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 Inland Deserts Region
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GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



May 23, 2023
 Sent via e-mail

Pilar Lopez
 Senior Planner
 City of Rancho Mirage
 69-825 Highway 111
 Rancho Mirage, CA 92270

**DESERT ISLAND HOTEL (PROJECT)
 NEGATIVE DECLARATION (ND)
 SCH# 2023040562**

Dear Ms. Lopez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an ND from the City of Rancho Mirage for the Project pursuant 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 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: City of Rancho Mirage

Objective: The objective of the Project is to develop a resort hotel within the Desert Island community. A General Plan Zoning Map Amendment (GPZMA22-0002) will change the zoning from "Open Space-Private (OS-PV)" to "Resort Hotel (Rs-H)" for the proposed hotel and residences, and a Specific Plan Amendment (SPA22-0002) will introduce hotel use to the Desert Island Specific Plan. The land (17.2 acres) within the Desert Island community will be repurposed to include a new 34-key hotel comprised of four 1-story buildings totaling 33,940 square feet, 11 private residences totaling 56,844 square feet, hotel

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.

grounds for guest use with tennis, pool, 852 square foot café, cabana, and 2,572 square feet for yoga amenities, along with additional onsite parking totaling 376 spaces. The proposed hotel and residences will be located west of the existing clubhouse. A new golf training park and 7,818 square foot golf maintenance building will replace the existing driving range and old maintenance building. Secondary access to Frank Sinatra Drive will be accommodated by widening the existing gated entry at the northwest corner of the golf course from 12 feet to 24 feet.

The Project would be constructed in four phases. The first phase would develop a portion of the southerly hotel with outdoor recreation activities, yoga pavilion, maintenance building with parking, and the proposed secondary access to Frank Sinatra Drive. Phase two would develop residences 7 and 8 on the western side of the site. Phase three would develop residences 5, 6, 9, and 10. Phase four would develop the northerly hotel, residences 1, 2, 3, and 4, and the proposed golf training facility. The southern hotel pad would be left or reseeded with live turf until constructed. The Project construction activities are expected to occur in the following stages: site preparation, grading, building construction, paving, and architectural coating.

Location: The Project is located at the southwest corner of Frank Sinatra Drive and Bob Hope Drive, on approximately 17.2 acres within the Desert Island Residential Community and Golf Course in the City of Rancho Mirage, Riverside County, California (33.771990, -116.412801). The Project encompasses Accessor's Parcel Numbers 688-040-001, 688-050-005, 688-060-006, and 688-060-008. Land surrounding the parcels includes residential communities with accompanying golf courses. Lands to the northeast and northwest corners of the property across Frank Sinatra Drive are vacant. The Project is located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) boundary. The Project is within the Indio subbasin of the Coachella Valley Groundwater Basin.

Timeframe: Construction is expected to begin in 2023 with full buildout by 2024.

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City of Rancho Mirage in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The ND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant.

CDFW's comments and recommendations on the ND are explained in greater detail below and summarized here. The ND lacks a complete and accurate assessment of biological resources on the Project site. CDFW recommends that additional information and analyses be added to a revised ND, 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 ND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the ND may provide an incomplete analysis of Project-related environmental impacts.

CDFW is concerned that no biological field assessment was conducted for the ND. The Project site is currently located with the Desert Island golf course and is adjacent to a 25-acre lake. Vegetation and water features associated with golf courses frequently attract migratory and nesting birds; graded areas left vacant during pauses in construction can

attract ground squirrels and burrowing owls; and construction noise and artificial light at night can impact wildlife on the Project site and in the surrounding area.

Mitigation Measures

CDFW is concerned that no mitigation measures are proposed in the ND to avoid or reduce impacts to biological resources to below a level of significance. To support the City of Rancho Mirage in ensuring that Project impacts to biological resources are reduced to a level that is less than significant, CDFW recommends adding mitigation measures for Coachella Valley MSHCP compliance, burrowing owl (*Athene cunicularia*), nesting birds, construction noise, and artificial nighttime lightning.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Number of Residences

Initial Study/Negative Declaration (IS/ND) document, Pages #7 & 9

Issue: There is a discrepancy in the IS/ND Project description and phasing timeline regarding the number of private residences to be constructed.

