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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



January 23, 2023
Sent via email

Governor's Office of Planning & Research

JAN 24 2023

STATE CLEARING HOUSE

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

Mid-Canal Storage Project (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2022120628

Dear Mr. Patterson:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the Coachella Valley Water District 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.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Coachella Valley Water District

Objective: The Project proposes modifications to a section of the Coachella Canal to create a single wide channel by joining two existing parallel canal channels: the original earthen canal constructed in the 1940s and the second concrete-lined canal constructed in 2005 as a part of the Coachella Canal Lining Project (CCLP). All earthwork required to join the two channels and create the storage reservoir will be conducted within the existing fence lines defining boundaries of the federal right-of-way within which the parallel canals are located. The Project will provide up to 728 acre-feet of water storage to alleviate water storage deficiencies and increase water storage capacity, reliability, and efficiency within the Coachella Valley Water District water distribution system. The Project will also resolve an ongoing maintenance problem in the affected lined-canal segment caused by high-clay content that results in significant cracking of the concrete. All earthwork will be balanced on-site with no material to be exported. Imported rock material will be placed on the eastern reservoir bank for erosion control.

Location: The Project site is located along a 4.9-mile segment of the Coachella Canal in Imperial County northeast of the City of Niland and east of the Salton Sea. The Project is located east of the community of Wister, situated in Township 9 South, Range 14 East, east ½ of Section 36; southwest ¼ of southwest ¼ of Section 31; east ½ of Section 6; southwest ¼ of Section 5; northeast ¼ of Section 8; south ½ of Section 9; northwest ¼ of Section 15, on the U.S. Geological Survey (USGS) 7.5' Wister quadrangle. The approximately 120-acre Project site is located within Assessor's Parcel Numbers (APNs) 003-050-018, 003-050-025, 003-120-014, 003-120-022, 003-130-006, 003-200-047, and 003-210-001, and is bordered by Gasline Road to the east and Coachella Canal Road to the west.

Timeframe: The Project expects earthwork and related construction activities to be completed in 6 to 8 months beginning in late summer 2023 and concluding in late-winter 2024.

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

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate project description, the MND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description. CDFW is concerned that the MND does not accurately describe the Project's potential impacts to streams subject to Fish and Game Code section 1600 et seq. The MND also lacks a description of artificial nighttime lighting that may be used during construction and an analysis of the potential impacts of artificial nighttime lighting on biological resources. Compliance with CEQA is also predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the MND has not adequately assessed potential impacts to burrowing owls. CDFW also recommends strengthening the measure to protect nesting birds to avoid or reduce significant impacts to below a level of significance.

1) *Impacts to Streams*

Page 16 of the Biological Resources Report dated August 2, 2022 (Appendix B of the MND) indicates that "no natural streambed or riparian habitat that would meet the definitions presented in CFG Code Sections 1600 et seq. is present, and the project would not be expected to adversely affect fish and wildlife resources with implementation of BMPs and other avoidance and minimization measures". Page 11 of the Biological Resource Report dated August 2, 2022, indicates that the "Coachella Canal is a concrete-lined channel created specifically for the delivery and storage of water. No natural streambed or riparian habitat occurs that would meet the definitions presented in CFG Code Sections 1600 et seq. With the implementation of standard BMPs and other avoidance and minimization measures incorporated into the Project, the proposed activities within the concrete-lined Coachella Canal would not be expected to adversely affect fish and wildlife resources or trigger the requirement for Notification of Lake or Streambed Alteration pursuant to CFG Code Sections 1600 et seq."

Fish and Game Code section 1600 et seq. does not define “natural streambed or riparian habitat” but rather defines the activities for which an entity must notify CDFW if any river, stream, or lake may be affected. The Coachella Canal and the four ephemeral washes that cross through the gaps along the Project’s 4.9-mile alignment are streams subject to notification under Fish and Game Code section 1602.

The MND proposes structural modifications to the Coachella Canal including, but not limited to, the removal of concrete and embankments, creation of a stream bank using compacted clay, and water diversions. These activities will result in substantial change to, and use of materials from, the bed, channel, and bank of the Coachella Canal. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: substantially divert or obstruct the natural flow of any river, stream, or lake; substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or deposit debris, waste, or other materials that could pass into any river, stream, or lake. CDFW recommends that the Coachella Valley Water District notify CDFW per Fish and Game Code Section 1602. Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required.

CDFW recommends that Coachella Valley Water District include in a revised MND 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.

