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GAVIN NEWSOM, Governor
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April 25, 2023
Sent via email

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Coachella Airport Business Park (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH# 2023040106

Dear Ms. Criste:

The California Department of Fish and Wildlife (CDFW) received a Draft Mitigated Negative Declaration (MND) from the City of Coachella for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines[1].

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

CDFW ROLE

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may

[1]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.

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: Haagen Co., LLC

Objective: The Project proposes to develop a mixed-use business park development that includes warehouse space, commercial cannabis-related uses, small businesses, self- and vehicle-storage, a drive thru restaurant and service station/mini mart-related land uses, and an electric substation for Imperial Irrigation District in the City of Coachella (City), in Riverside County, California.

The service station/mini mart (4,000 square feet [SF]) and drive-thru fast food restaurant (4,650 SF) are proposed to be developed at the southern end of the Project site in concert with the proposed Project's primary access point along Airport Boulevard, within close proximity to the SR-86 off ramp. Adjacent to the two retail buildings to the north will be the small business sector of the Project site that will be composed of 18 buildings for office and/or warehouse uses that are each 4,500 SF of leasable space. Beyond the small business area of the Project site, to the northwest, will be the personal vehicle storage area of the proposed Project that will contain a total of four (4) hangar type buildings which are each 19,200 SF, and with a centralized courtyard-type green space between the buildings. The personal vehicle storage area will be designed for storage of automobiles and motorsport vehicles. The self-storage area of the proposed Project will be located within the western central portion of the Project site and be composed of 17 buildings ranging in building footprints from 5,200 SF to 10,400 SF. The small warehouse area of the proposed Project will be located within the eastern central portion of the Project site and consist of five (5) warehouse buildings ranging from 9,600 SF to 24,000 SF. The large warehouse area of the proposed Project will be located within the northern portion of the Project site and consist of four (4) warehouse buildings ranging from 22,400 SF to 48,800 SF. Both the large and small warehouse areas will be built to accommodate logistical/distribution-related uses (i.e., fulfillment centers) and cannabis uses, including cultivation, manufacturing, and distribution. The proposed building heights will range from 24 to 50 feet. The applicant has also submitted a request for an electronic billboard, to be located adjacent to the SR-86 right of way and measuring 14 by 48 feet on a 44-foot-high base. In addition, a new 315' x 315' substation with a 1-25 mega volt ampere (MVA) 92/13.2 kilovolt (kV) transformer bank

would be constructed on the north side of the Project in excess right-of-way being purchased by the applicant from Caltrans.

The Project would provide off-site water and sewer improvements to the Project site. The City will provide water services to the Project site via a proposed water line that would connect from a water line planned in the Grapefruit Boulevard right-of-way from the north to Palm Street, and extend easterly through the Union Pacific Railroad right-of-way and the Whitewater River Channel to serve the site. CVWD would provide sewer services to the Project site via a proposed sewer line that would be located beneath Airport Boulevard.

Primary Project access will be provided along the southwestern frontage along Airport Boulevard. The proposed second access point will be provided further east at the southeastern frontage along Airport Boulevard and will be used as emergency access only. A roadway, varying in width from 30 to 40 feet, will be constructed through the proposed Project to serve as the central thoroughfare and allow for complete circumnavigation of the Project site.

All proposed buildings would incorporate mounted lighting that would assist with visibility in the interior of the Project site. In addition, for security purposes, exterior wall mounted lighting will be installed at all entry points of each building as well as the entrance to the Project site along Airport Boulevard. Security lighting will also be installed and dispersed through the parking areas and any designated walkways.

Location: The Project Area is located at the northwest corner of the intersection of State Route 86 (SR-86) and Airport Boulevard in the City of Coachella (City), in Riverside County, California. The Project site comprises three parcels totaling approximately 44 acres in size. The Assessor's Parcel Numbers (APNs) of the Project site are 763-330-013, 763-330-018, and 763-330-029. The Project site is located at Latitude 33˚38'43.9" N and Longitude 116˚08'14.7" W at the approximate geographic center of the Project site.