Specific impact: The IS/ND states (p. 7) that the Project will repurpose 17.2 acres of the existing Desert Island community to include 11 private residences. However, the phasing timeline in the IS/ND (p. 9) lists the construction timeline of residences 1 through 10 (10 total). The IS/ND should clarify the correct number of private residences to be constructed and provide an accurate description of the accompanying Project timeline.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate project description, the ND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description.

CDFW Recommendation: The ND should include the appropriate number of private residences to be constructed. Analysis and appropriate mitigation measures to avoid and reduce impacts to biological resources resulting from construction for the Project should be included in a revised ND.

COMMENT #2: Timing of Construction and Site Inactivity

IS/ND document, Page #9

Issue: The ND does not analyze impacts to biological resources associated with the timing of Project construction.

Specific impact: The IS/ND states (p. 9) that the southern hotel pad will be left or reseeded with live turf until constructed. In the interim period between grading and construction of the hotel, environmental conditions may change. Grading and leaving a site inactive may result in the area becoming occupied by wildlife that utilize disturbed areas (e.g., ground squirrels and burrowing owl).

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate project description, the ND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description.

CDFW Recommendation: The ND should analyze impacts to biological resources resulting from an extended timeline for Project activities and pauses in construction. The ND should acknowledge that wildlife may move into disturbed or graded sites

when construction is paused. The ND should acknowledge that preconstruction surveys for biological resources will need to be repeated prior Project activities and after pauses in construction to assess the presence of biological resources and to avoid or reduce impacts to less than significant. Analysis and appropriate mitigation measures to avoid and reduce impacts to biological resources resulting from the timing of construction for the Project should be included in a revised ND.

COMMENT #3: Landscaping

IS/ND document, Page #8

Issue: The ND lacks a description of the type of landscaping that will be installed and maintained over the life of the Project.

Specific impact: The IS/ND states (p. 8) that landscaping, including trees, shrubs, and accent plants to complement the desert environment, is planned throughout the Project site. However, no further details are provided.

Evidence impact would be significant: CEQA is predicated on a complete and accurate description of the proposed Project. Without a complete and accurate project description, the ND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description.

CDFW Recommendation: 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 ND 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/>).

II. Environmental Setting and Related Impact Shortcoming

COMMENT #4: Assessment of Biological Resources

IS/ND document, Section #4, Pages #44 & 45

Issue: The ND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources.

Specific impact: The ND lacks a recent general field assessment of biological resources located within the Project footprint and surrounding areas. The Project site is located with the Desert Island golf course and is adjacent to a 25-acre lake. Vegetation and water features associated with golf courses frequently attract migratory and nesting birds; graded areas left vacant during pauses in construction can attract ground squirrels and burrowing owls; and construction noise and artificial light at night can impact wildlife in the surrounding area.

Evidence impact would be significant: 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 with respect to biological resources has not been adequately analyzed in the ND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the ND likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant.

CDFW Recommendation: To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised ND include the results of a complete, recent inventory of rare, threatened, endangered, and other sensitive species (e.g., nesting and migratory birds, bats, and crepuscular and nocturnal wildlife) located within the Project footprint and within off-site areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). 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. CDFW suggests this information, and any necessary mitigation measures, be addressed in a revised ND. 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 where construction may be paused.

III. CDFW Proposed Mitigation Measures or Related Impacts

COMMENT #5: Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)

IS/ND document, Section #4.2f, Page #45

Issue: The Project occurs within the CVMSHCP plan area and is subject to provisions and policies of the CVMSHCP.