Additionally, regarding impacts to streams, page 28 of the MND indicates that modifications to siphons 12 and 13 and Check 14 will be required to accommodate the higher water levels and raised inverts. Section 2.5.2 of the MND indicates that no changes will be made to the existing siphon tunnels or the overlaying desert wash channels. The MND contains limited details on how modifications to the four siphon locations—the areas where the four ephemeral streams cross through the Project alignment—will be made without causing temporary or permanent impacts to the overlaying streams. CDFW requests that the MND is revised to include additional details on siphon modifications and how impacts to streams will be avoided. These four ephemeral streams that cross the Project alignment range from approximately 160 to 300 feet in width are currently confined by permanent infrastructure associated with the

Coachella Canal's check structures. These four ephemeral streams convey all the storm flows, from approximately 4.9 miles of the coalescing alluvial fans descending from the Chocolate Mountains to the east of the Project, across the alignment of the Coachella Canal and on towards the Salton Sea. These ephemeral streams carry out important ecological processes such as the transport of sediment, nutrients, native seeds, and organic matter. Further, because wildlife movement across the Coachella Canal and within the extent of the Project is limited to these four confined streams, the streams are particularly important for wildlife movement for mammals such as coyotes (*Canis latrans*) and desert kit fox (*Vulpes macrotis arsipus*), reptiles such as flat-tailed horned lizard (*Phrynosoma mcallii*), and other wildlife. If the Project anticipates any permanent or temporary impacts to these four ephemeral streams, including but not limited to the modification of the width of these streams, CDFW recommends that analysis of these stream impacts are included in a revised MND and in a notification to CDFW per Fish and Game Code section 1602.

2) Burrowing Owls

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."

Attachment J of the MND (Special Status Animal Species with Potential to Occur) indicates that burrowing owls (*Athene cunicularia*) are not likely to occur on-site, that suitable habitat is not present in the Project site, and that the Project site appears to be outside of the species' range. CDFW is concerned with the validity of these conclusions regarding the potential for burrowing owls to occupy the Project area. California Natural Diversity Database (CNDDDB) includes one observation of burrowing owl within three miles of the Project site and three additional observations of burrowing owls within five miles of the Project site. Further, deserts are naturally occurring habitat types used by burrowing owls as described in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012²), and predicted habitat for burrowing owl occurs throughout the deserts in

² California Department of Fish and Game (CDFG). 2012. Staff report of burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: http://www.dfg.ca.gov/wildlife/nonqgame/survey_monitor.html

Imperial County.³ Importantly, the Project area largely comprises levees, berms, dikes, and channels, which are features that are known to support burrowing owls. CDFW is concerned that the MND does not appropriately assess the potential of the Project site to provide suitable foraging and/or nesting habitat for burrowing owl. Given the Project location and its minimal vegetation cover and site features including levees, berms, dikes, and channels, the Project site likely supports burrowing owl nesting and foraging habitat.

Page 4 of the Biological Resources Report for the Mid-Coachella Canal Storage Project, dated August 2, 2022, indicates that a general biological survey was conducted for the Project by one individual over a single site visit on January 6, 2022, to cover the extent of the 4.9-mile Project. CDFW is concerned that the general biological survey completed for the Project is not inadequate to assess the potential for burrowing owls to occur on-site. CDFW recommends that the Coachella Valley Water District follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012). The *Staff Report on Burrowing Owl Mitigation*, specifies three steps for project impact evaluations:

- A habitat assessment;
- Surveys; and
- An impact assessment

As stated in the *Staff Report on Burrowing Owl Mitigation*, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys 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, and 3503.5. 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 a proposed CEQA project activity or non-CEQA project.

CDFW recommends that the MND is revised to include the findings of a burrowing owl habitat assessment, focused surveys, and an impact assessment as described above and in the *Staff Report on Burrowing Owl Mitigation*. If occupied burrows are located

³ California Wildlife Habitat Relationships range maps for burrowing owl accessed through CNDDDB.

within or near the Project site, avoidance, minimization, and mitigation measures should be identified in the MND to support the Project applicant in avoiding the unlawful take of burrowing owls and their nests and eggs.

If the Coachella Valley Water District does not include in a revised MND the findings of a burrowing owl habitat assessment, focused surveys, and an impact assessment as described above, CDFW recommends that the following mitigation measure is added to a revised MND:

Mitigation Measure BIO-[B]: Burrowing Owls

No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted by a qualified biologist according to the specifications of the *Staff Report on Burrowing Owl Mitigation* (California Department of Fish and Game, March 2012 or most recent version).

