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DEPARTMENT OF FISH AND WILDLIFE  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



April 24, 2023  
Sent via email

Don Copeland  
Senior Transportation Planner  
Riverside County Transportation Department  
3525 14th Street  
Riverside, CA 92501



Thermal/Oasis Active Transportation Project (PROJECT)  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH#: 2023030604

Dear Mr. Copeland:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a Draft Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration from the County of Riverside for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines.<sup>1</sup>

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

## CDFW ROLE

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

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

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:** Riverside County Transportation Department, in cooperation with the California Department of Transportation

**Objective:** The Project proposes to construct approximately 14 miles of multi-function trail and sidewalk infrastructure in the communities of Thermal and Oasis in the eastern Coachella Valley, Riverside County. The project area is also within tribal land of the Torres-Martinez Desert Cahuilla Indians. The general route is a multi-function trail loop that runs along 66th Avenue, Pierce Street, 74th Avenue, and Harrison Street, with an additional segment extending north along Harrison Street to Echols Road, and a sidewalk along Middleton Street between Harrison Street and 66th Avenue. An additional sidewalk would supplement the multi-function trail on the portion of 66th Avenue between Harrison Street and Tyler Street. Along a portion of 66th Avenue the trail alignment is anticipated to occupy a raised access path along an existing irrigation channel, owned and operated by the Coachella Valley Water District (CVWD) outside of the road right of way. The trail may also be placed along a CVWD canal on top of the adjacent levee at the intersection of Fillmore Street and 66th Avenue to its connection on Pierce Street, pending approval from CVWD to utilize this access road for the trail alignment. The project area encompasses both the potential trail alignment along the CVWD levee access road and the area along 66th Avenue and Pierce Street in the event that the trail cannot be placed adjacent to the canal. Similarly, the project area extends along Middleton Street, south of Harrison Street in the event the sidewalk is extended along this area to provide additional access to this commercial and residential area.

The proposed multi-function trail is a paved 10-foot-wide asphalt path situated primarily within road right of way with a minimum 5-foot buffer from the adjacent travel lanes. The proposed concrete sidewalk will be 6-foot-wide with adjacent street-side curb constructed at the edge of the existing travel lane. Several crossings will be required at intersecting streets and driveways along the multi-function trail route. All crossings will be at-grade and controlled in accordance with existing traffic control measures, unless specific safety concerns dictate otherwise. Although the preferred multifunction trail route is planned along the inside of the overall street loop to minimize arterial street

crossings, it is anticipated that the alignment may shift outside the loop in places. Any street crossings will be at-grade and appropriate traffic control will be installed.

Multiple channel or drainage crossings will be required for the multi-function trail to traverse existing irrigation channels and drainage paths. Whether by bridge, culvert extensions or low water crossings, hydraulic impact to the existing facilities will be minimized. Bridges and other elevated crossings will be light-duty and will avoid the use of piers within waterways. Drainage improvements will be designed to maintain current drainage patterns. The current drainage is typically composed of half-street cross fall runoff, which will be collected between the roadway and the trail and conveyed past the trail via culverts or at-grade crossings. No regional drainage facilities are anticipated to be impacted and no significant new drainage facilities are expected to be constructed.

Most of the multi-function trail alignment along Harrison Street, Pierce Street, and 74th Avenue will require earth fill to raise the trails to elevations appropriate for public use. The alignment along 66th Avenue likely will require less fill material but is not anticipated to require significant soil removal. It is expected that the project will require a net import of soil material. A potential borrow site has been identified on the southeast side of 68th Avenue and Pierce Street.

The project will require right-of-way acquisition from numerous parcels along the project alignment to accommodate the multi-function trail and sidewalk. Temporary construction easements during construction would also be acquired from property owners. Areas of the project within the tribal boundaries of the Torres-Martinez Desert Cahuilla Indians will require right-of-way for the project to be negotiated with both the Bureau of Indian Affairs and the tribe. Relocation and/or modification of existing utilities may be required at various locations throughout the project, including Imperial Irrigation District (IID) electric facilities, CVWD water and sanitary sewer facilities, CVWD irrigation facilities, CVWD/Caltrans drainage facilities, Frontier Communications telephone facilities, and Charter Communications cable facilities. In areas where existing pole line alignments are in close proximity to street rights of way, minor street alignment shifts may be necessary to avoid major pole line relocations. The proposed multi-use trail is designated to be used between dawn and dusk, negating the need for trail lighting, but plans include lighting at street crossings for safety.