Timeframe: The Project proposes it will be completed in three (3) phases. Phase 1 will take approximately 1-5 years, Phase 2 will take approximately 5-10 years, and Phase 3 will take approximately 10-20 years. Full build-out of the proposed Project is anticipated to occur within 30 years of initiating construction.

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 City of Coachella 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 both a complete and accurate assessment of biological resources on the Project site and an accurate Project description. CDFW requests 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.

Project Description

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.

Page 6 of the MND indicates that the Project "would provide off-site water and sewer improvements to the Project site. The City will provide water services to the Project site via a proposed water line that would connect from a water line planned in the Grapefruit Boulevard right-of-way from the north to Palm Street, and extend easterly through the Union Pacific Railroad right-of-way and the Whitewater River Channel to serve the site. CVWD would provide sewer services to the Project site via a proposed sewer line that would be located beneath Airport Boulevard." Page 45 of the MND states that "a Phase III A-2 Transmission Main Subsequent IS/MND (SCH #2019079095) was prepared in February 2022, which evaluated pipeline alignments that would be located in the same location as the proposed off-site water line to the Project site." The MND lacks additional details on the proposed off-site water infrastructure, such as the alignment of the proposed off-site water line, details on how the water line and sewer line will be installed (e.g., horizontal directional drilling), and an analysis of the impacts to biological resources as a result of construction of these off-site water and wastewater infrastructure. Because the MND and supporting documentation lack these details, CDFW is unable to conduct a meaningful review of the Project or provide the Lead Agency with biological expertise related to activities that have the potential to adversely affect fish and wildlife resources. Without an adequate Project description, CDFW is also unable to provide appropriate guidance as a Responsible Agency under CEQA on, for example, the Project activities that may be subject to notification under CDFW's

Lake and Streambed Alteration Program. CDFW recommends that the MND is revised to include additional details on off-site water and wastewater infrastructure.

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.

The MND lacks a complete and accurate assessment of biological resources within the Whitewater River, located adjacent to and west of the Project site. The MND also lacks details on the methods used to conduct a habitat assessment for burrowing owl within the Project site and surrounding buffer area. A complete and accurate assessment of the environmental setting and Project-related impacts to biological resources is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to a level that is less than significant.

Mitigation Measures

CEQA requires that an 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 City of Coachella in ensuring that Project impacts to biological resources are reduced to a level that is less than significant, CDFW recommends adding mitigation measures for an assessment of biological resources, burrowing owl (*Athene cunicularia*), artificial nighttime lightning, CVMSHCP compliance, and CDFW's Lake and Streambed Alteration Program, cannabis-specific impacts, construction noise, as well as revising the mitigation measure for nesting birds.

1) Assessment of Biological Resources

Page 7 of the Biological Resources Assessment Memorandum and Coachella Valley Multiple Species Habitat Conservation Plan Analysis (BRA) indicates that "the Whitewater River channel to the west of the site is primarily barren, with remnant riparian vegetation occurring within the narrow active flow in the channel." Page 12 of the BRA states that "riparian habitat is limited to active flow areas, which are approximately 300 feet west of the berm that separates the Project site from the active floodplain. The active flow is far enough where direct and indirect impacts are not anticipated for riparian habitat." The MND and BRA lack a description of the biological resources located within the Whitewater River, including resources within the low-flow

channel, the riparian and streambed habitat surrounding this channel, and the banks of the Whitewater River. The MND and BRA also lack an analysis and discussion of direct, indirect, and cumulative impacts of the Project to these biological resources and how impacts will be avoided, minimized, and mitigated.

