



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



Governor's Office of Planning & Research

NOV 7 2022

STATE CLEARING HOUSE

November 7, 2022
Sent via email

Gabriel Perez
Development Services Director
City of Coachella
53990 Enterprise Way
Coachella, CA 92236

Coachella Housing Element Update (PROJECT)
NEGATIVE DECLARATION (ND)
SCH# 2022100424

Dear Mr. Perez:

The California Department of Fish and Wildlife (CDFW) received a Negative Declaration (ND) from the City of Coachella for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines¹.

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

CDFW ROLE

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

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

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

PROJECT DESCRIPTION SUMMARY

Proponent: City of Coachella

Objective: The project proposes an update to the City of Coachella's Housing Element, an element of the City's General Plan. It analyzes the City population and existing housing stock, evaluates efforts in the previous Housing Element, identifies housing constraints, and considers the future needs for housing in the City, with a particular focus on affordable housing and housing for special needs households, including seniors, disabled persons, large families, single parent households, farmworkers and the homeless. It also provides the City's decision makers with Goals, Policies and Programs intended to facilitate the development and preservation of adequate housing supply to meet these needs.

Location: The proposed Project is located within the current City of Coachella limits. The City of Coachella is located in the Eastern Coachella Valley, in Riverside County, in the State of California.

Timeframe: The proposed Project is a Housing Element Update that addresses the sixth cycle from 2021 to 2029.

COMMENTS AND RECOMMENDATIONS

CDFW offers the following comments and recommendations to assist the City in adequately identifying biological resources that may be impacted by future proposed development projects, including but not limited to housing projects. CDFW's comments address two statements in the Biological Resources section of the ND. The first statement indicates that riparian habitats along the Whitewater River are too limited and dispersed to support any sensitive species. CDFW is concerned that this statement does not accurately describe the sensitive species and general habitat value that the Whitewater River supports or the biological resources that may be negatively impacted by future development projects. The second statement indicates that two migratory bird species are identified in the General Plan EIR to reside seasonally in the City and that these species do not occur in areas proposed for future housing development. CDFW is

concerned that this statement does not accurately describe the potential for future development projects, including housing development projects, to impact the variety of resident and migratory nesting bird species that may occupy both urban and open-space areas in the City. CDFW is providing the comments and recommendations below to support the City in both identifying impacts to biological resources and appropriate avoidance, minimization, and mitigation measures when the City's undertakes CEQA review for future development projects, including, but not limited to, housing development projects.

1) *Protecting Biological Resources in the Whitewater River*

The ND indicates that there are limited areas of riparian habitat along the Whitewater River within the City limits, and that these areas of riparian habitat are too limited and dispersed to support any sensitive species (pg. 18). CDFW adds clarification that the entire stretch of the Whitewater River located within the City limits supports Sonoran cottonwood–willow riparian forest habitat within the low-flow channel of the river. Perennial flows in this section of the Whitewater River come from the Valley Sanitary District Sewage Treatment Plant located about a mile northeast of the City of Coachella. The riparian forest habitat in the low-flow channel is composed of predominantly native plant species including trees and large shrubs like black willow (*Salix nigra*), sandbar willow (*Salix exigua*), Fremont cottonwood (*Populus fremontii*), arrowweed (*Pluchea sericea*), bush seepweed (*Suaeda nigra*), and big saltbush (*Atriplex lentiformis*). The stream habitat located outside the low-flow channel, areas that are periodically impacted by channel maintenance activities, continue to support some areas with significant cover of native species including arrowweed, which is a pioneer species that naturally recruits and fills in quickly following disturbance to this area. Other native plants that are commonly found on the streambed and banks (outside of the low-flow channel) include desert twinbug (*Dicoria canescens*), alkali heliotrope (*Heliotropium curassavicum*), saltgrass (*Distichlis spicata*), and fan-leaved tiquilia (*Tiquilia plicata*). Common non-native species that may also provide limited habitat value include giant reed (*Arundo donax*), salt cedar (*Tamarix* sp.), and Russian thistle (*Salsola tragus*) among other non-native species. The plant communities in the Whitewater River within the City limits are valuable biological resources that have important habitat value and support a variety of wildlife that use these areas, including special-status species.