**Location:** The Project is located in the unincorporated communities of Thermal and Oasis in Riverside County. The general route runs along 66<sup>th</sup> Avenue, Pierce Street, 74th Avenue and Harrison street, with an additional segment extending north along Harrison Street to Echols Road. The trail may also be placed along a Coachella Valley Water District (CVWD) canal on top of the adjacent levee at the intersection of Fillmore Street and 66th Avenue to its connection on Pierce Street. The Project will be approximately 14 miles in length. The Project is located in Assessor's Parcel No. 750-080-010.

**Timeframe:** No details provided in MND.

## **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 Riverside 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 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 reduced to less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the MND lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate assessment of biological resources on the Project site. CDFW recommends that additional information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures that 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 MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND may provide an incomplete analysis of Project-related environmental impacts.

### Mitigation Measures

CEQA requires that a MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support Riverside County in ensuring that Project impacts to biological resources are reduced to a level that is less than significant, CDFW recommends revising mitigation measures for burrowing owl, Couch's spadefoot (*Scaphiopus couchii*), bats, and nesting birds, and adding mitigation measures for artificial nighttime lightning, compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), and CDFW's Lake and Streambed Alteration Program.

### 1) *Burrowing Owl*

Burrowing owl (*Athene cunicularia*) 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.” Burrowing owl is a Covered Species under the CVMSHCP, which requires that avoidance and minimization measures be implemented for this species.

Page 91 of the Project’s Natural Environment Study (NES) states the Project site has a low to moderate potential to support burrowing owls given the surrounding location, recent occurrences, and the presence of suitable habitat within and directly adjacent to the Project’s biological survey area. Page 90 of the NES indicates that a single biological survey was completed on June 3, 2020, and no burrowing owls were identified. CDFW is concerned that the biological survey is now out of date. CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and there is potential for burrowing owl to reoccupy areas with suitable habitat since the last survey conducted in June 2020. Further, the NES lacks a discussion of the survey methods used for burrowing owl during the single biological survey conducted over the linear 14-mile project area—i.e., if survey methods were consistent with the 2012 *Staff Report on Burrowing Owl Mitigation*<sup>2</sup>—and lacks a burrowing owl survey report with details on timing, survey methods, findings, map showing potential burrows, photos, and other items recommended in the Survey Report section of the 2012 *Staff Report on Burrowing Owl Mitigation*. Without complete and accurate information on baseline biological conditions of the Project site, CDFW is unable to conduct a meaningful review of the Project’s impacts on biological resources. 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 and that special emphasis should be placed on environmental resources that are rare or unique to the region. CDFW recommends the MND is revised to include the findings of recent focused surveys and an impact assessment per the guidelines provided in the 2012 *Staff Report*

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<sup>2</sup> 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>

*on Burrowing Owl Mitigation.* Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls and to avoid or reduce impacts to less than significant. 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. Burrowing owl 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 MND includes Mitigation Measures BIO-7 and BIO-8 for burrowing owl, CDFW considers the proposed measures to be insufficient in scope and timing to reduce impacts to burrowing owl to less than significant. CDFW recommends that Riverside County replace Mitigation Measures BIO-7 and BIO-8 as indicated below, with additions in **bold** and removals in ~~strikethrough~~:

#### **Mitigation Measure BIO-7: Burrowing Owl**

**Suitable burrowing owl habitat has been confirmed on the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version) prior to initiation of ground-disturbing and/or vegetation removal activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent 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, 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 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 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.** 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 for review and approval prior to commencing Project activities.

~~BIO-7: Prior to construction activities beginning, a preconstruction survey for burrowing owl in accordance with CDFW guidelines and the CVMSHCP must be conducted by a qualified biologist. The preconstruction survey should be conducted within a 500-foot buffer zone around the Project impact area and within 30 days before ground disturbing construction begins. If no burrows or burrowing owls are detected, no further avoidance or mitigation measures are required. If burrows are detected but determined to be inactive, exclusion methods will be implemented to prevent owls from occupying the burrows during Project activities. If burrowing owls are detected, a no disturbance buffer should be established and marked with high visibility Environmentally Sensitive Area (ESA) fencing. The no-disturbance buffer should be 250 feet during the breeding season (February 1st through August 31st) and 160 feet during the non-breeding season.~~

