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Sent via email

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Majestic Thousand Palms Project (PROJECT)
Draft Environmental Impact Report (DEIR)
SCH# 2022110600

Dear Russell Brady:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Environmental Impact Report (DEIR) from the County of Riverside (County) for the Project pursuant to 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

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.

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: Majestic Realty Co.

Objective: The proposed Project includes the development of a 1,238,992 square foot warehouse building and a potential Imperial Irrigation District (IID) joint electric substation. Other proposed features include landscaping, parking areas, docking doors, and frontage improvements. Off-site improvements required to implement the Project entail off-site road improvements including the paving of Robert Road between 30th Avenue and Del Norte Way and the installation of power poles supporting overhead lines between the potential onsite IID substation and existing IID facilities. Manufactured slopes are proposed along the northern site boundary, which would be constructed at a maximum gradient of approximately 2:1 (horizontal:vertical) and would measure up to 16 feet in height. To convey off site flows, a diversion berm is proposed along the northern edge of the Project site, which would direct run-on flows from the western portion of the site westerly along the northern property line to a proposed stilling basin proposed in the northwest corner of the Project site. Low flows would not overflow the stilling basin, while peak flows from the stilling basin as well as the remaining run-on flows along the central and eastern portions of the northern Project boundary would be conveyed to the east and south along the northern and eastern Project boundaries via a proposed diversion channel to a proposed 96-inch diversion pipe in the southeastern portion of the Project site that would discharge directly into water quality/retention basins proposed along the southern portion of the warehouse building site. Slopes also are proposed around the proposed retention basins in the southern portion of the Project site, which would measure up to ±28 feet in height and would be constructed at a maximum gradient of 3:1. Minor slopes also are proposed along the western site boundary measuring up to ±9 feet in height.

The Project would construct a water tank and pump house on-site to provide adequate water pressure for on-site fire hydrants. The water tank is proposed at the southwestern corner of the truck court to the south of the proposed warehouse building. It would have a diameter of 60 feet and would measure up to 35 feet in height. The water tank would

have a maximum storage capacity of 500,000 gallons. In addition, a building for diesel pumps is proposed to the west of the water tank.

The potential IID substation would be surrounded by 8-foot-tall tubular steel fencing. In the event that the substation ultimately is constructed on-site, a 92 kV above-ground power line would be needed off-site to connect the proposed substation to the local electric grid. The poles would be ± 70 feet in height and constructed of in-line wood pole and steel poles at changes of direction. Although the exact pole locations are not yet determined, the wood poles would be 2-feet in diameter at in-line locations. The steel poles would be 7-feet in diameter at changes of direction. During installation, a maximum 10 foot wide by 10 foot long by 15-foot-deep maximum ground disturbance area would occur around each pole for installation, and it would take approximately four days to install each pole. Pole installation consists of auguring and removing soil, setting/installing the pole and backfilling. After the poles are installed, electric transmission lines would be anchored to and strung between the poles. The Project is assumed to be operational 24 hours per day, seven days per week, with exterior loading and parking areas illuminated at night. The Project site would be illuminated at night for safety and security.

Proposed landscaping would be ornamental in nature and would feature trees, hedges, shrubs, groundcovers, and accent plants, with landscaping concentrated along the site boundaries, along the eastern and western sides of the building, around the potential IID substation site, in the passenger vehicle parking areas to the east and west of the proposed building, and within the proposed retention basins in the southern portions of the Project site.

Location: The 83.0-acre proposed Project site and off-site improvement areas are located within the Thousand Palms community of the Western Coachella Valley Area Plan (WCVAP) portion of unincorporated Riverside County. The Project site is located east of and abutting Rio del Sol, north of and abutting the future alignment of 30th Avenue, west of and abutting the future alignment of Robert Road, and approximately 0.75 mile south of 28th Avenue. The Project site is located approximately 0.7 mile northeast of the Interstate 10 (I-10) on and off ramps at Bob Hope Drive. The Project site encompasses Assessor's Parcel Numbers (APNs) 648-150-034 and 648-150-035 and is located within the southwest portion of Section 7, Township 4 south, Range 6 east, San Bernardino Baseline and Meridian.

