



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
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Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



November 9, 2022  
*Sent via email*



Ron Buchwald  
District Engineer  
Valley Sanitary District  
45500 Van Buren Street  
Indio, CA 92201

Westward Ho Sewer Siphon Replacement (PROJECT)  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH# 2022100200

Dear Mr. Buchwald:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the Valley Sanitary District for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines<sup>1</sup>.

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

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<sup>1</sup>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.

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 authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Valley Sanitary District

**Objective:** The Project proposes to install a replacement sewer pipeline that has been structurally compromised from erosion within the Coachella Valley Stormwater Channel (CVSC). The new pipeline would be installed using horizontal directional drilling and would pass under the CVSC at a depth of approximately 50 feet at its deepest point. The new sewer line will be installed between Westward Ho Drive on the west end and Indio Water Authority property on the east end, a total distance of approximately 1,130 feet.

**Location:** The proposed Project is generally located south of Interstate 10, north of State Route 111, east of State Route 74, and west of State Route 86 in the City of Indio, Riverside County, California. The Project site is depicted on the La Quinta quadrangle of the United States Geological Survey's (USGS) 7.5-minute topographic map series within Sections 21 and 28 of Township 5 South, Range 7 East. The Project site is located at the eastern terminus of Westward Ho Drive at its intersection with Meadow Lake Drive and the western terminus of Avenue 46 at Shields Road, and it is bisected by the Coachella Valley Stormwater Channel. Latitude/longitude coordinates: 33.71470046168005, -116.26261578375443.

**Timeframe:** The Project proposes starting construction of the new replacement pipeline in winter 2023 and anticipates construction activities to take approximately three months to complete.

## **COMMENTS AND RECOMMENDATIONS**

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify the Project's significant, or potentially significant, impacts to fish and wildlife

resources subject to Fish and Game Code Section 1600 et seq. The Project proposes installing a new replacement pipeline using horizontal directional drilling, an activity that has the potential to release drilling fluids into stream habitat and negatively impact fish and wildlife resources. Given these potential impacts to stream habitat, CDFW recommends that Valley Sanitary District submit a Notification of Lake or Streambed Alteration. Additionally, the Project's staging and excavation activities located outside of the Whitewater River may also impact biological resources in the areas identified in the MND as disturbed and developed. CDFW recommends additional biological surveys and avoidance and minimization measures to avoid potential impacts on burrowing owls, nesting birds, and other biological resources.

### ***1) Avoidance, Minimization, and Mitigation Measures for Impacts to Streams***

The MND indicates that horizontal direction drilling will be used to install the replacement pipeline under the CVSC. Horizontal directional drilling activities have the potential to frac-out and release drilling fluids that can travel to the surface and affect fish and wildlife resources. Given these potential impacts of fish and wildlife resources subject to Fish and Game Code section 1600 et seq., CDFW recommends that the Valley Sanitary District submit a Notification of Lake or Streambed Alteration for Project. Additionally, CDFW recommends that Valley Sanitary District revise the MND to include the following mitigation measure:

#### **MM 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) Protection of 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 MND indicates that the Project site has the potential to support nesting birds. Birds may nest in areas within the Whitewater River where frac-outs may occur, or in areas identified by the MND as disturbed or developed where Project staging and excavation activities will be conducted. In areas without vegetation, ground-nesting birds like killdeer (*Charadrius vociferus*) may nest in these areas. Although the MND includes Mitigation Measure BIO-1 for nesting birds, the timing and scope are insufficient. CDFW recommends that disturbance of occupied nests within the Project site be avoided **any time birds are nesting onsite**. Preconstruction nesting bird surveys shall be performed within 3 days prior to Project activities to determine the presence and location of nesting birds.

CDFW recommends that Mitigation Measures BIO-1 is revised in the MND as indicated below, with removals in ~~strikethrough~~ and additions in **bold**.

### **Mitigation Measure BIO-1**

~~Pursuant to the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season extends from February 1 through August 31 but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for nesting birds, should be conducted within three (3) days of the start of any ground-disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report provided to the City of Rancho Cucamonga indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities can commence thereafter provided activities are able to maintain a 300-foot buffer around the active nest. For raptors and special-status species, this buffer will be expanded to 500 feet. It is recommended that a biological monitor be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once a qualified biologist has determined the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.~~

**Nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. 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.**

### **3) *Burrowing Owls (Athene cunicularia)***

The MND indicates that California ground squirrel (*Otospermophilus beecheyi*) was detected onsite during a field assessment. Burrowing owls may occupy burrows made by California ground squirrels, and burrowing owls have been detected in the Whitewater River both upstream and downstream of the Project site. Given the potential for suitable burrowing owl habitat existing on or near the Project site—including within the Whitewater River where frac-outs may occur and within the areas identified in the MND as disturbed or developed where staging and excavation activities will be conducted—CDFW recommends that focused burrowing owl surveys are completed and appropriate avoidance and minimization measures are implemented.

CDFW recommends that the Valley Sanitary District add the following mitigation measure to a revised MND:

#### **Mitigation Measure BIO-[B]: Burrowing Owls**

**Focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game 2012 or most recent version). 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, monitoring, relocation, minimization, and/or mitigation 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 the avoidance and minimization 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. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. 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 USFWS to conduct an impact assessment to develop avoidance and minimization measures to be approved by CDFW prior to commencing Project activities.

#### **4) *Artificial Nighttime Lighting***

The MND indicates that up to two night-shifts may be needed to complete pipe installation; however, the MND lacks a discussion on the types of artificial nighttime lighting that would be used and an analysis of indirect impacts on biological resources. 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 navigation.<sup>2</sup> Further, many of the effects of artificial nighttime lighting on population- or ecosystem-level processes are still poorly known. CDFW recommends that the MND is updated to include a description of the artificial nighttime lighting that will be used at the Project site, a discussion of the indirect impacts of artificial lighting expected to adversely affect biological resources, and a discussion on how impacts of artificial nighttime lighting on biological resources will be avoided and minimized.