~~BIO-8: If work is to occur during the breeding season (February 1st through August 31st), then occupied burrows will be protected by a buffer zone marked by high visibility ESA fencing. The biologist shall consult with CDFW to determine the appropriate buffer size. If construction must occur within the approved buffer zone, then that work must be conducted outside of the breeding season unless the biologist determines that the birds have not begun egg laying or that juveniles have fledged the burrow and are capable of independent survival. The biologist may also coordinate with CDFW to determine if burrow relocation would be viable. If burrow relocation is determined to be appropriate, the biologist must prepare a burrowing owl relocation plan to be approved by CDFW prior to relocation taking place.~~

## **2) Couch's Spadefoot**

Page 41 of the NES indicates that the Project is located adjacent to desert riparian and desert scrub habitats and contains plants known to be associated with the Couch's spadefoot (*Scaphiopus couchii*; California Species of Special Concern). Page 92 of the NES states Couch's spadefoot has low to moderate potential to occur on-site and that no Couch's spadefoot were identified during the single biological survey conducted on June 3, 2020. Page 93 of the NES indicates potential permanent impacts to the species include degradation of surrounding vegetation used for breeding or foraging and potential temporary impacts to the species including noise and vibrations generated from construction activities. The MND includes mitigation measures BIO-9 through BIO-13 regarding Couch's spadefoot.

CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and there is potential for Couch's spadefoot to reoccupy areas with suitable habitat since the last survey conducted in June 2020. Further, the MND and NES lack details on survey methods used to detect Couch's spadefoot during the June 3, 2020 survey. Without complete and accurate information on baseline biological conditions of the Project site, CDFW is unable to conduct a meaningful review of the Project's impacts on biological resources. Couch's spadefoot requires specific survey methods to maximize the chance of detection. This species spends most of its life in self-constructed burrows and emerges only during and immediately after intense summer rains.<sup>3</sup> In California, this species has been found to be active on the surface after summer monsoon rainstorms in August and September, but not after winter rainstorms in October, December, or January.<sup>4</sup> Couch's spadefoot may not emerge every year.<sup>5</sup> Emergence behavior is elicited by the low frequency sound of rain falling on the desert soil, not from the rain itself,<sup>6</sup> and premature emergence may be triggered by sound and vibrations caused by off-highway vehicle usage<sup>7</sup> and perhaps construction activities. Most breeding for a season usually occurs on the first night of activity.<sup>8</sup> Couch's spadefoot requires the presence of temporary desert rain pools that retain water for at least 8 days to allow sufficient time for metamorphosis.<sup>4</sup> Temporary and permanent anthropogenic water sources associated with agriculture may provide suitable breeding habitat that is important to the persistence of this species.<sup>5</sup> Desert rain pools should be surveyed for tadpoles within a few days after they fill during summer rains.<sup>4</sup> Surveyors

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<sup>3</sup> Stebbins, R.C. 2003. A Field Guide to Western Reptiles and Amphibians. Houghton Mifflin Company, Boston, MA.

<sup>4</sup> Mayhew, W.W. 1965. Adaptations of the amphibian, *Scaphiopus couchi*, to desert conditions. *The American Midland Naturalist* 74:95–109.

<sup>5</sup> Species Account for Couch's Spadefoot, California Department of Fish and Wildlife. Link: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=190349&inline>

<sup>6</sup> Dimmitt, M.A. and Ruibal, R. 1980a. Environmental correlates of emergence in spadefoot toads (*Scaphiopus*). *Journal of Herpetology* 14:21–29.

<sup>7</sup> Brattstrom, B.H. and Bondello, M.C. 1979. The effect of ORV sounds on the emergence of Couch's spadefoot toad, *Scaphiopus couchii*. Bureau of Land Management, Riverside, CA.