Timeframe: The DEIR indicates that Project construction would be carried out in 2024 and 2025.

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 the County in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The DEIR has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the DEIR are explained in greater detail below and summarized here. CDFW is concerned that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of biological resources on the Project site. CDFW requests that additional information and analyses be added to a revised DEIR, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

Existing Environmental Setting

Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting has not been adequately analyzed in the DEIR. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the DEIR may provide an incomplete analysis of Project-related environmental impacts.

The DEIR lacks a complete assessment of biological resources within the Project site and surrounding area specifically as it relates to special-status plants and natural communities. A complete and accurate assessment of the environmental setting and Project-related impacts to special status plants and natural communities is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to less than significant.

Mitigation Measures

CEQA requires that a DEIR include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the DEIR are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the County in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for artificial nighttime lighting, special-status plants, CDFW's Lake and Streambed Alteration Program, Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) compliance, and salvage of sand-dependent Covered Species, as well as revising the mitigation measures for nesting birds and burrowing owl.

1) Assessment of Biological Resources

Page 9 of the Project's Biological Resources Assessment, dated December 9, 2022 (Biological Assessment), indicates that "due to the low suitability of habitat within the project site and its location outside CVMSHCP Conservation Areas and Core Habitat for CVMSHCP Covered Species, no focused surveys for special-status plant or wildlife species were required or conducted as a part of this Biological Resources and CVMSHCP Consistency Report." Page 15 of the Biological Assessment indicates that "there are records of two other special-status plant species occurring in proximity to the project site (Figure 5A), chaparral sand-verbena (*Abronia villosa* var. *aurita*) and flat-seeded spurge (*Euphorbia platysperma*). These species have low potential to occur due significant disturbances that have limited the persistence of native annuals on site. Horn's milkvetch (*Astragalus hornii* var. *hornii*) has also been recorded within three miles of the project site (Figure 5A); however, this species was not observed on site and does not have potential to occur due to the lack of suitable habitats." CDFW notes that based on review of recent and historical aerial imagery using Google Earth Pro, the Project site does not appear to have been disturbed by any ground-disturbing or vegetation removal activities. CDFW is concerned about the accuracy of the conclusion in the Biological Assessment that native annual plants would have limited persistence on-site due to significant disturbance.

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a Project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed. Because focused surveys for special-status plant species, such as chaparral sand-verbena (California Rare Plant Rank 1B.1), flat-seeded spurge (California Rare Plant Rank 1B.2), and Horn's milkvetch (California Rare Plant Rank 1B.1) were not conducted, it is uncertain if any individuals or significant populations of these species exist within the large 83-acre Project site. Surveys implemented using recommended protocols and conducted during the appropriate time(s) of the year is an important step in adequately disclosing potential impacts to special-status native plants and sensitive natural communities. CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities² provides the following guidance on timing and number of visits: "Conduct botanical field surveys in the field at the times of year when plants will

² Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities, California Department of Fish and Wildlife, March 20, 2018. Link: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

be both evident and identifiable. Usually this is during flowering or fruiting. Space botanical field survey visits throughout the growing season to accurately determine what plants exist in the project area. This usually involves multiple visits to the project area (e.g., in early, mid, and late-season) to capture the floristic diversity at a level necessary to determine if special status plants are present.³ The timing and number of visits necessary to determine if special status plants are present is determined by geographic location, the natural communities present, and the weather patterns of the year(s) in which botanical field surveys are conducted.” The findings of appropriate botanical field surveys for special-status native plants and sensitive natural communities are important in informing appropriate avoidance, minimization, and mitigation measures and supporting the County in demonstrating that Project impacts are reduced to less than significant.

CDFW recommends that the County include in a revised DEIR the results of a recent and thorough floristic-based assessment of special-status plants and natural communities performed by a qualified biologist and following CDFW's Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018 or most recent version). Based on findings from a recent floristic-based assessment, CDFW recommends that the DEIR is revised to include an analysis of direct, indirect, and cumulative impacts to biological resources and identification of appropriate avoidance, minimization, and mitigation measures.