If the habitat assessment demonstrates suitable burrowing owl habitat, then focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation*. 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 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 minimization and compensatory mitigation 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. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the “Mitigation Impacts” section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. 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. 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, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.

3) 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. Although the MND includes a mitigation measure (BIO-1) for nesting birds, the timing and scope are insufficient. CDFW recommends that the revised MND include nesting bird specific avoidance and minimization measures to ensure that potential impacts are mitigated to a level less than significant. Project-specific avoidance and minimization measures may include, but are not limited to, Project phasing and timing (avoiding peak breeding season), monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site be avoided **any time birds are nesting on-site**. Pre-construction nesting bird surveys shall be performed within 3 days prior to Project activities to determine the presence and location of nesting birds. To support the Project applicant in avoiding the take of nests, eggs, and nesting birds any

time they are located on-site, CDFW recommends the following changes to Mitigation Measure BIO-1 for Nesting Birds, with additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measures BIO-1: Nesting Birds

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. ~~If the removal of trees and/or shrubs must occur during the general passerine breeding season (February 1 to August 31) or general raptor breeding season (January 15 to July 15), a qualified biologist shall conduct a nesting bird survey within seven days of removal activities to determine the presence or absence of nesting birds. If no active nests belonging to nesting birds are found during the pre-construction surveys, then no additional action shall be required. If an active nest is found, then the nest and an appropriate buffer shall be avoided. The initial size of the avoidance buffer shall be 300 feet for passerines and 500 feet for raptors, and shall be reduced at the discretion of the qualified biologist depending on the species and level of disturbance. Activities shall be allowed to proceed within the avoidance buffer once the young have fledged and the nest is confirmed no longer active, as determined by the qualified biologist.~~

4) Artificial Nighttime Lighting

The MND lacks a description of the type of artificial nighttime lighting that would be used during construction activities and an analysis of direct and indirect impacts on biological resources including burrowing owls, migratory birds that fly at night, bats, and other nocturnal and crepuscular 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 navigation⁴. 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 any artificial nighttime lighting that will be used during Project construction, an analysis of the direct and indirect impacts of artificial nighttime lighting on biological resources, and avoidance, minimization, and mitigation measures that will reduce impacts to less than significant.

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

MM 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.

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

⁴ Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. *The ecological impacts of nighttime light pollution: a mechanistic appraisal*. Biological Reviews, 2013.

William Patterson, Environmental Supervisor
Coachella Valley Water District
January 23, 2023
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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 Coachella Valley Water District in identifying and mitigating Project impacts to biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts on biological resources. CDFW recommends that prior to the adoption of the MND, the Coachella Valley Water District revise the document to include a more complete assessment of the Project's potential impacts on biological resources, as well as appropriate avoidance, minimization, and mitigation measures.

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:

84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
<p>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.</p>	<p>Timing: Prior to construction and issuance of any grading permit</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Coachella Valley Water District</p> <p>Monitoring and Reporting: Coachella Valley Water District</p>
<p>Mitigation Measure BIO-[B]: Burrowing Owls No less than 60 days prior to the start of Project-related activities, a burrowing owl habitat assessment shall be conducted by a qualified biologist according to the specifications of the <i>Staff Report on Burrowing Owl Mitigation</i> (California Department of Fish and Game, March 2012 or most recent version).</p> <p>If the habitat assessment demonstrates suitable burrowing owl habitat, then focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</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 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 minimization and compensatory mitigation actions that will be implemented. Proposed implementation of burrow</p>	<p>Timing: No less than 60 days prior to the start of Project-related activities for habitat assessment and 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>Methods: See Mitigation Measure</p>	<p>Implementation: Coachella Valley Water District</p> <p>Monitoring and Reporting: Coachella Valley Water District</p>

<p>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. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. 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. 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.</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 USFWS to conduct an impact assessment to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.</p>		
<p>Mitigation Measures BIO-1: Nesting Birds 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</p>	<p>Timing: No more than three days prior to vegetation removal or ground-disturbing activities</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Coachella Valley Water District</p> <p>Monitoring and Reporting: Coachella Valley Water District</p>

<p>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.</p>		
<p>MM 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.</p>	<p>Timing: During Project construction activities</p> <p>Methods: See Mitigation Measure</p>	<p>Implementation: Coachella Valley Water District</p> <p>Monitoring and Reporting: Coachella Valley Water District</p>