CDFW recommends that the Valley Sanitary District add the following mitigation measure to a revised MND:

### **Mitigation Measure BIO-[C]: Artificial Nighttime Lighting**

**During Project construction activities, the Project shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. Ensure that lighting for Project activities is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.**

### **5) CVMSHCP Implementation**

Within the Inland Deserts Region, CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the CVMSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on September 9, 2008. The CVMSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit. Compliance with approved habitat plans, such as the CVMSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the CVMSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the CVMSHCP please go to: <http://www.cvmshcp.org/>.

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<sup>2</sup> Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. *The ecological impacts of nighttime light pollution: a mechanistic appraisal*. Biological Reviews, 2013.

The proposed Project occurs within the CVMSHCP Plan Area, is not located within a Conservation Area, and is subject to the provisions and policies of the CVMSHCP. To be considered a covered activity, the Permittees need to demonstrate that proposed actions are consistent with the CVMSHCP and its associated Implementing Agreement. Among other obligations under the CVMSHCP, the City of Indio is required to collect Local Development Mitigation Fees and transmit them to the Coachella Valley Conservation Commission. CDFW recommends that the Valley Sanitary District add the following mitigation measures to a revised MND:

### **Mitigation Measure BIO-[D]: CVMSHCP Compliance**

**Prior to construction and issuance of any grading permit, the City of Indio shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee.**

### **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 MND to assist the Valley Sanitary District in identifying and mitigating Project impacts to biological resources. Because the Project involves horizontal directional drilling activities that may result in



Ron Buchwald, District Engineer  
Valley Sanitary District  
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frac-outs, CDFW recommends that that Valley Sanitary District submit a Notification of Lake or Streambed Alteration for the Project. CDFW also recommends that additional avoidance and minimization measures are added to a revised MND protect burrowing owls, other nesting birds, and other biological resources. 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](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW  
[Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Rollie White, U.S. Fish and Wildlife Service  
[rollie\\_white@fws.gov](mailto:rollie_white@fws.gov)

**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Mitigation Measures	Timing and Methods	Responsible Parties
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<p>CDFW recommends that the following mitigation measure is added to a revised MND:</p> <p><b>Mitigation Measure BIO-[A]: CDFW Lake and Streambed Alteration Program</b></p> <p><b>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.</b></p>	<p><b>Timing:</b> Prior to construction and issuance of any grading permit</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Valley Sanitary District</p> <p><b>Monitoring and Reporting:</b> Valley Sanitary District</p>
<p>CDFW recommends that Mitigation Measures BIO-1 is revised in the MND as indicated below, with removals in <del>strikethrough</del> and additions in <b>bold</b>.</p> <p><b>Mitigation Measure BIO-1</b></p> <p><del>Pursuant to the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, removal of any trees, shrubs, or any other potential nesting habitat should be conducted outside the avian nesting season. The nesting season extends from February 1 through August 31 but can vary slightly from year to year based upon seasonal weather conditions. If ground disturbance and vegetation removal cannot occur outside of the nesting season, a pre-construction clearance survey for nesting birds, should be conducted within three (3) days of the start of any ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey should document a negative survey with a brief letter report provided to the City of Rancho Cucamonga indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the pre-construction clearance survey, construction activities can commence thereafter provided activities are able to maintain a 300-foot buffer around the active nest. For</del></p>	<p><b>Timing:</b> No more than 3 days prior to vegetation removal or ground-disturbing activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Valley Sanitary District</p> <p><b>Monitoring and Reporting:</b> Valley Sanitary District</p>

<p><del>raptors and special-status species, this buffer will be expanded to 500 feet. It is recommended that a biological monitor be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once a qualified biologist has determined the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, normal construction activities can occur.</del></p> <p><b>Nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. 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.</b></p>		
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<p>CDFW recommends that the Valley Sanitary District add the following mitigation measure to a revised MND:</p> <p><b>Mitigation Measure BIO-[B]: Burrowing Owls</b></p> <p><b>Focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the <i>Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 2012 or most recent version)</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, monitoring, relocation, minimization, and/or mitigation 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 the avoidance and minimization 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. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Permittee shall implement the Burrowing Owl Plan following CDFW review and approval.</b></p> <p><b>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and</b></p>	<p><b>Timing:</b> Sixty days prior to commencement of Project activities for focused surveys. No less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance for preconstruction surveys.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Valley Sanitary District</p> <p><b>Monitoring and Reporting:</b> Valley Sanitary District</p>
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<p>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 USFWS to conduct an impact assessment to develop avoidance and minimization measures to be approved by CDFW prior to commencing Project activities.</p>		
<p>CDFW recommends that the Valley Sanitary District add the following mitigation measure to a revised MND:</p> <p><b>MM BIO-[C]: Artificial Nighttime Lighting</b></p> <p>During Project construction activities, the Project shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. Ensure that lighting for Project activities is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.</p>	<p><b>Timing:</b> During Project construction activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Valley Sanitary District</p> <p><b>Monitoring and Reporting:</b> Valley Sanitary District</p>

<p>CDFW recommends that the Valley Sanitary District add the following mitigation measure to a revised MND.</p> <p><b>Mitigation Measure BIO-[D]: CVMSHCP Compliance</b></p> <p><b>Prior to construction and issuance of any grading permit, the City of Indio shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee.</b></p>	<p><b>Timing:</b> Prior to construction and issuance of any grading permit</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Indio</p> <p><b>Monitoring and Reporting:</b> City of Indio</p>
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