CDFW also recommends that County add the following mitigation measure in **bold** to a revised DEIR:

Mitigation Measure BIO-[A]: Special-Status Plants

Prior to Project construction activities, a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see <https://wildlife.ca.gov/Conservation/Plants>) shall be performed by a qualified biologist. Should any species of native plants designated as rare, threatened, or endangered by state law (excluding CVMSHCP Covered Species) be present in the Project area, on-site or off-site habitat restoration (whichever is applicable) and/or enhancement and preservation should be evaluated and discussed in

³ U.S. Fish and Wildlife Service Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed, Proposed and Candidate Plants available at: <https://www.fws.gov/sacramento/es/Survey-Protocols-Guidelines/>

detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) in Attachment 1 for revised MM 4.4-2 and MM 4.4-1, as well as CDFW-recommended MM BIO-[A], MM BIO-[B], MM BIO-[C], MM BIO-[D], and MM BIO-[E].

2) 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.).

Page 4.4-31 of the DEIR indicates that the Project's survey area "contains vegetation with the potential to support native nesting birds. The proposed Project has the potential to impact nesting birds if vegetation is removed or ground disturbing activities are initiated during the nesting season (generally February through July)." The DEIR includes Mitigation Measure 4.4-2 for nesting birds, which indicates that "if avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds." CDFW considers the Mitigation Measure 4.4-2 to be insufficient in scope and timing to reduce impacts to nesting birds to a level less than significant. CDFW is concerned about impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to

during breeding and tracking shifts in availability of resources (Socolar et al., 2017⁴). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

Although the DEIR includes Mitigation Measure 4.4-2 for nesting birds, CDFW considers the measure insufficient to scope and timing to reduce impacts to a level less than significant. CDFW recommends that the County revise Mitigation Measure 4.4-2 with the following additions in **bold** and removals in ~~strike through~~:

Mitigation Measure 4.4-2: Nesting Birds

Prior to the issuance of grading permits for Plot Plan No. 220022, Riverside County shall condition the grading permit(s) to require the following. This note also shall be depicted on the Project's grading plans, and Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by Riverside County staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors. Vegetation clearing shall be conducted outside of the **peak** bird nesting season (generally February 1 through July 31) to the **greatest** extent feasible. **Regardless of the time of year, 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. Construction activities may not occur inside the established buffers, which 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**

⁴ Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.

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. ~~“If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 300 feet for nonraptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to Riverside County for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.~~

3) *Burrowing Owl*

Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. 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.). Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

Permittees of the CVMSHCP must ensure that Covered Activities within their jurisdictions—both inside and outside Conservation Areas—do not result in the take of the burrowing owl individuals, nests, or eggs. Per Section 3.5.6 of the California Department of Fish and Wildlife (CDFW) Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 for the CVMSHCP, “take outside of Conservation Areas will be consistent with sections 3503 and 3503.5 of the Fish and Game Code.” Adding further clarification, Section 3.5.6 of CDFW’s NCCP Permit indicates that “following all laws applicable to migratory birds (discussed below), the pairs or individuals will not be Taken, just the land around and including the burrows”, and “the HCP/NCCP does not authorize Take of nests and eggs as prohibited by Fish and Game Code sections 3503 and 3503.5 and therefore avoidance measures will have to be undertaken for all projects which have breeding burrowing owls present.” An activity that results in the take

of burrowing owl individuals, nests, or eggs would be unlawful and would not be a Covered Activity under the CVMSHCP. Per Section 13.2 of the CVMSHCP Implementing Agreement, County and Cities' obligations include, but are not limited to, taking "all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of project approvals for public and private projects, including compliance with the MSHCP, the Permits and this Agreement." The County has an obligation under the CVMSHCP to ensure the Project does not result in the take of burrowing owl individuals, nests, and eggs.

