



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



August 3, 2022

Governor's Office of Planning & Research

AUG 03 2022

STATE CLEARINGHOUSE

Jennifer Henke
 Laboratory Manager
 Coachella Valley Mosquito and Vector Control District
 43-420 Trader Place
 Indio, CA 92201

Dear Ms. Henke:

INTEGRATED VECTOR MANAGEMENT PROGRAM (PROJECT)
 MITIGATED NEGATIVE DECLARATION (MND)
 SCH# 2022070129

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from Coachella Valley Mosquito and Vector Control District for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

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

CDFW ROLE

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: Coachella Valley Mosquito and Vector Control District

Objective: The Project proposes changes to the existing Integrated Vector Management Program, including changes to use of chemical controls (application of malathion and potentially new products in the next 5 years; application of Bti larvicide), modification to aerial treatments (increasing frequency of helicopter flights over cities to 6 to 10 applications per year; use of drones for aerial treatment near the shoreline of Salton Sea); and changes in use of biological controls (exploration of releasing sterile male mosquitoes; reduction in use of mosquitofish).

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

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Location: The Project area encompasses Coachella Valley Mosquito and Vector Control District's service area, which is the greater Coachella Valley in eastern Riverside County (2,400 square miles). This includes portions of unincorporated Riverside County and the following cities: Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage.

Timeframe: Not specified.

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 Coachella Valley Mosquito and Vector Control District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Desert Pupfish (*Cyprinodon macularius*)

Consistent with CEQA Guidelines, Section 15380, the status of the desert pupfish as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) qualifies it as an endangered, rare, or threatened species under CEQA. The desert pupfish is native to the Southwest United States, and populations have been declining since the 1800s. The main threats to their populations include erosion of streambanks, construction of water diversions, groundwater pumping, pesticide use, and invasive aquatic species introductions (USFWS 2010).

CDFW is concerned that the mitigation measures in the CEQA document do not adequately protect desert pupfish. Stocking mosquitofish (*Gambusia affinis*) in current or planned desert pupfish refugia could result in significant impacts to an endangered species. CDFW appreciates inclusion of Mitigation Measures (MM) BIO-2 and BIO-3 in the MND to address the use of mosquitofish but recommends that the measures be revised to reduce potentially significant impacts.

MM BIO-2 (p. 70 of the MND) limits where Coachella Valley Mosquito and Vector Control District may plant mosquitofish to artificial pools. CDFW recommends that this measure also include a provision to specify that the artificial pools have no connectivity (including seasonal connectivity) to public waters. In addition, the measure should include obtaining written concurrence from CDFW as indicated on page 23 of the MND according to California Code of Regulations, Title 14, Section 238.5(f): "In Inyo and Mono counties and in public waters of San Bernardino, Riverside and Imperial counties, mosquitofish may not be planted without the written concurrence of the department." CDFW recommends revising MM BIO-2 as follows:

MM BIO-2: The Coachella Valley Mosquito and Vector Control District (District) shall use mosquitofish (*Gambusia affinis*) only in private artificial bodies of water for mosquito control (i.e., neglected pools) that have no connectivity (including seasonal connectivity) to public waters. The District shall not plant mosquitofish in public waters within Riverside County without the written concurrence of the California Department of Fish and Wildlife.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-2 and BIO-3 (see Attachment 1).

MM BIO-3 (p. 70 of the MND) indicates desert pupfish refugia where Coachella Valley Mosquito and Vector Control District will not plant mosquitofish. However, this list does not include all current and planned desert pupfish refugia or other areas that are important for the survival of desert pupfish populations. CDFW recommends revising MM BIO-3 as follows:

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MM BIO-3: The Coachella Valley Mosquito and Vector Control District (District) shall consult with the California Department of Fish and Wildlife (CDFW) before Project activities commence to determine current and planned desert pupfish refugia and other important areas for desert pupfish. The District shall not plant mosquitofish in current or planned desert pupfish refugia or other important areas for desert pupfish, including *but not limited to* the following: (i) McCallum/Simone Pond and Visitor Center Pond and any water course at the Thousand Palms Preserve, along Thousand Palms Canyon Drive. (ii) The Sharon Pond, the Seep Pond, the Oasis Pond, and the Cienega (Sonoran) Pond located at the Living Desert Zoological Gardens. (iii) The small pond behind the Salton Sea State Park Headquarters, Varner Harbor at the State Recreation Area, other locations at the State Recreation Area where desert pupfish may be restocked, and nearby North Shore Marina (North Shore Beach and Yacht Club). (iv) Any pond or watercourse located at the Dos Palmas Preserve, the Oasis Springs Ecological Reserve, and Salt Creek. (v) University of California Riverside Palm Desert Pond. (vi) Any future pupfish refuges, including the Coachella Valley Water District desert pupfish mitigation ponds (25 acres at the Garfield Street site). (vii) The approximately 25 irrigation drains that have at least seasonal connection to the Salton Sea.

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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist Coachella Valley Mosquito and Vector Control District in identifying and mitigating Project impacts on biological resources. CDFW concludes that the MND does not adequately mitigate for the Project's significant, or potentially significant, impacts on biological resources. CDFW recommends that the MND include more complete avoidance, minimization, and mitigation measures.

Questions regarding this letter or further coordination should be directed to Heather Brashear, Senior Environmental Scientist (Supervisor), at 909-239-0755 or Heather.Brashear@Wildlife.ca.gov.

Sincerely,

DocuSigned by:



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Kim Freeburn

Acting Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec: Heather Brashear, Senior Environmental Scientist (Supervisor)
heather.brashear@wildlife.ca.gov

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Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCE

U.S. Fish and Wildlife Service [USFWS]. 2010. Desert pupfish 5-year review: Summary and evaluation. Arizona Ecological Services Office, USFWS, Phoenix, AZ.

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Schedule	Responsible Party
<p>MM BIO-2: Use of mosquitofish. The Coachella Valley Mosquito and Vector Control District (District) shall use mosquitofish (<i>Gambusia affinis</i>) only in private artificial bodies of water for mosquito control (i.e., neglected pools) that have no connectivity (including seasonal connectivity) to public waters. The District shall not plant mosquitofish in public waters within Riverside County without the written concurrence of the California Department of Fish and Wildlife.</p>	<p>Prior to and during Project activities.</p>	<p>Coachella Valley Mosquito and Vector Control District.</p>
<p>MM BIO-3: Refugia and other important areas for desert pupfish. The Coachella Valley Mosquito and Vector Control District (District) shall consult with the California Department of Fish and Wildlife (CDFW) before Project activities commence to determine current and planned desert pupfish refugia and other important areas for desert pupfish. The District shall not plant mosquitofish in current or planned desert pupfish refugia or other important areas for desert pupfish, including but not limited to the following: (i) McCallum/Simone Pond and Visitor Center Pond and any water course at the Thousand Palms Preserve, along Thousand Palms Canyon Drive. (ii) The Sharon Pond, the Seep Pond, the Oasis Pond, and the Cienega (Sonoran) Pond located at the Living Desert Zoological Gardens. (iii) The small pond behind the Salton Sea State Park Headquarters, Varner Harbor at the State Recreation Area, other locations at the State Recreation Area where desert pupfish may be restocked, and nearby North Shore Marina (North Shore Beach and Yacht Club). (iv) Any pond or watercourse located at the Dos Palmas Preserve, the Oasis Springs Ecological Reserve, and Salt Creek. (v) University of California Riverside Palm Desert Pond. (vi) Any future pupfish refuges, including the Coachella Valley Water District desert pupfish mitigation ponds (25 acres at the Garfield Street site). (vii) The approximately 25 irrigation drains that have at least seasonal connection to the Salton Sea.</p>	<p>Prior to and during Project activities.</p>	<p>Coachella Valley Mosquito and Vector Control District.</p>