<sup>8</sup> Woodward, B.D. 1982. Sexual selection and nonrandom mating patterns in desert anurans (*Bufo woodhousei*, *Scaphiopus couchi*, *S. multiplicatus* and *S. bombifrons*). *Copeia* 1982:351–355.



should be experienced with this toad's call as this will likely be the easiest way to find populations.<sup>9</sup>

To support Riverside County in reducing impacts to Couch's spadefoot to a less than significant level, CDFW recommends that the MND is revised to include the recent findings of focused surveys for Couch's spadefoot, conducted at the appropriate time of year to detect the species. CDFW also recommends the following mitigation measure is added to a revised MND:

### **Mitigation Measure BIO-[A]: Couch's Spadefoot Focused Surveys**

**Prior to commencing ground disturbing or vegetation removal activities, at least three focused surveys for Couch's spadefoot shall be conducted by qualified biologist(s) to determine the status of occupancy in suitable habitat within the Project site and 100-foot buffer. Surveys shall take place immediately following the first major summer (monsoonal) rain event, ideally starting during the first night. Surveys shall be conducted by qualified biologist(s) with experience identifying the call of Couch's spadefoot as this will likely be the most effective way to locate populations. Subsequent surveys will be conducted within a few days after the filling of desert rain pools and will focus on surveying for tadpoles. To achieve 100 percent visual coverage, surveys shall be conducted with parallel transects spaced approximately 20 feet apart on-site in appropriate habitat suitable for the species. The Project shall follow survey protocols outlined in the 1995 Standardized Protocol for Surveying Aquatic Amphibians ([http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers\\_Standardized\\_Survey\\_Protocol.pdf](http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers_Standardized_Survey_Protocol.pdf)).**

CDFW considers mitigation measure BIO-10 to be insufficient in scope and timing to reduce impacts to Couch's spadefoot to less than significant. CDFW recommends the following revisions to BIO-10, with additions in **bold** and removals in ~~strike through~~.

### **Mitigation Measure BIO-10: Couch's Spadefoot Protection**

**Based on the baseline habitat and focused Couch's spadefoot surveys, water sources used by Couch's spadefoot toad will be identified. If construction activities occur within 0.6 miles of water sources used by Couch's spadefoot, construction activities will be conducted only between dawn and dusk. If water**

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<sup>9</sup> Elliott, L., Gerhardt, C., and Davidson, C. 2009. The Frogs and Toads of North America: A Comprehensive Guide to Their Identification, Behavior, and Calls, Houghton Mifflin Harcourt, New York.

**sources used by Couch's spadefoot occur on or within 500 feet of Project construction activities, a 500-foot buffer shall be established around the water source. The buffer will be staked and flagged. No construction activities will be permitted within the buffer. If a water source used by Couch's spadefoot for breeding cannot be avoided and would be permanently lost because of Project construction activities, Riverside County will acquire and protect in perpetuity two water sources known to be used by Couch's spadefoot in Coachella Valley for breeding for each affected water source (i.e., Riverside County shall compensate no less than 2:1 for permanent impacts to habitat). If a Couch's spadefoot toad is identified within Project limits all work must stop in that vicinity until the individual leaves the Project area of its own accord. If the Couch's spadefoot toad is found buried underground during ground disturbance activities or within water sources impacted during construction, an appropriate buffer and sound restrictions shall be determined in coordination with CDFW and marked with high visibility ESA fencing.**

### **3) Bats**

Page 94 of the NES indicates that western yellow bat (*Lasiurus xanthinus*; California Species of Special Concern) has low to moderate potential to occur within the Project's biological survey area, and the Project may result in permanent impacts to the species due to palm tree removal and temporary impacts due to noise and vibration generated from construction activities. Significant portions of the Project site are located within and adjacent to date palm plantations. The NES also indicates that Mexican fan palm (*Washingtonia robusta*) was also observed with the Project's biological survey area. In California, western yellow bats appear to roost exclusively in the skirt of dead fronds of both native and non-native palm trees and appear to be limited in their distribution by availability of palm habitat.<sup>10</sup> Western yellow bats likely form small maternity groups in palm trees.<sup>11</sup> Some individuals or populations may be migratory, although some individuals appear to be present year-round, even in the northernmost portion of the range including southern California. While western yellow bats are strongly associated with native California fan palm (*Washingtonia fillifera*)<sup>12</sup> and Mexican fan palm (*Washingtonia robusta*)<sup>7</sup> in Coachella Valley, limited scientific research is available on

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<sup>10</sup> Bolster, B.C., Bolster, B.C., (ed.). 1998. Terrestrial Mammal Species of Special Concern in California. Draft Final Report. May. Sacramento, CA. Prepared by Paul W. Collins. Prepared for California Department of Fish and Game, Nongame Bird and Mammal Conservation Program, Sacramento, CA.

<sup>11</sup> Life History Account for Western Yellow Bat, California Department of Fish and Wildlife, February 2008.