Page 17 of the Project's Biological Resources Assessment, dated December 9, 2022 (Biological Assessment), indicates that "burrowing owl has a low potential to occur within the project site based on the lack of suitable burrows." CDFW is concerned about the accuracy of this conclusion given that 1) the Biological Assessment lacks details on if and how a habitat assessment for burrowing owl was conducted over the large 83-acre Project site, 2) the most recent biological surveys were conducted in September 2022 (page 7 of the Biological Assessment), 3) surveys for plants and wildlife were conducted concurrently (page 8 of the Biological Assessment), and 4) focused surveys for burrowing owl (or other special-status plant or wildlife species) were not conducted (page 9 of the Biological Assessment). CDFW generally considers field assessments for wildlife to be valid for a one-year period. CDFW recommends that a habitat assessment for burrowing owl is conducted independently of other biological survey activities. Given the DEIR's lack of findings from a recent habitat assessment and focused surveys for burrowing owl following the guidelines in the *Staff Report on Burrowing Owl Mitigation*,⁵ the number of suitable and occupied burrows within the Project site and surrounding areas is unknown.

Despite the limited information provided in the DEIR on if and how a habitat assessment for burrowing owl was conducted, CDFW considers the Project site to contain suitable habitat for burrowing owl. CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs,⁶ and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat proximity.⁷ In

⁵ California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

⁶ Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*), in A. Poole and F. Gill, editors, *The Birds of North America*, The Academy of Natural Sciences, Philadelphia, Pennsylvania, and The American Ornithologists' Union, Washington, D.C., USA.

⁷ Gervais, J. A., D. K. Rosenberg, R. G. Anthony. 2003. Space use and pesticide exposure risk of male burrowing owls in an agricultural landscape. *Journal of Wildlife Management* 67: 155-164.

addition, burrowing owls frequently move into disturbed areas prior to and during construction activities since they are adapted to highly modified habitats.^{8,9} Based on review of historical aerial imagery, the Project site contains sparse vegetation cover and is adjacent to open-space areas that would provide foraging habitat for burrowing owl. Western burrowing owls use burrows dug by small mammals, and suitable habitat for Coachella Valley round-tailed ground squirrel (*Spermophilus tereticaudus chlorus*) was identified and one individual was observed within the Project site (page 4.4-9 of the Biological Assessment). Because suitable habitat for burrowing owl exists within the Project site, CDFW recommends the DEIR is revised to include the findings of focused surveys for burrowing owl following guidelines outlined in the *Staff Report on Burrowing Owl Mitigation*. Focused surveys for burrowing owl provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, 3503.5, and 3513. If focused surveys confirm occupied burrowing owl habitat in or adjacent to the Project area, CDFW recommends that the DEIR is revised to include an impact assessment per guidelines in the *Staff Report on Burrowing Owl Mitigation*. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of the proposed Project. Focused surveys and an impact assessment will also inform appropriate avoidance, minimization, and mitigation measures for the Project and help demonstrate that impacts to burrowing owls are less than significant.

Although the DEIR includes Mitigation Measure 4.4-1 for burrowing owl, CDFW considers the measure to be insufficient in scope and timing to reduce impacts to a level less than significant. CDFW recommends that the County revise Mitigation Measure 4.4-1 with the following additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure 4.4-1: Burrowing Owl Surveys

Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging) for Plot Plan No. 220022, the County shall condition the permit(s) to require **the following: Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation* prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall**

⁸ Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. *Journal of Raptor Research* 42(2): 87-98.

⁹ Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162-176.

begin coordination with CDFW and USFWS immediately, and 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, minimization, mitigation, and monitoring 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 minimization and relocation 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 along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS 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 prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities. ~~the Project Applicant to retain a qualified biologist to perform a burrowing owl survey at all potentially suitable habitat sites within the Project's limits of disturbance within 30 days of the commencement of any ground-disturbing activities at the Project site, as discussed below.~~

- ~~• Pre-Construction Survey: The pre-construction survey shall be performed by a qualified biologist that will survey the site for the presence/absence of burrowing owls within 30 days prior to commencement of ground-disturbing activities at any portion of the Project site. If burrowing owls are detected on-site during the pre-construction survey, the owls shall be relocated/excluded from the site outside of the breeding season following accepted protocols, and subject to the approval of the Coachella Valley Conservation Commission (CVCC) and Wildlife Agencies (i.e., CDFW and/or USFWS).~~
- ~~• Burrowing Owl Management Plan: In the event that burrowing owl is determined to be present, or in the event that an assumption is made that the burrowing owl occurs on site, a burrowing owl management plan shall be prepared and implemented in~~