CDFW adds clarification that the entire stretch of the Whitewater River located within the City limits supports Sonoran cottonwood–willow riparian forest habitat within and adjacent to the low-flow channel of the river. Perennial flows in this section of the Whitewater River come from the Valley Sanitary District Sewage Treatment Plant located about a mile northeast of the City of Coachella. The Sonoran cottonwood–willow riparian forest habitat located within and adjacent to the low-flow channel comprises predominantly native plant species including trees and large shrubs such as black willow (*Salix nigra*), sandbar willow (*Salix exigua*), Fremont cottonwood (*Populus fremontii*), arrowweed (*Pluchea sericea*), bush seepweed (*Suaeda nigra*), and big saltbush (*Atriplex lentiformis*). The stream habitat located outside the low-flow channel, areas that are periodically impacted by channel maintenance activities, continue to support some areas with significant cover of native species including arrowweed (*Pluchea sericea*) and bush seepweed, which are pioneer species that readily re-sprout from root crowns and are able re-establish from seed within a single growing season following both natural and anthropogenic disturbance to this area. Other native plants that are commonly found in the streambed and on the banks include desert twinbug (*Dicoria canescens*), alkali heliotrope (*Heliotropium curassavicum*), saltgrass (*Distichlis spicata*), and fan-leaved tiquilia (*Tiquilia plicata*). Common non-native species in these areas, which can also provide limited habitat value, include giant reed (*Arundo donax*), salt cedar (*Tamarix* sp.), and Russian thistle (*Salsola tragus*). The plant communities in the Whitewater River within the City limits are valuable biological resources that have important habitat for variety of wildlife, including several special-status species.

The Sonoran cottonwood–willow riparian forest habitat within the Whitewater River supports nesting birds including special-status species like least Bell's vireo (*Vireo bellii pusillus;* state and federally endangered) and southwestern willow flycatcher (*Empidonax traillii extimus*; state and federally endangered), which are both Covered Species under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The banks of the Whitewater River also serve as suitable burrowing/nesting habitat for burrowing owls (*Athene cunicularia*; California Species of Special Concern), also a Covered Species under the CVMSHCP. Additionally, the Whitewater River provides important foraging, refugia, nesting, and burrowing habitat for a variety of native wildlife species including bobcats (*Lynx rufus*), coyotes (*Canis latrans*), desert kit fox (*Vulpes macrotis*), small mammals, reptiles, and resident and migratory birds. Also within the Whitewater River, cliff swallows (*Petrochelidon pyrrhonota*) and several species of bats (e.g., Yuma myotis (*Myotis yumanensis*) and Mexican free-tailed bats (*Tadarida brasiliensis*)) may use bridges for nest building and day/night roosting, respectively. The Whitewater River also serves as an important wildlife movement corridor.

Additionally, page 6 of the BRA indicates that a field reconnaissance survey was last conducted on February 8, 2021, from 7 to 9 am over the large 44-acre Project site and surrounding area. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed. CDFW recommends that the MND is revised to include the findings of a complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). To be complete, the biological inventory needs to include a buffer area surrounding the Project site including the Whitewater River and the open-space parcel located to north. Based on findings from a recent biological inventory, CDFW recommends that the MND is revised to include an analysis of direct, indirect, and cumulative impacts to biological resources and identification of appropriate avoidance, minimization, and mitigation measures. Recent and complete information on biological resources, and analysis of a Project's direct, indirect, and cumulative impacts, and appropriate avoidance, minimization, and mitigation measures support the Lead Agency in demonstrating that Project impacts to biological resources are less than significant.

CDFW recommends that the City of Coachella include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[A]: Assessment of Biological Resources

> **Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant**

periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

2) 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 B-5 of the BRA indicates that open habitat with sparce vegetation currently exists on the western portion of the Project site, and suitable burrows were not observed on-site and the potential for burrowing owl to occur is low. The MND includes conflicting information regarding presence of burrows: page 15 of the Cultural Resources Investigation, dated May 1, 2020, indicates "additional disturbances noted included rodent burrowing," while the BRA indicates that burrows were not observed on-site during the field survey including small mammal burrows (page B-5 and B-7). Further, the MND and BRA do not indicate if a habitat assessment for burrowing owl was conducted in the Whitewater River located adjacent to the Project site. Burrowing owls have been observed at many locations along the Whitewater River, particularly along its banks that often support short, sparse vegetation, habitat that is preferred by burrowing owls[3]. The MND and BRA also lack a discussion of the survey methods used to conduct a habitat assessment for burrowing owl—i.e., if survey methods were consistent with the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012)[2]. Additionally, BRA indicates that the last field reconnaissance survey was conducted on February 8, 2021; CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, as habitat conditions and the presence of wildlife can change quickly due to a variety of factors such as seasonal rainfall. CDFW recommends the MND is revised to include the results of a recent habitat assessment and focused surveys for burrowing owl per the guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (CDFW

[2] 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

2012[2]) that cover the Project site and surrounding area including the Whitewater River and the parcel to the north of the Project. 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, 3503.5, and 3513. 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.