<sup>12</sup> Stokes, D., M. Combs, and K.B. Clark. 2023. Surveys for Western Yellow Bat in the Coachella Valley. 2022. Annual Report. February 8, 2023

the use of date palm species (e.g. *Phoenix canariensis* and *Phoenix dactylifera*) as roosting habitat, suggesting that a precautionary approach should be taken by the Project to survey for western yellow bats and avoid and minimize impacts on all palm tree species located within and adjacent to the 14-mile linear Project. Also, the MND and NES do not indicate the survey methods used to determine presence/absence of western yellow bat. Although the MND includes mitigation measures BIO-14 and BIO-15 for bat surveys and palm tree removal, respectively, CDFW considers the proposed measures to be insufficient in scope and timing to reduce impacts to western yellow bat to less than significant.

To support Riverside County in providing a complete assessment of biological resources, identifying appropriate avoidance, minimization, and mitigation measures, and reducing impacts to a level that is less than significant, CDFW recommends that the findings from recent focused surveys for western yellow bat in all areas with suitable habitat are included in a revised MND. CDFW also recommends that mitigation measure BIO-14 is revised as follows, with additions in **bold** and removals in ~~strikethrough~~:

#### **Mitigation Measure BIO-14: Bat Surveys**

**Prior to the initiation of Project activities within suitable bat roosting habitat, Riverside County shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys.** ~~If palm tree removal is required, prior to tree removal the project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential "bat habitat trees" typically are mature trees with features such as dead palm fronds, open cavities, crevices or loose bark. If any such trees are to be removed, the project biologist will monitor the two-step tree removal process, as outlined in BIO-15. Any "bat habitat trees" identified that are not to be removed will be protected in place with ESA fencing.~~

Also, because the project may result in removal of palm trees that may support roosting habitat and maternity groups for western yellow bats, the Project should implement appropriate avoidance, minimization, and mitigation measures to ensure impacts to this species are less than significant. Removal of palm trees that contain roosting habitat for bats can subject bats to impacts ranging from permanent loss of day roosts, including maternity roosts, to direct mortality if avoidance, minimization, and mitigation measures are not implemented. To support Riverside County in reducing impacts to western yellow bat to a level less than significant, CDFW also recommends that mitigation measure BIO-15 is revised as follows, with additions in **bold** and removals in ~~strikethrough~~.

### **Mitigation Measure BIO-15: Avoidance of Bats during Tree Removal**

**Tree removal work with the potential to house roosting bats shall be performed between September 1 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not drop below 45°F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45°F or less for that evening and the next four evenings), then no tree removals shall be performed. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist.** ~~To minimize direct mortality to any roosting bats, each date palm/palm tree requiring removal must be trimmed using a two-step process conducted over two consecutive days. Contractor will only trim the outermost fronds for each individual tree on the first day; innermost fronds shall not be trimmed. No more than 50% of the palm fronds will be removed from each tree during day 1. On the second day the remaining fronds on each tree must be removed. All fronds must be manually removed/trimmed using chainsaws. No use of dozers, backhoes, cranes, or other heavy equipment is permitted. Should bats emerge during the tree trimming, trimming activities must temporarily cease at the individual tree until bats are no longer actively emerging from the tree. A survey~~

~~within 2 weeks of tree removal will be conducted to detect if bats are using trees for roosting. If bats are using trees for roosting, trees must be removed during March 1—April 15 or August 31—October 15.~~

#### 4) 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 97 of the NES indicates that during biological surveys, habitat for nesting birds was identified in the Project area, including desert scrub habitat. The NES lacks additional details on suitable habitat for nesting birds within the Project and surrounding area. In addition to using desert scrub habitat, birds can also nest in shrubs and trees in agricultural areas including non-native palm trees. A significant portion of the 14-mile linear project is located adjacent to agricultural areas with non-native palm trees. Birds like hooded oriole (*Icterus cucullatus*) primarily nest in palm trees and build hanging nests on the undersides of palm fronds.<sup>13</sup> Mourning doves (*Zenaida macroura*), owls, greater roadrunner (*Geococcyx californianus*), and house finch (*Haemorhous mexicanus*) frequently nest in the thick skirts of palms.<sup>14</sup> Although the MND includes Mitigation Measure BIO-18, CDFW considers the proposed measure to be insufficient in scope and timing to reduce impacts to nesting birds to less than significant. 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**.