~~coordination with the CVCC and CDFW that shall detail the relocation of owls from the Project site, passively and/or actively. If additional site visits determine the species is absent, then the preconstruction survey (as discussed above) shall instead be implemented.~~

The conditions of approval shall require that a copy of the results of the pre-construction survey (and all additional surveys), as well as copies of the Burrowing Owl Management Plan, if required, must be provided to the County of Riverside Planning Department for review and approval (in the case of the Burrowing Owl Management Plan) prior to any vegetation clearing and ground disturbance activities.

4) Artificial Nighttime Lighting

The Proposed project will result in new sources of artificial nighttime lighting, including lighting for safety and security (page 3-31 of the DEIR). The Project is located adjacent to open-space areas to the west, east, and south of the Project site—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. The Project's proposed artificial nighttime lighting has the potential to significantly and adversely affect wildlife in the open-space areas adjacent to the Project site. Artificial 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; the detection of resources and natural enemies; and navigation.¹⁰ Many species use photoperiod cues for communication (e.g., bird song¹¹), determining when to begin foraging,¹² behavioral thermoregulation,¹³ and migration.¹⁴ Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.¹⁴

Page 3-31 of the DEIR indicates that “exterior lighting is required to comply with the Riverside County Ordinance No. 915, which requires that outdoor lighting should be fully shielded and directed so that no direct light falls outside of the parcel of origin. Any outdoor lighting that shines onto adjacent property or streets that produce a nuisance or disabling glare, or that is above the horizontal plane, would not be permitted.” Also,

¹⁰ Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews*, 88.4: 912-927.

¹¹ Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

¹² Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127.

¹³ Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.

¹⁴ Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

Mitigation Measure 4.4-3 indicates “prior to the allowance of nighttime construction work, Riverside County shall review the plans to ensure that a note is included requiring that all lighting be oriented inward toward the Project site and away from the northeastern boundaries of the Project site.” Additionally, Mitigation Measure RR 4.1-2 states that the “Project is required to comply with Riverside County Ordinance No. 915, which provides minimum requirements for outdoor lighting to reduce light trespass. Ordinance No. 915 provides regulations on adequate lighting shielding, glare, and light trespass to ensure all development in Riverside County installs lighting in a way that does not jeopardize the health, safety, or general welfare of Riverside County residents or degrade their quality of life.” While these measures support the Project in limiting lighting impacts to biological resources within areas surrounding the Project site, CDFW considers these measures insufficient in scope and timing to reduce impacts to a level less than significant. To support the County in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant, CDFW recommends that in addition to the measures above, the County add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[B]: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, the County of Riverside and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The County of Riverside and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County of Riverside and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

5) *Lake and Streambed Alteration Program*

Fish and Game Code section 1602 requires any person, state or local governmental agency, or public utility to notify CDFW prior to beginning any activity that may do one or more of the following: divert or obstruct the natural flow of any river, stream, or lake; change the bed, channel, or bank of any river, stream, or lake; use material from any river, stream, or lake; or deposit or dispose of material into any river, stream, or lake. Note that "any river, stream, or lake" includes those that are dry for periods of time as well as those that flow year-round.

Based on review of aerial imagery, at least two ephemeral streams traverse the

proposed Project area. Pages 4.4-33 through 4.4-35 discuss the Project's potential impacts to streams. Mitigation Measure 4.4-4 indicates that "prior to issuance of grading permits that would affect jurisdictional aquatic resources, the Project Applicant shall provide the Riverside County Planning Department with copies of a Waste Discharge Requirements (WDR) permit from the Colorado River Basin Regional Water Quality Control Board (RWQCB) and a Section 1602 Streambed Alteration Permit from CDFW for Project impacts. Project impacts to up to 0.13-acre of RWQCB and up to 0.16-acre of CDFW jurisdictional areas shall be mitigated at a minimum 1:1 mitigation ratio (equal to 0.16-acre) through compensatory mitigation provided on- or off site, through payment of in-lieu fees, through purchase of mitigation credits at an approved mitigation bank, and/or as otherwise specified by the permits issued by the RWQCB and/or CDFW." To ensure that impacts to streams and associated fish and wildlife are reduced to a level less than significant, CDFW recommends that in addition to Mitigation Measure 4.4-4, the County add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[C]: CDFW Lake and Streambed Alteration Program

Prior to construction, 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 shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.

