclusion of biological mitigation measures for sheep that identify funding and resources for enforcing trail use rules which could include signage, enforcement, public education, and removal of unauthorized trails.

Most of these measures will require enforcement to ensure they are enacted and properly followed throughout the life of the Project. The trails, rope courses, and zipline may create an easy and tempting access point for the residents into the open space areas. Without enforcement of trail use rules within the Project's open space the adjacent habitat, Coral Mountain could become saturated with unauthorized trails. Measures such as leash laws, Covenants, Conditions and Restriction for invasive plants and pets, trail regulations, and fencing requirements require constant enforcement.

CDFW requests that the City revise and recirculate the DEIR to analyze impacts to sheep, burrowing owl, and bats prior to Project implementation and final approval. The level of

significance should be revised from “Less than significant” to “Significant” for biological resources unless the City provides adequate analysis to the contrary. The Lead agency must commit itself to mitigation and either adopt performance standard for future approval or analyze alternatives in detail. The strategy for identifying and evaluating the mitigation should be identified and in place before the Project is initiated.

The revised DEIR should provide clear details on recreational infrastructure and permitted recreational activities; control of access to areas outside of the development; and enforcement methods to ensure trespass, lighting, and noise does not affect adjacent sheep and bat roosting habitat. The revised DEIR should identify who will be responsible for this enforcement and funding to support enforcement of the land use adjacency mitigation measures to ensure they are properly implemented throughout the life of the project. The CVMSHCP identifies a simple barrier fence as a mitigation concept to separate PBS from lethal threats in urban environments. We request coordination with CDFW to identify suitable locations for trails and fencing surrounding the property, to keep both sheep and people in their respective areas. CDFW further requests that the City add a mitigation measure for fencing along the boundaries of the property accessible to sheep to minimize potential impacts to PBS from the project development.

The Recovery Plan for Peninsular Bighorn Sheep identifies that fences should be constructed to exclude bighorn sheep from urban areas where they may begin using urban sources of food and water. Fences serve several functions including: “(1) separating bighorn sheep from potential threats of urbanization (e.g., toxic plants, parasites, accidents, vector-borne diseases, traffic, herbicides, pesticides, behavioral habituation), (2) controlling human and pet access to remaining bighorn sheep habitat, (3) preventing bighorn sheep from becoming habituated to and dependent upon artificial sources of food and water, and (4) modifying habituated behaviors and redirection into remaining native habitat. Although fencing may be viewed as a last resort to other potential forms of aversive conditioning, prudent planning dictates that mitigation be required to offset the likelihood of future adverse effects (behavioral habituation and increased mortality rates) when new projects are approved along the urban interface. Though actual fence construction could be contingent upon future use by sheep and the ineffectiveness of other potential deterrents, the wherewithal, responsibilities, and easements for fences should be determined and secured at the time of project approval”. CDFW requests the incorporation of the following measures to help protect bighorn sheep from development effects:

BIO-[XX]: Project activities and infrastructure should be designed to avoid Take of Peninsular bighorn sheep, a State fully protected species, which has the potential to be present within or adjacent to the Project area. Peninsular bighorn sheep use Coral Mountain and the surrounding conserved habitat within the Santa Rosa Wildlife Area for roaming, foraging, and lambing. To ensure no Incidental Take of Peninsular bighorn sheep, the following measures are required:

- 1. A biological survey and assessment of year-round habitat use by Peninsular sheep will be conducted by a qualified biologist, pre-approved by CDFW, prior to Project approval.**

