



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



Governor's Office of Planning & Research

October 27, 2021
Sent via email

Oct 27 2021

STATE CLEARINGHOUSE

William Patterson
Coachella Valley Water District
75-515 Hovley Lane East
Palm Desert, CA 92211

Subject: Draft Initial Study and Mitigated Negative Declaration, Reservoirs 4711-3 and 4711-4 Project, State Clearinghouse No. 2021090551

Dear Mr. Patterson:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Initial Study and Mitigated Negative Declaration (MND) from the Coachella Valley Water District (CVWD) for the Reservoirs 4711-3 and 4711-4 Project (Project), State Clearinghouse No. 2021090551, pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise of its own regulatory authority under the Fish and Game Code (Fish and 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 habitats necessary for biologically sustainable populations of those species. (*Id.*, § 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.

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

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.

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 proposed Project is located in the northwest portion of CVWD's service area within the unincorporated community of Indio Hills, Riverside County, California approximately 0.5 miles north of the intersection of 30th Avenue and Sunny Rock Road. The Project site is located within the southwest corner of Assessor Parcel Number (APN) 750-130-005, a 3.67-acre, CVWD-owned property located within a portion of Section 11, Township 4 south, Range 7 east, San Bernardino Base and Meridian.

Project Description

Under the proposed Project, CVWD would construct two 1MG above-ground welded-steel tanks (Reservoirs 4711-3 and 4711-4) and subsequently demolish the two existing 100,000-gallon above-ground bolted-steel tanks. Existing infrastructure, will be removed, including above ground meters, valves, pipelines, an existing berm, and a chain link fence. Buried pipelines may be abandoned in place. The Project will install new water meters, valves, a flood protection berm, fencing, and an 18-inch diameter pipeline to connect to the nearby Dillon Road Transmission pipeline.

COMMENTS AND RECOMMENDATIONS

The IS/MND identified the State and federally threatened desert tortoise (*Gopherus agassizii*) as a species with potential habitat occurring with the project site. CDFW has concerns about the proposed mitigation measures for desert tortoise. To avoid causing the direct mortality of desert tortoise, the IS/MND proposes one mitigation measure for a worker environmental awareness program training (BIO-1). CDFW recommends inclusion of mitigation measures to avoid potentially significant impacts to desert tortoise. The measures should include specificity on who will perform the survey, what type of survey will be performed, and what actions will be taken should desert tortoise

presence be confirmed during the survey. The measures need to provide avoidance and minimization measures should desert tortoise enter the Project Site during the life of the Project. CDFW recommends that the IS/MND is updated with the following mitigation measure:

MM BIO-3: A qualified biologist shall conduct a protocol level presence or absence survey within the project area, access route(s), staging area(s), stockpile(s), and 50-foot buffer zone no more than 48 hours prior to all project activities in accordance with the U.S. Fish and Wildlife Service 2010 desert tortoise survey methodology (USFWS, 2010). The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. If the survey confirms absence, the designated biologist shall ensure desert tortoise do not enter the project area. Desert tortoise exclusion fencing may be used at the discretion of the qualified biologist. A qualified biologist shall be onsite during all ground disturbance activities through the duration of the project. If a desert tortoise is observed during project activities, all work within 300 feet of the desert tortoise shall immediately stop and the observation shall be immediately reported to the qualified biologist. Activities shall not resume in this area until the qualified biologist has verified the desert tortoise has left the project area of its own accord. CDFW shall be notified with 48 hours of detection of desert tortoise on the project site.

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). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 fee is required in order for the underlying project approval to be

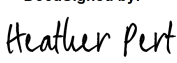
William Patterson, Environmental Supervisor
Coachella Valley Water District
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operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND for the Reservoirs 4711-3 and 4711-4 Project (State Clearinghouse No. 2021090551) and recommends that the CVWD addresses CDFW's comments and concerns prior to adoption of the IS/MND. If you have any questions pertaining to the comments provided in this letter, please contact Jacob Skaggs, Environmental Scientist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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for
Scott Wilson
Environmental Program Manager
Inland Deserts Region

ec: Heather Pert, Senior Environmental Scientist Supervisor
Inland Deserts Region

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Literature Cited

USFWS. (2010). Preparing for any action that may occur within the range of the Mojave Desert tortoise (*Gopherus agassizii*). United States Fish and Wildlife Service.

ATTACHMENT 1

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Schedule	Responsible Party
<p>MM BIO-3: A qualified biologist shall conduct a protocol level presence or absence survey within the project area, access route(s), staging area(s), stockpile(s), and 50-foot buffer zone no more than 48 hours prior to all project activities in accordance with the U.S. Fish and Wildlife Service 2010 desert tortoise survey methodology (USFWS, 2010). The survey shall utilize perpendicular survey routes and 100-percent visual coverage for desert tortoise and their sign. If the survey confirms absence, the designated biologist shall ensure desert tortoise do not enter the project area. Desert tortoise exclusion fencing may be used at the discretion of the qualified biologist. A qualified biologist shall be onsite during all ground disturbance activities through the duration of the project. If a desert tortoise is observed during project activities, all work within 300 feet of the desert tortoise shall immediately stop and the observation shall be immediately reported to the qualified biologist. Activities shall not resume in this area until the qualified biologist has verified the desert tortoise has left the project area of its own accord. CDFW shall be notified with 48 hours of detection of desert tortoise on the project site.</p>	<p>No more than 48 hours prior to any project activities. Ongoing throughout project activities.</p>	<p>CVWD</p>