Importantly, because the Project is proposed to be constructed over multiple phases over a 30-year timeline (page 7 of the MND) and there may be a considerable lapse of time between phases when burrowing owls may reoccupy areas with suitable habitat, CDFW recommends that habitat assessments and focused and pre-construction burrowing owl surveys are repeated prior to ground disturbance and vegetation removal activities for all phases of Project construction.

CDFW recommends that City of Coachella include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[B]: Burrowing Owl

> **For all phases of the Project and 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).**
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> **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 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.

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.).

Page 7 of the BRA indicates that the Project site and the open-space area adjacent to and north of the Project site contains saltbush scrub, and a number of bird species have the potential to nest within the Project site and 300-foot buffer. Page 12 of the BRA states that the active flow of the Whitewater River is far enough away where direct and indirect impacts of the Project are not anticipated for riparian habitat. Although the MND includes Mitigation Measure BIO-1 regarding nesting birds, the MND lacks a discussion of the Project's potential direct, indirect, and cumulative impacts to nesting birds located within the Project site and within the adjacent Whitewater River to the west and open-space parcel to the north. As discussed in the Assessment of Biological Resources section above, the Project has the potential to impact biological resources including

nesting birds in the Whitewater River and the open-space parcel to the north of the Project. To reduce impacts to a level less than significant, CDFW recommends the MND is revised to include an analysis of impacts to nesting birds in the Whitewater River and parcel to the north and appropriate avoidance, minimization, and mitigation measures. For example, the Project may result in direct and indirect impacts to nesting birds in the Whitewater River through the introduction of artificial nighttime lightning during Project construction and/or long-term operations (see Artificial Nighttime Lightning section below), as well as noise associated with Project construction

Further, because the Project will be constructed over multiple phases over a 30-year period and there may be a considerable lapse of time between phases when and shrubs and trees can reoccupy an area and create nesting habitat, CDFW recommends that nesting bird surveys are completed prior to all ground disturbance and vegetation removal activities for all phases of Project construction.

Also, although the MND includes Mitigation Measure BIO-1 for nesting birds, CDFW considers the 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 and surrounding area be avoided **any time birds are nesting on-site.**

CDFW recommends the City of Coachella revised Mitigation Measure BIO-1 in a revised MND as follows, with additions in **bold** and removals in ~~strikethrough~~:

Mitigation Measure BIO-1: 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 for all phases of the Project. 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.** ~~To~~

~~avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin within the breeding season, then a preconstruction nesting bird survey shall be conducted no more than 3 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted within the project site, plus a 300-foot buffer (500-foot for raptors), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California desert communities. If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.~~

4) Artificial Nighttime Lightning

Page 26 of the MND indicates that proposed buildings would incorporate mounted lighting that would assist with visibility in the interior of the Project site, and exterior wall mounted lighting will be installed at all entry points of each building as well as the entrance to the Project site along Airport Boulevard. Security lighting will also be installed and dispersed through the parking areas and any designated walkways. Page 5 of the MND indicates that proposed building heights will range from 24 to 50 feet in height. Page 6 of the MND indicates that the Project proposes an electronic billboard to be located in the northern half of the site, adjacent to the SR-86 right-of-way, measuring 14 by 48 feet on a 44-foot-high base. Page 12 of the BRA states that the active flow of the Whitewater River is far enough away where direct and indirect impacts of the Project are not anticipated for riparian habitat.