- 2. All recreational infrastructure and activities such as trails, rope courses, and zipline(s) shall be contained within the development footprint. Trails and other recreational activities will not lead into or encourage use of adjacent natural areas.**
- 3. No plant species toxic to bighorn sheep, such as oleander (*Nerium oleander*), lantana (*Lantana sp.*) and laurel cherry (*Prunus sp.*), shall be used for landscaping within or around the development. Control and do not plant non-native vegetation, including grass, in the development where it may attract or concentrate bighorn sheep or invade and degrade bighorn sheep habitat (e.g., tamarisk, fountain grass). Use native vegetation in the development landscaping. Along fenced sections of the urban interface, ornamental and toxic plants should not extend over or through fences where they may be accessible to browsing bighorn sheep. The Project will use Table 4-112: Coachella Valley Native Plants Recommended for Landscaping of the CVMSHCP as guidance on a landscaping planting palette.**
- 4. To prevent sheep from entering the Project site or human intrusion into sheep habitat, fences will be placed along the western boundary of PA II and PA III including III-G (DEIR Exhibit 1.2, pg. 1-8), and PA IV; and the southern edge of PA II, PA III, and PA IV development site (Figure 2). A fencing plan and further avoidance and minimization measure shall be developed in coordination with the Wildlife Agencies. Fences should be functionally equivalent or better than fencing designs in the Recovery Plan, which are describes as 2.4 meters (8 feet) high and should not contain gaps in which bighorn sheep can be entangled. Gaps should be 11 centimeters (4.3 inches) or less.**
- 5. Intentional enticement of bighorn sheep onto private property shall be prohibited and enforced using fines if necessary, including vegetation, mineral licks, or unfenced swimming pools, ponds, or fountains upon which bighorn sheep may become dependent for water.**
- 6. Construction of water bodies that may promote the breeding of midges (*Culicoides sp.*) shall be prohibited. Water features should be designed to eliminate blue-tongue and other vector-borne diseases by providing deeper water (over 0.9 meters [3 feet]), steeper slopes (greater than 30 degrees), and if possible, rapidly fluctuating water levels, or other current best practices. As needed, coordinate with local mosquito and vector control district to ensure management of existing water bodies that may harbor vector species.**
- 7. An educational program about the Peninsular bighorn sheep and their associated habitat shall be implemented and maintained throughout the resort, open space, and low-density community programs through the use of signage, pamphlets, and staff education. The Education Program should inform the reason of why specific measures are being taken to support recovery of Peninsular bighorn sheep. The Education Program should include the ecology of Peninsular bighorn**

sheep, what threats this species is currently facing, and how recovery actions will reduce these threats. This includes information that explains: (1) why restrictions on toxic plants, fences, and pesticides are needed; (2) how artificial feeding of coyotes could adversely affect bighorn sheep; and (3) how recreational activities may affect sheep. The use of interpretive signs is encouraged.

8. Ensure funding for implementation, enforcement, and effectiveness assessment of the above measures, for the life of the development, to help ensure protection of sheep and to prevent trespass from the Project site into adjacent sheep habitat

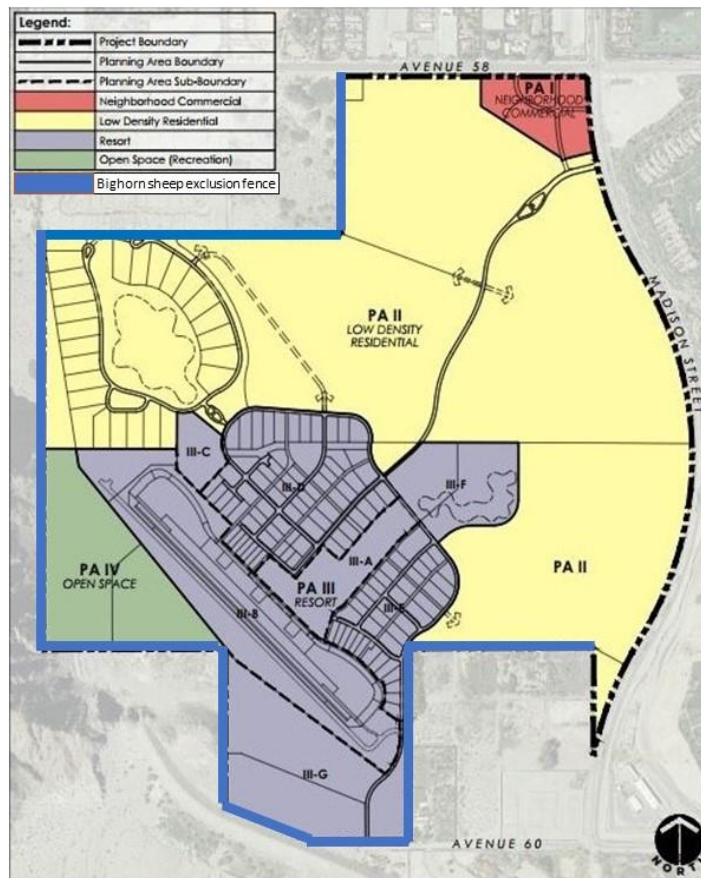


Figure 2. Proposed Sheep fencing plan shown in blue outline on the edge of Project site.

