



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Desert Region  
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GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



August 25, 2023  
*Sent via email*

Robert Rodriguez  
Director of Planning  
City of Cathedral City  
68-700 Avenida Lalo Guerrero  
Cathedral City, CA 92234

Subject: Additional Comment on the Revised Mitigated Negative Declaration, Nirvana Estates Project, State Clearinghouse No. 2023070565

Dear Mr. Rodriguez:

On March 29, 2023, the California Department of Fish and Wildlife (CDFW) submitted comments on the draft Mitigated Negative Declaration (MND) for the Nirvana Estates Project (SCH #2023070565) in its capacity as Trustee and Responsible Agency (Pub. Resources Code, § 21069 & 21070; Fish & G. Code, §§ 711.7, subd. (a) & 1802). The MND for the Project was revised and recirculated (with comments due on August 28, 2023). To support the City of Cathedral City in its environmental review efforts for this Project, CDFW provides the following additional guidance regarding artificial nighttime lighting.

CDFW appreciates that the City has revised and recirculated the MND with inclusion of mitigation measures recommended in our previous comment letter. However, certain Project elements described within the revised MND and associated lighting plans would be inconsistent with Mitigation Measure BIO-6 and the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Land Use Adjacency Guidelines. Page 33 of the revised MND indicates that “low level uplighting fixtures (SPJ Mr. Universe and SPJ Titan) for shrubs and 3 low-level lighting fixtures for trees consisting of solid brass (black) and a height of approximately 8 inches, with 2-watt LED bulbs. Pathway lighting includes one 3-foot high, solid brass (black) pedestal (SPJ-3124) with an 8-watt LED bulb. The proposed uplighting will accent landscaping (low level shrubs and trees) and the pathway lighting will be used to accent the driveways. All lighting fixtures will generally be confined to the front yards and spaces between the residential units. Based on the wattage of the light fixtures, no direct impacts are anticipated to biological resource.” CDFW notes that a 2-watt LED light is roughly equivalent to 100 lumens, and 100 lumens is equal to the brightness of 8 candles or a standard flashlight. The introduction of multiple sources of this accent uplighting have the potential to illuminate adjacent lands within the Santa Rosa and San Jacinto Mountains Conservation Area, which is Essential Habitat for Peninsular bighorn sheep, and may have direct and indirect impacts on other biological resources including migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. The Project’s lighting plans, including uplighting for trees and shrubs that are unshielded, are inconsistent with Mitigation

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Measure BIO-6 and the CVMSHCP Land Use Adjacency Guidelines. Mitigation Measure BIO-6 (Artificial Nighttime Lighting), which was recommended by CDFW in its March 29, 2023, comment letter and included in the revised MND, indicates that “During Project construction and operations over the lifetime of the Project, the City of Cathedral City 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 **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 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.” CVMSHCP Section 4.5.3 indicates that “For proposed Development adjacent to or within a Conservation Area, **lighting shall be shielded and directed toward the developed area.** Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area in accordance with the guidelines to be included in the Implementation Manual.”

CDFW recommends that lighting plans in the MND are revised to be consistent with Mitigation Measure BIO-6 and CVMSHCP Land Use Adjacency Guidelines. CDFW recommends that all Project lighting is shielded and directed downward, and nonessential lighting is eliminated or limited in use during the hours of dawn and dusk when many wildlife species are most active.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Environmental Scientist, at [jacob.skaggs@wildlife.ca.gov](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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Kim Freeburn  
Environmental Program Manager

ec:

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