The MND lacks an analysis and discussion of the direct, indirect, and cumulative impacts of artificial nighttime lightning expected to adversely affect biological resources surrounding the Project site, including the Whitewater River located adjacent to and west of the Project site and a parcel with open space and native shrub cover located adjacent to and north of the Project site, as a result of the Project's construction and long-term operations. Please reference the sections of this letter above on Assessment of Biological Resources, Nesting Birds, and Burrowing Owls highlighting examples of biological resources that could be negatively impacted by artificial nighttime lightning

proposed by the Project. The MND also lacks a description of all types of lightning that would be used by the Project and an analysis of direct, indirect, and cumulative impacts on biological resources including 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; the detection of resources and natural enemies; and navigation[3]. Further, many of the effects of artificial nighttime lightning on population or ecosystem-level processes are still poorly known, indicating that a precautionary approach should be taken when determining appropriate avoidance and minimization measures.

CDFW recommends that the MND is revised to include lightning specifications for all artificial nighttime lightning that will be used by the Project, an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting associated with Project construction and long-term operations on biological resources, and appropriate avoidance, minimization, and mitigation measures that will reduce impacts to less than significant.

To support the Project in avoiding, minimizing, and mitigating for the Project's direct and indirect impacts of artificial nighttime lightning, CDFW recommends that the City of Coachella include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[C]: Artificial Nighttime Lighting

> **During Project construction and operations over the lifetime of the Project, the City of Coachella 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 City of Coachella 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 City of Coachella 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.**

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

5) Coachella Valley Multiple Species Habitat Conservation Plan

The MND lacks a discussion of the City of Coachella's obligations as a Local Permittee under the CVMSHCP to impose a local development mitigation fee for this Project. 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 crissal thrasher (*Toxostoma crissale*) and likely burrowing owl (contingent on the results of a full assessment of biological resources), which are Covered Species under the CVMSHCP, the Project is subject to the CVMSHCP Local Development Mitigation Fee.

To document the City of Coachella's obligation as a Local Permittee under the CVMSHCP to impose a local development mitigation fee for this Project, CDFW recommends the City of Coachella add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[D]: CVMSHCP Compliance

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

6) CDFW Lake and Streambed Alteration (LSA) Program

Page 5 of the MND indicates that both the large and small warehouse areas will be built to accommodate both logistical/distribution related uses (i.e., fulfillment centers) and for cannabis uses, including cultivation, manufacturing, and distribution.

Because the Project is located directly adjacent to the Whitewater River, there is the potential for the Project to directly or indirectly impact fish and wildlife resources subject to Fish and Game Code section 1600 et seq. Examples of potential impacts to the Whitewater River that could result from the Project include the use of horizontal directional drilling or other installation method to construct water and wastewater pipelines that cross the Whitewater River, any grading of the berm—a part of the stream

bank—separating the Project site from the Whitewater River, surface runoff and erosion introduced to the Whitewater River, or the introduction of artificial nighttime lighting and noise.

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.

CDFW recommends the City of Coachella add the following mitigation measure to a revised MND:

Mitigation measure BIO-[E]: 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.**

7) Cannabis-Specific Impacts on Biological Resources

There are many impacts to biological resources associated with cannabis cultivation, whether indoor or outdoor cultivation (i.e., pesticides, fertilizers/imported soils, water pollution, groundwater depletion, vegetation clearing, construction and other development in floodplains, fencing, roads, noise, artificial light, dams and stream crossings, water diversions, and pond construction). CDFW recommends that the City of Coachella include in the MND an analysis of cannabis-specific impacts to biological resources that may result from the Project activities. Design specifications of cultivation structures should be included in the MND to demonstrate that the structures are fully enclosed structures with permanent walls/roof and impermeable floors.

Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be

poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. (Even if used indoors, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals disposed of outside.) Nonlethal doses of pesticides can negatively affect wildlife; pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams, in violation of Fish and Game Code section 5650(6). Anticoagulant rodenticides and rodenticides that incorporate "flavorizers" that make the pesticides appetizing to a variety of species should not be used at cultivation sites. Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs/walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether; these pose a hazard to nontarget wildlife and result in prolonged/inhumane death. California Department of Pesticide Regulation stipulates that pesticides must certain criteria to be legal for use on cannabis. For details, visit: https://www.cdpr.ca.gov/docs/cannabis/questions.htm; https://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2015/2015atch/attach1502.pdf.