Fuel Modification

The DEIR states that the Project is not within an area mapped as “very high, high, or moderate fire hazard severity zones, therefore, no impacts are anticipated” by the development. While CDFW recognizes that the area is not classified as being within a fire hazard area, we are concerned that the Project’s design puts an additional burden on public

lands to operate as defensible space rather than include the defensible space within the development footprint. According to Public Resource Code 4291 the development should include a minimum of 100 feet of defensible space within the development footprint. Additionally, County of Riverside Ordinance NO. 695, Section 3, states that:

“(1) a one hundred (100) foot wide strip of land at the boundary of an unimproved parcel adjacent to a roadway; and/or

(2) a one hundred (100) foot wide strip of land around structure(s) located on an adjacent improved parcel (some or all of this clearance may be required on the unimproved parcel depending upon the location of the structure on the improved parcel).

The County Fire Chief or his or her designee may require more than a one hundred (100) foot width or less than a one hundred (100) foot width for the protection of public health, safety or welfare or the environment.”

As development increases within the area near or adjacent to conservation or public natural lands, the risk of wildfire increases and the need for defensible space rises. Additionally, climate change has increased the frequency and duration in which wildfire season occurs (Li and Banerjee, 2021). As the climate continues to change and development continues to encroach upon natural resources, wildfires will continue to increase even in areas not designated as high fire risk. Thus, CDFW requests the incorporation of the following measure to help protect natural resources on public open space and conservation lands from development effects:

BIO-[XX]: With respect to defensible space and impacts to biological resources, the Project shall consult with the Riverside County Fire Department and fully describe and identify the location, acreage, and composition of defensible space within the proposed Project footprint. Base on the consultation the Project shall be designed so that impacts associated with defensible space (fuel modification, fire breaks, etc.) shall not be transferred to adjacent open space or conservation lands.

Burrowing Owls

A project-specific biology report in the DEIR identifies suitable burrowing habitat within the Project area. To increase the probability of detecting burrows occupied by burrowing owls, multiple surveys should be conducted depending on the proposed start of construction activities and how it coincides with the burrowing owl breeding or non-breeding seasons. To minimize the chance of Project activities resulting in Take of nesting burrowing owls, CDFW recommends that the City revise MM BIO-1 and condition the measure to include the following (edits are in **bold** and ~~strike through~~):

BIO-1: A-bBurrowing owl clearance surveys shall be performed by a qualified biologist, **pre-approved by the California Department of Fish and Wildlife,** ~~not more than 30~~

days prior to any site disturbance ~~activities (grubbing, grading, and construction)~~. **A minimum of two surveys, occurring at least three weeks apart, shall be completed in advance of any site disturbance activities. If disturbance activities are expected to start during the burrowing owl breeding season, three surveys shall be completed. The final burrowing owl survey shall be completed within three days prior to initiation of any site disturbance activities.** The pre-construction survey shall be conducted following guidelines in the CDFW 2012, Staff Report on Burrowing Owl Mitigation. ~~is required to use accepted protocol (as determined CDFW).~~ Prior to construction, a qualified biologist will survey the construction area and an area up to ~~500 feet~~ **150 meters** outside the Project limits for burrows that could be used by burrowing owls. If the burrow is determined to be occupied, the burrow will be flagged, and a ~~460-foot~~ **200-meter** diameter buffer will be established during non-breeding season or a ~~250-foot~~ **500-meter** diameter buffer during the breeding season. The buffer area will be staked and flagged. **A list of avoidance and minimization measures such as, but not limited to, the use of hay bales, daily biological monitoring, and trail cameras shall be provided to CDFW for review prior to any ground disturbance.** No development activities will be permitted within the buffer until the young are no longer dependent on the burrow **and have left the burrow. For** the burrows ~~is found to be~~ unoccupied, the **qualified biologist will coordinate with CDFW on the methods to make the burrows** ~~will be made~~ inaccessible to owls, and construction may proceed. If either a nesting or escape burrow is occupied **and impacts to the owl(s) cannot be avoided, a Burrowing Owl Relocation Plan will be developed and reviewed by the Wildlife Agencies prior to the relocation of owls.** ~~owls shall be relocated pursuant to accepted Wildlife Agency protocols.~~ Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrow within that habitat) in coordination with the Wildlife Agencies. **If burrowing owls are observed with the Project site during construction activities, CDFW shall be notified immediately and provided with proposed avoidance and minimization measures for CDFW to review.**