Specific impact: The Project does not occur within or share a common boundary with a Conservation Area of the CVMSHCP; however, the Santa Rosa and San Jacinto Mountains Conservation Area is 1.7 miles southwest of the Project. To be considered a covered activity, Permittees should demonstrate that proposed actions are consistent with the CVMSHCP and its associated Implementing Agreement. The City of Rancho Mirage is the Lead Agency and a Permittee of the CVMSHCP.

Evidence impact would be significant: Within the Inland Deserts Region, CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the CVMSHCP per Section 2800 et seq. of the California Fish and Game Code on September 9, 2008. The CVMSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit. Compliance with approved habitat plans, such as the CVMSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the CVMSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the CVMSHCP please go to: <http://www.cvmshcp.org/>.

Recommended Potentially Feasible Mitigation Measure(s)

MM BIO-[A]: CVMSHCP Compliance

Prior to construction and issuance of any grading permit, the City of Rancho Mirage 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.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-[A] through [E] (see Attachment 1).

COMMENT #6: Burrowing Owl Surveys

Section #4.2, Pages #44 & 45

Issue: The ND does not analyze potential impacts to burrowing owl (*Athene cunicularia*) and includes no mitigation measures to avoid or reduce impacts to a level less than significant.

Specific impact: CDFW is concerned about the potential for burrowing owl to occur on the Project site and to move into disturbed or graded sites when construction is paused between phases of Project construction. Impacts to burrowing owl from the Project could include take of burrowing owls, their nests or eggs, or destroying nesting or foraging habitat; impacting burrowing owl populations through changes in vegetation via the destruction, conversion, or degradation of burrowing owl habitat.

Evidence impact would be significant: Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Burrowing owl is a Covered Species under the CVMSHCP, which requires that avoidance and minimization measures be implemented for this species.

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends that prior to commencing Project activities for all phases of Project construction, surveys for burrowing owl be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). CDFW recommends the revised ND include specific avoidance and minimization measures to ensure that impacts to burrowing owls are reduced to less than significant.

MM BIO-[B]: Burrowing Owl Surveys

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* (Department of Fish and Game, March 2012 or most recent version).

If the habitat assessment demonstrates suitable burrowing owl habitat, then focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation*. If burrowing owls are detected during the focused surveys, the qualified biologist and Project Applicant shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, 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* (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.

COMMENT #7: Nesting Birds

Section #4.2, Pages #44 & 45

Issue: The ND does not analyze potential impacts to nesting birds and includes no mitigation measures to avoid or reduce impacts to a level less than significant.

Specific impact: CDFW is concerned that impacts to nesting birds have not been analyzed in the ND. The golf course includes vegetation and a water feature that may attract nesting and migratory birds. Nesting birds may also utilize trees in the area surrounding the Project and could be impacted by Project construction. Impacts to nesting birds may occur from ground-disturbing activities, vegetation removal, construction noise, and artificial light at night.

Evidence impact would be significant: 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: Fish and Game Code 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.).

Recommended Potentially Feasible Mitigation Measure(s)

CDFW recommends the revised ND include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but are not limited to, Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site be avoided **any time birds are nesting on-site**. Preconstruction nesting bird surveys shall be performed within 3 days prior to Project activities to determine the presence and location of nesting birds.

MM BIO-[C]: Avoidance of Nesting Birds

Nesting bird surveys shall be performed by a qualified avian biologist no more than (3) days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

COMMENT #8: Construction Noise

Section #13.2, Pages #98 & 99

Issue: The ND does not analyze impacts to biological resources from construction noise and includes no mitigation measures to avoid or reduce impacts to a level less than significant.

Specific impact: The ND (p. 98) states equipment used during the construction phases is expected generate both steady state and episodic noise increases that would be heard both on and off the Project site, but includes no analysis of the impacts of construction noise on biological resources. The ND indicates noise levels have the potential to reach 46.7 to 60.4 dBA during the hours when construction is permitted. Exposure levels that may adversely affect wildlife species can occur at 55 to 60 dBA. Because of the potential for construction noise to negatively impact wildlife, CDFW recommends the revised ND include an analysis of impacts to biological resources and specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant.