CDFW recommends Riverside County revise Mitigation Measure BIO-18 as indicated below, with additions in **bold** and removals in ~~strike through~~:

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<sup>13</sup> Garrett, K., and J. Dunn. 1981. Birds of southern California. Los Angeles Audubon Soc., Los Angeles.

<sup>14</sup> Cornett, J. W., How did palm oases get to the California desert? A behind-the-scenes look at these 'tropical islands'. Desert Magazine. Sept. 13, 2018.

## **Mitigation Measures BIO-18: Nesting Birds**

**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. 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. Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1st through August 31st) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project area plus a 300-foot buffer. Within 2 weeks of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required. A minimum 300-foot no work buffer will be established around any active nests of a raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be established if determined appropriate by a project biologist and approved by CDFW.**

### **5) *CDFW's Lake and Streambed Alteration Program***

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. Note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This

includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Page 89 of the MND indicates that there are three unnamed channels and five small man-made water basins that may be impacted by Project activities. The MND's Project Description section indicates that multiple channel or drainage crossings, including bridges, culverts, and/or low-water crossings, will be required to traverse existing irrigation channels and drainage paths. The MND's Permits and Approval Needed section states that a Section 1602 Streambed Alteration Agreement will be obtained from the CDFW. Accordingly, CDFW recommends Riverside County add the following mitigation measure to a revised MND:

#### **Mitigation Measure BIO-[B]: 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.**

#### **6) *Artificial Nighttime Lighting***

Page 36 of the MND indicates that the proposed multi-use trail is designated for use between dawn and dusk, negating the need for trail lighting, but plans include lighting at street crossings for safety. Page 36 of the MND indicates that there will be artificial nighttime lighting during Project construction. The MND lacks a discussion of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources surrounding the Project site as a result of construction and long-term operation of the Project. Because the Project is located within and adjacent to open-space and agricultural areas that may support migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife, CDFW recommends that additional avoidance and minimization measures for lighting are implemented to reduce impacts to a level of less than significant. 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; the detection of resources and natural predators; and

navigation<sup>15</sup>. Further, many of the effects of artificial nighttime lightning on population- or ecosystem-level processes are still poorly understood suggesting that a precautionary approach should be taken when determining appropriate avoidance and minimization measures concerning artificial nighttime lightning.

To reduce impacts of artificial nighttime lightning to less than significant, CDFW recommends that Riverside County include in a revised MND the following mitigation measure:

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

**During Project construction and operations over the lifetime of the Project, Riverside County 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. The County shall ensure that all lighting for Project is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The County 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.**

### **7) Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)**

The Project is located within the CVMSHCP Plan area and outside of a Conservation Area. Section 5.2.1.1 of the CVMSHCP states that “local jurisdictions will impose a mitigation fee on new Development within the Plan Area that impacts vacant land containing Habitat for Covered Species or any of the conserved natural communities in the Plan through adoption, or amendment of existing fee ordinance. In addition to large vacant areas, this also applies to small vacant lots within urban areas that still contain natural open space.” Section 6.6.1 of the CVMSHCP further discusses the obligation of Local Permittees to impose local development mitigation fees, including “collecting all revenues generated within their respective jurisdictional boundaries for the Plan implementation and transferring those revenues to CVCC within thirty (30) days of collection”. Because the Project site contains habitat for Covered Species under the CVMSHCP including but not limited to burrowing owl, the County of Riverside is obligated to impose a CVMSHCP Local Development Mitigation Fee on the Project and

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<sup>15</sup> Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. *The ecological impacts of nighttime light pollution: a mechanistic appraisal*. *Biological Reviews*, 88.4 (2013): 912-927.



transfer revenues to CVCC.

To demonstrate compliance with the local development mitigation fee requirement under the CVMSHCP, CDFW recommends Riverside County add the following mitigation measure to a revised MND:

### **Mitigation Measure BIO-[C]: 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.**

### **ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

### **ENVIRONMENTAL DOCUMENT FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

### **CONCLUSIONS**


CDFW appreciates the opportunity to comment on the MND to assist Riverside County 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 to biological resources. CDFW also concludes that the MND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete and accurate assessment of biological resources on

Don Copeland, Senior Transportation Planner  
Riverside County Transportation Department  
April 24, 2023  
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the Project site. The CEQA Guidelines (§ 15088.5) indicate that recirculation is required when insufficient information in the MND precludes meaningful review. CDFW recommends that a revised MND, including recent findings from focused surveys for burrowing owl, Couch's spadefoot, and western yellow bat, is recirculated for public comment. CDFW also recommends that revised and additional mitigation measures as described in this letter be added to a revised MND.