Nesting Birds

Regarding the protection of nesting birds, it is the Project proponent's responsibility to avoid Take of all nesting birds. The timing of birds starting and finishing nesting activities is variable from year to year based on the species, rainfall conditions, shifts in local climate conditions, and other factors. CDFW recommends that qualified biologist(s) are pre-approved by CDFW to confirm they have the experience necessary to fulfill their biological monitoring responsibilities. Additionally, biological monitoring activities are required for the duration of construction activities. CDFW recommends that at minimum, the City revise MM BIO-6 and conditions the Project to include the following (edits are in **bold** and ~~strikethrough~~):

BIO-6: To ensure compliance with California Fish and Game Code and the MBTA and to avoid potential impacts to nesting birds, vegetation removal **and ground-disturbing activities** shall be conducted outside the general bird nesting season (~~January 15 through August 31~~). Any vegetation removal, **ground disturbance**, and/or construction

activities that occur during the nesting season will require that all suitable habitats be thoroughly surveyed for the presence of nesting birds by a qualified biologist **that is pre-approved by CDFW**. Prior to commencement of clearing, a qualified biologist shall conduct preconstruction surveys within 14 days and repeated 3 days prior to ground disturbing activities. If any active nests are detected, a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and avoided until the nesting cycle is complete. ~~The buffer may be modified and/or other recommendations proposed as determined appropriate by the biologist to minimize impacts.~~ **During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist using their best professional judgment, or as otherwise directed by the Wildlife Agencies. If nesting birds are detected, avoidance and minimization measures may be adjusted and construction activities stopped or redirected by the qualified biologist using their best professional judgement as otherwise directed by the Wildlife Agencies to avoid Take of nesting birds.**

Noise

The noise study in the CEQA document identifies a significant noise threshold of 85 dBH and finds that noise levels associated with the construction and operations of the Project would be close to, but not exceed, the noise threshold. CDFW requests the incorporation of the following measure to help protect wildlife from development impacts:

BIO-[XX]: To reduce noise-related impacts to wildlife using Coral Mountain, the Project shall continue taking noise level measurements during both Project construction and post-construction operations to determine if noise levels exceed thresholds outlined in the CEQA document and inform if additional avoidance and minimization measures are required. To protect wildlife using Coral Mountain, the noise threshold affecting this area shall be reduced to 75 dBA as determined appropriate in the Land Use Adjacency Guidelines in CVMSHCP Section 4.5. If noise levels exceed this threshold, the Project shall make changes to their operations and/or adopt other minimization measures to reduce noise impacts below 75 dBA to minimize noise-related impacts on wildlife using Coral Mountain.

Lighting

The CEQA document includes an analysis of lighting with a focus on impacts to aesthetics. A significant source of artificial nighttime lighting with the potential to impact wildlife using Coral Mountain (e.g., PBS, bats, etc.) comes from lighting associated with the Wave Basin, which includes seventeen, 80-foot-high light poles. Further, onsite lightning is planned within PA IV, the open space area adjacent to Coral Mountain. Although the CEQA document indicates that all lightning will be shielded and directed away from wildlife areas, CDFW recommends that additional lightning analysis during Project construction and operations is needed to determine that lightning impacts to wildlife using Coral Mountain will be less than significant. To determine if artificial nighttime lighting associated with Project construction and operations will

result in minimal to no glare (500 or less candela) to all areas of Coral Mountain, CDFW recommends that lighting and glare impacts continue to be evaluated during both Project construction and operations. CDFW requests the inclusion of the following new measures in the DEIR:

BIO-[XX]: To reduce nighttime artificial lighting-related impacts to wildlife using Coral Mountain, the Project shall continue taking lightning measurements during both Project construction and post-construction operations to determine impacts of nighttime artificial lightning on Coral Mountain and the wildlife it supports. To protect wildlife using Coral Mountain, project construction and operations shall result in no to minimal glare (500 or less candela) to all areas of Coral Mountain. If light or glare impacts to Coral Mountain exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all areas of Coral Mountain.