Evidence impact would be significant: Construction 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 dB (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).

Recommended Potentially Feasible Mitigation Measure(s)

MM BIO-[C]: Construction Noise

During all Project construction, the City of Rancho Mirage 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 must be below the 55-60 dB range within 50-feet from the source.

COMMENT #9: Artificial Light

Section #1.2, Page #31

Issue: The ND does not analyze impacts to biological resources from artificial light and includes no mitigation measures to avoid or reduce impacts to a level less than significant.

Specific impact: The ND (p. 31) indicates that the development of the Project will introduce new sources of lighting, including lighting fixtures along pedestrian pathways, and lighting for existing landscape features along Frank Sinatra Drive; however, impacts to biological resources are not analyzed and no mitigation measures are proposed. The direct and indirect impacts of artificial nighttime lighting on biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife should be analyzed, and appropriate avoidance and minimization measures should be included in the revised ND.

Evidence impact would be significant: Artificial nighttime lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; and the detection of resources and natural enemies and navigation (Gatson et al. 2013). Many species use photoperiod cues for communication (e.g., bird song; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavior thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

Recommended Potentially Feasible Mitigation Measure(s)

MM BIO-[D]: Artificial Light

During Project construction and operation, the City of Rancho Mirage 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 shall ensure that lighting for Project activities is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City shall ensure use 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.

ENVIRONMENTAL DATA

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

CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

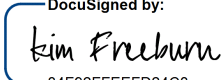
The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental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

CONCLUSION

CDFW appreciates the opportunity to comment on the ND to assist the City of Rancho Mirage in identifying and mitigating Project impacts on biological resources. CDFW concludes that the ND does not adequately identify or mitigate the Project's significant, or potentially significant impacts on biological resources. The CEQA Guidelines (§ 15073.5) indicate that recirculation is required when a new significant effect is identified and additional mitigation measures are necessary. CDFW recommends that a revised ND with 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 Alyssa Hockaday, Senior Environmental Scientist (Specialist) at (760) 920-8252 or Alyssa.Hockaday@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec: Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW
Heather.Brashear@wildlife.ca.gov

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Office of Planning and Research, State Clearinghouse, Sacramento
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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM BIO-[A]: CVMSHCP Compliance Prior to construction and issuance of any grading permit, the City of Rancho Mirage 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.</p>	<p>Prior to construction and issuance of any grading permit</p>	<p>City of Rancho Mirage</p>
<p>MM BIO-[B]: Burrowing Owl Surveys 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 (Department of Fish and Game, March 2012 or most recent version).</p> <p>If the habitat assessment demonstrates suitable burrowing owl habitat, then focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation. If burrowing owls are detected during the focused surveys, the qualified biologist and Project Applicant shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, 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</p>	<p>Habitat assessment and focused surveys: No less than 60 days prior to the start of Project-related activities.</p> <p>Pre-construction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.</p>	<p>City of Rancho Mirage</p>

<p>implement the Burrowing Owl Plan following CDFW review and approval.</p> <p>Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities.</p>		
<p>MM BIO-[C]: Avoidance of Nesting Birds Nesting bird surveys shall be performed by a qualified avian biologist no more than (3) days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>	<p>No more than three (3) days prior to vegetation clearing or ground-disturbing activities.</p>	<p>City of Rancho Mirage</p>
<p>MM BIO-[D]: Construction Noise During all Project construction, the City of Rancho Mirage 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 must be below the 55-60 dB range within 50-feet from the source.</p>	<p>During Project activities.</p>	<p>City of Rancho Mirage</p>
<p>MM BIO-[E]: Artificial Light During Project construction and operation, the City of Rancho Mirage 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 shall ensure that lighting for Project activities is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The City shall ensure use LED lighting with a correlated color</p>	<p>During Project construction and operation.</p>	<p>City of Rancho Mirage</p>

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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