6) Coachella Valley Multiple Species Habitat Conservation Plan

Local Development Mitigation Fee

The Project is located within the CVMSHCP Plan Boundary and outside of a Conservation Area. Page 4.4-27 of the DEIR indicates that "proposed Project would be subject to payment of the CVMSHCP Local Development Mitigation Fee pursuant to Riverside County Ordinance No. 875, which would provide coverage for the Project under the CVMSHCP." To document the County's obligation as a Local Permittee under the CVMSHCP to impose a local development mitigation fee for this Project, CDFW recommends the County add the following mitigation measure to a revised DEIR:

Mitigation Measure BIO-[D]: CVMSHCP Compliance

Prior to construction and issuance of any grading permit, the County of Riverside 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 and transfer of revenues to the Coachella Valley Conservation Commission.

Salvage of Sand-Dependent Covered Species

Furthermore, Section 6.6.1 of the CVMSHCP (Obligations of Local Permittees) states that within and outside Conservation Areas “on parcels approved for Development, the Permittees shall encourage the opportunity to salvage Covered sand-dependent species in accordance with the Implementation Manual.” The Project site contains modeled habitat for CVMSHCP Covered Species including, but not limited to, Coachella Valley round-tailed ground squirrel, flat-tailed horned lizard (*Phrynosoma mcallii*), and Coachella Valley milk vetch (*Astragalus lentiginosus* var. *coachellae*). To be consistent with the CVMSHCP, CDFW recommends that the County include in a revised DEIR the following mitigation measure:

Mitigation Measure BIO-[E]: Salvage of Sand-Dependent Covered Species

Prior to vegetation removal or ground-disturbing activities, the County of Riverside will collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.

7) Landscaping

Page 3-23 of the DEIR indicates that the Project’s “landscaping would be ornamental in nature and would feature trees, hedges, shrubs, groundcovers, and accent plants, with landscaping concentrated along the site boundaries, along the eastern and western sides of the building, around the potential IID substation site, in the passenger vehicle parking areas to the east and west of the proposed building, and within the proposed retention basins in the southern portions of the Project site. Trees proposed as part of site landscaping would include 24-inch box shoestring acacia (*Acacia stenophylla*), 24-inch box hardy silk tree (*Albizia julibrissin* ‘Rosea’), 36-inch box thornless Palo Verde (*Cercidium* x ‘Desert Museum’), 24-inch box velvet ash (*Fraxinus velutina* ‘Arizona’), 36-inch box Chinese flame tree (*Koelreuteria bipinnata*), 24-inch box lavender crape myrtle (*Lagerstroemia* x ‘Muskogee’), 24-inch box Afghan pine (*Pinus eldarica*), 24-inch box African sumac (*Rhus lancea*), 15-foot brown trunk height California fan palm (*Washingtonia filifera*), and 24-inch box pink dawn chitalpa (*X Chitalpa tashkentensis* ‘Pink Dawn’).” CDFW recommends incorporation of water-wise concepts in any 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). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/cities and resource conservation cities 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: <https://saveourwater.com/>. CDFW also recommends that the DEIR include recommendations regarding landscaping from Section 4.0 of the CVMSHCP "Table 4-112: Coachella Valley Native Plants Recommended for Landscaping" (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>).