Land Ownership

A portion of the property appears to be owned by the Bureau of Land Management (BLM) and is a part of the Santa Rosa Mountains Wildlife Habitat Area which is jointly managed by BLM and CDFW (BLM and CDFG 1980). This is an area having permanent protection from conversion of natural land cover and a management plan for the preservation of the wildlife resources and their habitats. The Santa Rosa Mountains Habitat Management Plan was developed and implemented under the Sikes Act of October 18, 1974 (PL 93-452). Please clarify in the DEIR if a portion of the Project is on or adjacent to the Santa Rosa Mountains Wildlife Habitat Area, owned by BLM, and identify what mitigation measures will be implemented to maintain the natural conditions of the area for wildlife resources. Please provide information in the DEIR on any coordination with BLM and CDFW on use of the Project site and how that may affect the Santa Rosa Mountains Wildlife Habitat Area.

State Regulatory Environment

In the State Regulatory Environment section (p. 4.3-3), the DEIR fails to identify state regulations that are applicable to the Project including: Natural Community Conservation Protection Act (Fish & G. Code Sections 2800 et seq.), Lake and Streambed Agreements (Fish & G. Code Section 1600 et seq.); Fully Protected Species (Fish & G. Code Section 4700), and CEQA. Please revise the DEIR to identify the above regulations and how they apply to this Project.

Drought-tolerant Landscaping

California is experiencing one of the most severe droughts on record. To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). 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: <http://saveourwater.com/what-you-can-do/tips/landscaping/>

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 found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be submitted online or mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov.

CDFW CONCLUSIONS AND FURTHER COORDINATION

CDFW appreciates the opportunity to comment on the Coral Mountain Resort Project to assist in identifying and mitigating Project impacts on biological resources. Our review and analysis of the DEIR identified a number of significant new Project impacts and provides corresponding mitigation and minimization measures, as described above, which would clearly lessen significant project impacts on the biological resources in the area. Therefore, CDFW requests that the City of La Quinta revise and recirculate the DEIR, for disclosure to the public, once the requested additional analyses have been prepared and the additional mitigation and minimization measures have been added to the Project, and all of these substantial modifications have been documented in the revised Draft EIR for review and comment by the citizens of California and interested public agencies.

CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. We request a meeting to discuss our comments at your earliest convenience. Questions regarding this letter or further coordination should be directed to Carly Beck at carly.beck@wildlife.ca.gov.

Sincerely,

DocuSigned by:

DF423498814B441...

For
Scott Wilson
Environmental Program Manager

ec:

Heather Pert, heather.pert@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
Rollie White, USFWS
Dani Ortiz, BLM

Literature Cited

- BLM (U.S. Department of Interior Bureau of Land Management) and CDFG (State of California Resources Agency Department of Fish and Game), 1980. Santa Rosa Wildlife Habitat Management Plan: A Sikes Act Project. The Santa Rosa Mountains Habitat Management Plan was developed and will be implemented under the Sikes Act of October 18, 1974. (PL 93-452)
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ATTACHMENT 1

Mitigation Monitoring and Reporting Program for the City of La Quinta, Coral Mountain Resort Project

Mitigation Measures	Timing and Methods	Responsible Parties
<p>MM BIO-[XX]: Project activities and infrastructure should be designed to avoid Take of Peninsular bighorn sheep, a State fully protected species, which has the potential to be present within or adjacent to the Project area. Peninsular bighorn sheep use Coral Mountain and the surrounding conserved habitat within the Santa Rosa Wildlife Area for roaming, foraging, and lambing. To ensure no Incidental Take of Peninsular bighorn sheep, the following measures are required:</p> <ol style="list-style-type: none"> 1. A biological survey and assessment of year-round habitat use by Peninsular sheep will be conducted by a qualified biologist, pre-approved by CDFW, prior to Project approval. 2. All recreational infrastructure and activities such as trails, rope courses, and zipline(s) shall be contained within the development footprint. Trails and other recreational activities will not lead into or encourage use of adjacent natural areas. 3. No plant species toxic to bighorn sheep, such as oleander (<i>Nerium oleander</i>), lantana (<i>Lantana sp.</i>) and laurel cherry (<i>Prunus sp.</i>), shall be used for landscaping within or around the development. Control and do not plant non-native vegetation, including grass, in the development where it may attract or concentrate bighorn sheep or invade and degrade bighorn sheep habitat (e.g., tamarisk, fountain grass). Use native vegetation in the development landscaping. Along fenced sections of the urban interface, ornamental and toxic plants should not extend over or through fences 	<p>Timing: Prior to Project Approval. Methods: See Mitigation Measures and Sub-measures.</p>	<p>Implementation: City of La Quinta. Monitoring and Reporting: See Mitigation Measures and Sub-measures.</p>

where they may be accessible to browsing bighorn sheep. The Project will use Table 4-112: Coachella Valley Native Plants Recommended for Landscaping of the CVMSHCP as guidance on a landscaping planting palette.