The MND lacks a discussion on if Project's cultivation activities will involve pesticides such as fungicides, herbicides, insecticides, and rodenticides. Because of the potential for Project activities to involve the use of pesticides in cannabis cultivation and other cannabis-related activities, CDFW recommends that the City of Coachella include a mitigation measure conditioning the Project to development of a plan to avoid, minimize, and mitigate the impacts of pesticides used in cannabis cultivation. CDFW recommends that the City of Coachella add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[F]: Pesticides

> **Prior to construction and issuance of any grading permit, the Project proponent shall develop a plan in consultation with the City of Coachella. The plan shall be reviewed and approved by the City of Coachella as a condition of project approval. The plan shall identify measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage,**

and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.

Artificial Light

Cannabis cultivation operations often use artificial lighting or "mixed-light" techniques in greenhouse structures and indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O'Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect biological resources (see previous section "Artificial Nighttime Lighting"). The MND does not specify whether artificial light will be used for cannabis cultivation. Because the Project is located immediately adjacent to riparian habitat associated with Whitewater River, and because of the potential for the use of artificial light to impact nocturnal wildlife species and migratory birds that fly at night, CDFW recommends the MND be revised to include an analysis of cannabis-specific impacts on biological resources and Mitigation Measure BIO-[C]: Artificial Nighttime Lighting. Light should not be visible outside of any structure used for cannabis cultivation.

Role of CDFW LSA Program in Cannabis Licensing

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. Department of Cannabis Control (DCC) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from DCC, cultivators must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through EPIMS (Environmental Permit Information Management System; https://epims.wildlife.ca.gov) and learn more about permitting at https://wildlife.ca.gov/Conservation/Cannabis/Permitting.

8) Construction Noise

Construction activities may result in substantial noise through road use, equipment, and other project-related activities. This may adversely affect wildlife species in several

ways as wildlife responses to noise can occur at exposure levels of only 55 to 60 decibels (Barber et al. 2009). Anthropogenic noise can disrupt the communication of many wildlife species including frogs, birds, and bats (Sun and Narins 2005, Patricelli and Blickley 2006, Gillam and McCracken 2007, Slabbekoorn and Ripmeester 2008). Noise can also affect predator-prey relationships as many nocturnal animals such as bats and owls primarily use auditory cues (i.e., hearing) to hunt. Additionally, many prey species increase their vigilance behavior when exposed to noise because they need to rely more on visual detection of predators when auditory cues may be masked by noise (Rabin et al. 2006, Quinn et al. 2017). Noise has also been shown to reduce the density of nesting birds (Francis et al. 2009) and cause increased stress that results in decreased immune responses (Kight and Swaddle 2011).

Page 45 of the MND indicates that the Project construction activities may result in indirect impacts including noise to special-status wildlife species and nesting birds that have the potential to occur onsite. CDFW is also concerned that the Project may result in noise impacts to wildlife in the adjacent Whitewater River and open-space parcel to the north of the Project. CDFW recommends that the City of Coachella include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[G]: Noise

During construction of all phases of the Project, the City of Coachella shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The City shall ensure use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means should be below the 55-60 dB range within 50-feet from the source.

9) Landscaping

The MND lacks a discussion of the type of landscaping that will be installed and maintained over the life of the Project. To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants, more information on native plants suitable for the Project location and nearby nurseries is available at CALSCAPE: https://calscape.org/. Local water agencies/districts and resource conservation districts in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species

demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website: https://saveourwater.com/. CDFW also recommends that the MND include recommendations regarding landscaping from Section 4.0 of the CVMSHCP "Table 4-112: Coachella Valley Native Plants Recommended for Landscaping" (pp. 4-180 to 4-182; https://cvmshcp.org/plan-documents/).

ENVIRONMENTAL DATA

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

ENVIRONMENTAL DOCUMENT FILING FEES

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

CONCLUSIONS

CDFW appreciates the opportunity to comment on the MND to assist the City of Coachella 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 an adequate Project description and complete and accurate assessment of biological resources on 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 with an adequate Project description, a recent and complete assessment of impacts to biological resources, and mitigation to avoid and reduce those impacts to less than significant, be recirculated for public comment.