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

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

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

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW  
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**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Mitigation Measure BIO-7: Burrowing Owl</b></p> <p>Suitable burrowing owl habitat has been confirmed on the Project site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG 2012 or most recent version) prior to initiation of ground-disturbing and/or vegetation removal activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent 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, 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 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 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>. Preconstruction surveys should be performed by a qualified biologist following the</p>	<p><b>Timing:</b> Focused surveys: Prior to the start of Project-related activities. Pre-construction surveys: no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>

<p>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 for review and approval prior to commencing Project activities.</p> <p><del>BIO-7: Prior to construction activities beginning, a preconstruction survey for burrowing owl in accordance with CDFW guidelines and the CVMSHCP must be conducted by a qualified biologist. The preconstruction survey should be conducted within a 500-foot buffer zone around the Project impact area and within 30 days before ground disturbing construction begins. If no burrows or burrowing owls are detected, no further avoidance or mitigation measures are required. If burrows are detected but determined to be inactive, exclusion methods will be implemented to prevent owls from occupying the burrows during Project activities. If burrowing owls are detected, a no disturbance buffer should be established and marked with high visibility Environmentally Sensitive Area (ESA) fencing. The no disturbance buffer should be 250 feet during the breeding season (February 1st through August 31st) and 160 feet during the non-breeding season.</del></p> <p><del>BIO-8: If work is to occur during the breeding season (February 1st through August 31st), then occupied burrows will be protected by a buffer zone marked by high visibility ESA fencing. The biologist shall consult with CDFW to determine the appropriate buffer size. If construction must occur within the approved buffer zone, then that work must be conducted outside of the breeding season unless the biologist determines that the birds have not begun egg laying or that juveniles have fledged the burrow and are capable of independent survival. The biologist may also coordinate with CDFW to determine if burrow relocation would be viable. If burrow relocation is determined to be appropriate, the biologist must prepare a burrowing owl relocation plan to be approved by CDFW prior to relocation taking place.</del></p>		
<p><b>Mitigation Measure BIO-[A]: Couch’s Spadefoot Focused Surveys</b></p> <p><b>Prior to commencing ground disturbing or vegetation removal activities, at least three focused surveys for Couch’s spadefoot shall be</b></p>	<p><b>Timing:</b> Prior to commencing ground disturbing or vegetation removal activities. Focused surveys:</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p>

<p>conducted by qualified biologist(s) to determine the status of occupancy in suitable habitat within the Project site and 100-foot buffer. Surveys shall take place immediately following the first major summer (monsoonal) rain event, ideally starting during the first night. Surveys shall be conducted by qualified biologist(s) with experience identifying the call of Couch’s spadefoot as this will likely be the most effective way to locate populations. Subsequent surveys will be conducted within a few days after the filling of desert rain pools and will focus on surveying for tadpoles. To achieve 100 percent visual coverage, surveys shall be conducted with parallel transects spaced approximately 20 feet apart on-site in appropriate habitat suitable for the species. The Project shall follow survey protocols outlined in the 1995 Standardized Protocol for Surveying Aquatic Amphibians (<a href="http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers_Standardized_Survey_Protocol.pdf">http://www.elkhornsloughctp.org/uploads/files/1172879165Fellers_Standardized_Survey_Protocol.pdf</a>).</p>	<p>immediately following the first major summer rain event and within a few days after filling of desert rain pools.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-10: Couch’s Spadefoot Protection</b></p> <p>Based on the baseline habitat and focused Couch’s spadefoot surveys, water sources used by Couch’s spadefoot toad will be identified. If construction activities occur within 0.6 miles of water sources used by Couch’s spadefoot, construction activities will be conducted only between dawn and dusk. If water sources used by Couch’s spadefoot occur on or within 500 feet of Project construction activities, a 500-foot buffer shall be established around the water source. The buffer will be staked and flagged. No construction activities will be permitted within the buffer. If a water source used by Couch’s spadefoot for breeding cannot be avoided and would be permanently lost as a result of Project construction activities, Riverside County will acquire and protect in perpetuity two water sources known to be used by Couch’s spadefoot in Coachella Valley for breeding for each affected water source (i.e., Riverside County shall compensate no less than 2:1 for permanent impacts to habitat). If a Couch’s spadefoot toad is identified within Project limits all work must stop in that vicinity until the individual leaves the Project area of its own accord. If the Couch’s spadefoot toad is</p>	<p><b>Timing:</b> Prior to and during Project construction activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>