4. To prevent sheep from entering the Project site or human intrusion into sheep habitat, fences will be placed along the western boundary of PA II and PA III including III-G (DEIR Exhibit 1.2, pg. 1-8), and PA IV; and the southern edge of PA II, PA III, and PA IV development site (Figure 2). A fencing plan and further avoidance and minimization measure shall be developed in coordination with the Wildlife Agencies. Fences should be functionally equivalent or better than fencing designs in the Recovery Plan, which are describes as 2.4 meters (8 feet) high and should not contain gaps in which bighorn sheep can be entangled. Gaps should be 11 centimeters (4.3 inches) or less.

5. Intentional enticement of bighorn sheep onto private property shall be prohibited and enforced using fines if necessary, including vegetation, mineral licks, or unfenced swimming pools, ponds, or fountains upon which bighorn sheep may become dependent for water.

6. Construction of water bodies that may promote the breeding of midges (*Culicoides* sp.) shall be prohibited. Water features should be designed to eliminate blue-tongue and other vector-borne diseases by providing deeper water (over 0.9 meters [3 feet]), steeper slopes (greater than 30 degrees), and if possible, rapidly fluctuating water levels, or other current best practices. As needed, coordinate with local mosquito and vector control district to ensure management of existing water bodies that may harbor vector species.

7. An educational program about the Peninsular bighorn sheep and their associated habitat shall be implemented and maintained throughout the resort, open

<p>space, and low-density community programs through the use of signage, pamphlets, and staff education. The Education Program should inform the reason of why specific measures are being taken to support recovery of Peninsular bighorn sheep. The Education Program should include the ecology of Peninsular bighorn sheep, what threats this species is currently facing, and how recovery actions will reduce these threats. This includes information that explains: (1) why restrictions on toxic plants, fences, and pesticides are needed; (2) how artificial feeding of coyotes could adversely affect bighorn sheep; and (3) how recreational activities may affect sheep. The use of interpretive signs is encouraged.</p> <p>8. Ensure funding for implementation, enforcement, and effectiveness assessment of the above measures, for the life of the development, to help ensure protection of sheep and to prevent trespass from the Project site into adjacent sheep habitat.</p>		
<p>MM BIO-[XX]: With respect to defensible space and impacts to biological resources, the Project shall consult with the Riverside County Fire Department and fully describe and identify the location, acreage, and composition of defensible space within the proposed Project footprint. Based on the consultation the Project shall be designed so that impacts associated with defensible space (fuel modification, fire breaks, etc.) shall not be transferred to adjacent open space or conservation lands.</p>	<p>Timing: Prior to final plan check, or equivalent. Methods: See Mitigation Measure.</p>	<p>Implementation: City of La Quinta. Monitoring and Reporting: See Mitigation Measure.</p>

MM BIO-1: ~~A b~~Burrowing owl clearance surveys shall be performed by a qualified biologist, **pre-approved by the California Department of Fish and Wildlife**, ~~not more than 30 days~~ prior to any site disturbance activities (~~grubbing, grading, and construction~~). **A minimum of two surveys, occurring at least three weeks apart, shall be completed in advance of any site disturbance activities. If disturbance activities are expected to start during the burrowing owl breeding season, three surveys shall be completed. The final burrowing owl survey shall be completed within three days prior to initiation of any site disturbance activities.** The pre-construction survey **shall be conducted following guidelines in the CDFW 2012, Staff Report on Burrowing Owl Mitigation.** ~~is required to use accepted protocol (as determined CDFW).~~ Prior to construction, a qualified biologist will survey the construction area and an area up to ~~500 feet~~ **150 meters** outside the Project limits for burrows that could be used by burrowing owls. If the burrow is determined to be occupied, the burrow will be flagged, and a ~~160-foot~~ **200-meter** diameter buffer will be established during non-breeding season or a ~~250-foot~~ **500-meter** diameter buffer during the breeding season. The buffer area will be staked and flagged. **A list of avoidance and minimization measures such as, but not limited to, the use of hay bales, daily biological monitoring, and trail cameras shall be provided to CDFW for review prior to any ground disturbance.** No development activities will be permitted within the buffer until the young are no longer dependent on the burrow **and have left the burrow. For** ~~if~~ the burrows ~~is~~ **found to be** unoccupied, the **qualified biologist will coordinate with CDFW on the methods to make the burrows** ~~will be made~~ inaccessible to owls, and construction may proceed. If either a nesting or escape burrow is occupied **and impacts to the owl(s) cannot be avoided, a Burrowing Owl Relocation Plan will be developed and**