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

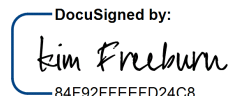
CDFW appreciates the opportunity to comment on the DEIR to assist the County in identifying and mitigating Project impacts to biological resources. CDFW concludes that the DEIR does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the DEIR lacks sufficient information for a meaningful review of impacts to biological resources, including a recent and thorough floristic-based assessment of special-status plants and natural communities. The CEQA Guidelines indicate that recirculation is required when insufficient information in the DEIR precludes a meaningful review (§ 15088.5). CDFW recommends that a revised DEIR, including a complete assessment of biological resources (floristic-based assessment of special-status plants and natural communities)

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be recirculated for public comment. CDFW also recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised DEIR.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist Specialist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
<p>Mitigation Measure BIO-[A]: Special-Status Plants</p> <p>Prior to Project construction activities, a thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities (see https://wildlife.ca.gov/Conservation/Plants) shall be performed by a qualified biologist. Should any species of native plants designated as rare, threatened, or endangered by state law (excluding CVMSHCP Covered Species) be present in the Project area, on-site or off-site habitat restoration (whichever is applicable) and/or enhancement and preservation should be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated.</p>	<p>Timing: Prior to Project construction activities</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: County of Riverside and Project proponent</p> <p>Monitoring and Reporting: County of Riverside</p>
<p>Mitigation Measure 4.4-2: Nesting Birds</p> <p>Prior to the issuance of grading permits for Plot Plan No. 220022, Riverside County shall condition the grading permit(s) to require the following. This note also shall be depicted on the Project's grading plans, and Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by Riverside County staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors. Vegetation clearing shall be conducted outside of the peak bird nesting season (generally February 1 through July 31) to the greatest extent feasible. Regardless of the time of year, 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</p>	<p>Timing: No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: County of Riverside and Project proponent</p> <p>Monitoring and Reporting: County of Riverside</p>

<p>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. Construction activities may not occur inside the established buffers, which 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. Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to Riverside County for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.</p>		
<p>Mitigation Measure 4.4-1: Burrowing Owl Surveys</p> <p>Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging) for Plot Plan No. 220022, the County shall condition the permit(s) to require the following: Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</i> prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and 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, minimization, mitigation, and monitoring 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</p>	<p>Timing: Focused surveys: Prior to vegetation removal or ground-disturbing activities. Pre-construction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: County of Riverside and Project proponent</p> <p>Monitoring and Reporting: County of Riverside</p>

<p>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 minimization and relocation 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 along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>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 <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 prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p> <p>The conditions of approval shall require that a copy of the results of the pre-construction survey (and all additional surveys), as well as copies of the Burrowing Owl Plan, if required, must be provided to the County of Riverside Planning Department for review and approval (in the case of the Burrowing Owl Plan) prior to any vegetation clearing and ground disturbance activities</p>		
<p>Mitigation Measure BIO-[B]: Artificial Nighttime Lighting</p> <p>Throughout construction and the lifetime operations of the Project, the County of Riverside and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn</p>	<p>Timing: Throughout construction and the lifetime operations of the Project.</p>	<p>Implementation: County of Riverside and Project proponent</p> <p>Monitoring and Reporting: County of Riverside</p>

<p>and dusk when many wildlife species are most active. The County of Riverside and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The County of Riverside and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>	<p>Methods: See Mitigation Measure</p>	
<p>Mitigation Measure BIO-[C]: CDFW Lake and Streambed Alteration Program</p> <p>Prior to construction, 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 shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Timing: Prior to construction</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: County of Riverside and Project proponent</p> <p>Monitoring and Reporting: County of Riverside</p>
<p>Mitigation Measure BIO-[D]: CVMSHCP Compliance</p> <p>Prior to construction and issuance of any grading permit, the County of Riverside 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 and transfer of revenues to the Coachella Valley Conservation Commission.</p>	<p>Timing: Prior to construction and issuance of any grading permit</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: County of Riverside and Project proponent</p> <p>Monitoring and Reporting: County of Riverside</p>
<p>Mitigation Measure BIO-[E]: Salvage of Sand-Dependent Covered Species</p> <p>Prior to vegetation removal or ground-disturbing activities, the County of Riverside will collaborate with the Coachella Valley Conservation Commission</p>	<p>Timing: Prior to vegetation removal of ground-disturbing activities</p>	<p>Implementation: County of Riverside and Project proponent</p> <p>Monitoring and Reporting: County of Riverside</p>

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to plan and implement a salvage of sand-dependent Covered Species within the Project site.	Methods: See Mitigation Measure	
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