<p><del>found buried underground during ground disturbance activities or within water sources impacted during construction, an appropriate buffer and sound restrictions shall be determined in coordination with CDFW and marked with high visibility ESA fencing.</del></p>		
<p><b>Mitigation Measure BIO-14: Bat Surveys</b></p> <p><b>Prior to the initiation of Project activities within suitable bat roosting habitat, Riverside County shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If palm tree removal is required, prior to tree removal the project biologist will conduct surveys to determine if the trees designated for removal are potentially suitable bat habitat. Potential “bat habitat trees” typically are mature trees with features such as dead palm fronds, open cavities, crevices or loose bark. If any such trees are to be removed, the project biologist will monitor the two-step tree removal process, as outlined in BIO-15. Any “bat habitat trees” identified that are not to be removed will be protected in place with ESA fencing.</b></p>	<p><b>Timing:</b> Prior to initiation of Project activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-15: Avoidance of Bats during Tree Removal</b></p> <p><b>Tree removal work with the potential to house roosting bats shall be performed between September</b></p>	<p><b>Timing:</b> During Project construction activities</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p>

<p><b>1 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not drop below 45°F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45°F or less for that evening and the next four evenings), then no tree removals shall be performed. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist. To minimize direct mortality to any roosting bats, each date palm/palm tree requiring removal must be trimmed using a two-step process conducted over two consecutive days. Contractor will only trim the outermost fronds for each individual tree on the first day; innermost fronds shall not be trimmed. No more than 50% of the palm fronds will be removed from each tree during day 1. On the second day the remaining fronds on each tree must be removed. All fronds must be manually removed/trimmed using chainsaws. No use of dozers, backhoes, cranes, or other heavy equipment is permitted. Should bats emerge during the tree trimming, trimming activities must temporarily cease at the individual tree until bats are no longer actively emerging from the tree. A survey within 2 weeks of tree removal will be conducted to detect if bats are using trees for roosting. If bats are using trees for roosting, trees must be removed during March 1—April 15 or August 31—October 15.</b></p>	<p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Monitoring and Reporting:</b> Riverside County</p>
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<p><b>Mitigation Measures BIO-18: Nesting Birds</b></p> <p>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. 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><del>Prior to vegetation removal or initial ground disturbance during the nesting bird season (February 1st through August 31st) a pre-construction nesting bird survey must be conducted by a Project biologist prior to the start of work. The nesting bird survey must include the Project area plus a 300-foot buffer. Within 2 weeks of the nesting bird survey, all areas surveyed by the biologist must be cleared by the contractor or a supplemental nesting bird survey is required. A minimum 300-foot no work buffer will be established around any active nests of a raptor species. A 100-foot no work buffer will be established around any active nests for other migratory birds. If an active nest is discovered during construction, the contractor must immediately stop work in the nesting area until the appropriate buffer is established. The contractor is prohibited from conducting work that could disturb the birds (as determined by a project biologist and in coordination with wildlife agencies) in the buffer area until a qualified biologist determines the young have fledged. A reduced buffer can be</del></p>	<p><b>Timing:</b> No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
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<p><del>established if determined appropriate by a project biologist and approved by CDFW.</del></p>		
<p><b>Mitigation Measure BIO-[B]: Lake and Streambed Alteration Program</b></p> <p>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><b>Timing:</b> Prior to construction and issuance of any grading permit</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-[B]: Artificial Nighttime Lighting</b></p> <p>During Project construction and operations over the lifetime of the Project, Riverside County 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. The County shall ensure that all lighting for Project is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). The County 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><b>Timing:</b> During Project construction and over the lifetime of the Project</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> Riverside County Transportation Department</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>
<p><b>Mitigation Measure BIO-[C]: CVMSHCP Compliance</b></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</p>	<p><b>Timing:</b> Prior to construction and issuance of any grading permit</p>	<p><b>Implementation:</b> Riverside County</p> <p><b>Monitoring and Reporting:</b> Riverside County</p>

<b>shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee.</b>	<b>Methods:</b> See Mitigation Measure	
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