Timing: Prior to ground disturbance.
Methods: See Mitigation Measure.

Implementation: City of La Quinta.
Monitoring and Reporting: See Mitigation Measure.

<p>reviewed by the Wildlife Agencies prior to the relocation of owls. owls shall be relocated pursuant to accepted Wildlife Agency protocols. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrow within that habitat) in coordination with the Wildlife Agencies. If burrowing owls are observed with the Project site during construction activities, CDFW shall be notified immediately and provided with proposed avoidance and minimization measures for CDFW to review.</p>		
<p>MM BIO- 6: To ensure compliance with California Fish and Game Code and the MBTA and to avoid potential impacts to nesting birds, vegetation removal and ground-disturbing activities shall be conducted outside the general bird nesting season (January 15 through August 31). Any vegetation removal, ground disturbance, and/or construction activities that occur during the nesting season will require that all suitable habitats be thoroughly surveyed for the presence of nesting birds by a qualified biologist that is pre-approved by CDFW. Prior to commencement of clearing, a qualified biologist shall conduct preconstruction surveys within 14 days and repeated 3 days prior to ground disturbing activities. If any active nests are detected, a buffer of 300 feet (500 feet for raptors) around the nest adjacent to construction will be delineated, flagged, and avoided until the nesting cycle is complete. The buffer may be modified and/or other recommendations proposed as determined appropriate by the biologist to minimize impacts. During construction activities, the qualified biologist shall continue biological monitoring activities at a frequency recommended by the qualified biologist</p>	<p>Timing: Prior to ground disturbance and during construction activities. Methods: See Mitigation Measure.</p>	<p>Implementation: City of La Quinta. Monitoring and Reporting: See Mitigation Measure.</p>

<p>using their best professional judgment, or as otherwise directed by the Wildlife Agencies. If nesting birds are detected, avoidance and minimization measures may be adjusted and construction activities stopped or redirected by the qualified biologist using their best professional judgement as otherwise directed by the Wildlife Agencies to avoid Take of nesting birds.</p>		
<p>MM BIO-[XX]: To reduce noise-related impacts to wildlife using Coral Mountain, the Project shall continue taking noise level measurements during both Project construction and post-construction operations to determine if noise levels exceed thresholds outlined in the CEQA document and inform if additional avoidance and minimization measures are required. To protect wildlife using Coral Mountain, the noise threshold affecting this area shall be reduced to 75 dBA as determined appropriate in the Land Use Adjacency Guidelines in CVMSHCP Section 4.5. If noise levels exceed this threshold, the Project shall make changes to their operations and/or adopt other minimization measures to reduce noise impacts below 75 dBA to minimize noise-related impacts on wildlife using Coral Mountain.</p>	<p>Timing: During Project construction and post-construction operations. Methods: See Mitigation Measure.</p>	<p>Implementation: City of La Quinta. Monitoring and Reporting: See Mitigation Measure.</p>
<p>MM BIO-[XX]: To reduce nighttime artificial lighting-related impacts to wildlife using Coral Mountain, the Project shall continue taking lightning measurements during both Project construction and post-construction operations to determine impacts of nighttime artificial lightning on Coral Mountain and the wildlife it supports. To protect wildlife using Coral Mountain, project construction and operations shall result in no to minimal glare (500 or less</p>	<p>Timing: During Project construction and post-construction operations. Methods: See Mitigation Measure.</p>	<p>Implementation: City of La Quinta. Monitoring and Reporting: See Mitigation Measure.</p>

<p>candela) to all areas of Coral Mountain. If light or glare impacts to Coral Mountain exceed this threshold, the Project shall make changes to their operations and/or adopt landscape shielding, dimming, lighting curfews or other appropriate measures that result in the Project causing minimal to no glare to all areas of Coral Mountain.</p>		
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