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:
Kim Freeburn
84F92FFEEFD24C8...

Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	**Timing and Methods**	**Responsible Parties**
Mitigation Measure BIO-[A]: Assessment of Biological Resources **Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident**	**Timing**: Prior to Project construction activities **Methods:** See Mitigation Measure	**Implementation**: City of Coachella **Monitoring and Reporting**: City of Coachella

species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.		
Mitigation Measure BIO-[B]: Burrowing Owl **For all phases of the Project and 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 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**	**Timing**: For all phases of the Project and no less than 60 days prior to the start of Project-related activities for habitat assessment and focused surveys; no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance for preconstruction surveys. **Methods:** See Mitigation Measure	**Implementation**: Project Applicant **Monitoring and Reporting**: City of Coachella

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.**		
Mitigation Measures BIO-1: 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 for all phases of the Project. 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**	**Timing**: No more than 3 days prior to vegetation removal or ground-disturbing activities for all phases of the Project **Methods:** See Mitigation Measure	**Implementation**: Project Applicant **Monitoring and Reporting**: City of Coachella

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. ~~To avoid disturbance of nesting and special-status birds, including raptorial species protected by the MBTA and CFGC, activities related to the project, including, but not limited to, vegetation removal, ground disturbance, and construction and demolition shall occur outside of the bird breeding season (February 1 through August 30). If construction must begin within the breeding season, then a preconstruction nesting bird survey shall be conducted no more than 3 days prior to initiation of ground disturbance and vegetation removal activities. The nesting bird pre-construction survey shall be conducted within the project site, plus a 300-foot buffer (500-foot for raptors), on foot, and within inaccessible areas (i.e., private lands) afar using binoculars to the extent practical. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California desert communities. If nests are found, an avoidance buffer (which is dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and to avoid entering the buffer zone during the nesting season. No ground disturbing activities shall occur within this buffer until the avian biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.~~		
Mitigation Measure BIO-[C]: Artificial Nighttime Lighting **During Project construction and operations over the lifetime of the Project, the City of Coachella shall eliminate all nonessential lighting throughout the Project area and avoid or limit the**	**Timing**: During Project construction and operations over the lifetime of the Project	**Implementation**: Project Applicant **Monitoring and Reporting**: City of Coachella

use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The City of Coachella 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 City of Coachella 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.	**Methods:** See Mitigation Measure	
Mitigation Measure BIO-[D]: CVMSHCP Compliance **Prior to construction and issuance of any grading permit, the City of Coachella shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.**	**Timing**: Prior to construction and issuance of any grading permit **Methods:** See Mitigation Measure	**Implementation**: City of Coachella **Monitoring and Reporting**: City of Coachella
Mitigation measure BIO-[E]: 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.**	**Timing**: Prior to construction and issuance of any grading permit **Methods:** See Mitigation Measure	**Implementation**: Project Applicant **Monitoring and Reporting**: City of Coachella
Mitigation Measure BIO-[F]: Pesticides **Prior to construction and issuance of any grading permit, the Project proponent shall develop a plan in consultation with the City of Coachella. The plan shall be reviewed and approved by the City of Coachella as a condition of Project approval. The**	**Timing**: Prior to construction and issuance of any grading permit	**Implementation**: Project Applicant **Monitoring and Reporting**: City of Coachella

plan shall identify measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.	**Methods:** See Mitigation Measure	
Mitigation Measure BIO-[G]: Noise **During construction of all phases of the Project, the City of Coachella shall restrict use of equipment to hours least likely to disrupt wildlife (e.g., not at night or in early morning) and restrict use of generators except for temporary use in emergencies. Power to sites can be provided by solar PV (photovoltaic) systems, cogeneration systems (natural gas generator), small micro-hydroelectric systems, or small wind turbine systems. The City shall ensure use of noise suppression devices such as mufflers or enclosure for generators. Sounds generated from any means should be below the 55-60 dB range within 50-feet from the source.**	**Timing**: During construction of all phases of the Project **Methods:** See Mitigation Measure	**Implementation**: Project Applicant **Monitoring and Reporting**: City of Coachella