The Sonoran cottonwood–willow riparian forest habitat within the Whitewater River supports nesting birds including special-status species like least Bell's vireo (*Vireo bellii pusillus*; state and federally endangered) and southwestern willow flycatcher (*Empidonax traillii extimus*; state and federally endangered), which are both Covered Species under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The banks of the Whitewater River also serve as suitable burrowing/nesting habitat for burrowing owls (*Athene cunicularia*), also a Covered Species under the CVMSHCP. In addition to providing nesting habitat for several special-status species, the Whitewater River also provides important foraging and

refugia habitat for small and large mammals like bobcats (*Lynx rufus*), coyotes (*Canis latrans*), and desert kit fox (*Vulpes macrotis*); reptiles; resident and migratory birds; and other wildlife. Also within the Whitewater River, cliff swallows (*Petrochelidon pyrrhonota*) and several species of bats (e.g., Yuma myotis (*Myotis yumanensis*), pallid bat (*Antrozous pallidus*), and Mexican free-tailed bats (*Tadarida brasiliensis*)) may use bridges for nest building and day/night roosting, respectively. The Whitewater River also serves as an important wildlife movement corridor.

Future development projects within or near the Whitewater River have the potential to directly and indirectly impact the biological resources of the Whitewater River. Direct impacts might include the removal of vegetation or hardscaping of areas within the Whitewater River. Indirect impacts may include the introduction of artificial nighttime lighting within or near the Whitewater River. Regarding the general negative effects of artificial nighttime lighting on wildlife, available research indicates that artificial nighttime lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; and the detection of resources and natural enemies and navigation.² Regarding the negative impacts of artificial nighttime lighting on bats, various studies (e.g., Boldogh et al. 2007; Rydell et al. 2017; Voigt et al. 2018) have concluded that bright artificial lighting at roost structures has significant negative effects on bats, including the potential for the extirpation of an entire maternity colony. Artificial nighttime lighting within or near the Whitewater River should be avoided to the greatest extent possible or minimized by fully shielding all light sources, directing light away from natural areas, and reducing light intensity, among other strategies to minimize the negative impacts of lighting.

The section of the Whitewater River within the City limits supports important biological resources including special-status species. As the City of Coachella reviews future projects that are proposed within or near the Whitewater River, CDFW recommends that the City support the Project sponsors in identifying all potential direct and indirect impacts on the biological resources of the Whitewater River, avoiding and minimizing these impacts, and appropriately mitigating for any unavoidable impacts.

2) Protecting Nesting Birds

The ND indicates that the General Plan EIR identified two migratory bird species that reside seasonally in the City, which migrate through undeveloped areas, grasslands,

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

and agricultural lands in the area. CDFW is concerned that this statement inaccurately describes the potential for nesting birds to nest in areas proposed for future development across the City. A variety of both resident and migratory bird species have the potential to nest in both urban and open-space environments across the City. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures to nesting birds and their nests and eggs as follows: Fish and Game Code section 3503 makes it 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) 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 the 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.).

Nesting birds can nest in burrows (e.g., burrowing owls), on the ground (e.g., killdeer (*Charadrius vociferus*)), on structures (e.g., swifts and swallows), or in trees, shrubs, and other vegetation. To support future development projects in avoiding the unlawful take of nesting birds or their nests and eggs, CDFW recommends that at minimum, pre-construction nesting bird surveys should be required by the City for all development projects that propose ground disturbance.

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.

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(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 ND to assist the City of Coachella in identifying and mitigating Project impacts to biological resources. CDFW is providing the comments and recommendations above to support the City in identifying impacts to biological resources when the City's undertakes CEQA review for future development projects. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Environmental Scientist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

ec:

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Works Cited

Boldogh, S.D., D. Dobrosi, and P. Samu. 2007. The Effects of the Illumination of Buildings on House-Dwelling Bats and Its Conservation Consequences. *Acta Chiropterologica* 9:527–534. doi:10.3161/1733-5329 (2007)9[527:TEOTIO]2.0.C;2.

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