



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



August 15, 2023  
Sent via email

Patricia Villagomez  
Principal Planner  
City of Desert Hot Springs  
65950 Pierson Boulevard  
Desert Hot Springs, CA 92240



Desert Storage Specific Plan (PROJECT)  
Mitigated Negative Declaration (MND)  
SCH# 2023070608

Dear Patricia Villagomez:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Desert Hot Springs (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines.<sup>1</sup>

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

## CDFW ROLE

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

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

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

**Proponent:** Strat Property Management

**Objective:** The Project proposes the construction of a residential vehicle storage facility on APN 657-220-003 and an upgrade to the façade of the existing storage facility on the adjoining APN 657-220-023. The total acreage of the two parcels is approximately 9.37-acres. APN 657-220-003 is undeveloped, and APN 657-220-023 is already fully developed. In the western parcel, the Project proposes the development of a recreational vehicle (RV) storage facility with an accompanying caretaker's quarters. The two storage facilities would be linked by an internal pedestrian access point and would share a frontage wall and landscaping to provide a unified frontage. The project also includes an on-site RV dump station for wastewater and a propane service area. Vehicular access to the project site will be provided through one gated access point on Dillon Road. Perimeter fencing consists of 6-foot-tall block wall with sections of 8-foot-tall tube steel fencing. A retention basin to capture on-site nuisance flows will be constructed on the southern end of the western parcel.

**Location:** The proposed Project is located on the south side of Dillon Road and is located west of Palm Drive, east of the dirt extension of Atlantic Avenue, and north of 18th Avenue, in the City of Desert Hot Springs, Riverside County, California. The project site includes two separate Assessor's Parcel Numbers: 657-220-003 (4.69-acres) and 657-220-023 (4.68-acres). The Project site is located outside of, but immediately adjacent to, the Willow Hole Conservation Area of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

**Timeframe:** The MND does not indicate a timeframe for construction of the Project.

## **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 in adequately identifying and/or mitigating the

Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the MND lacks sufficient information to facilitate a meaningful review by CDFW, including a complete and accurate Project description. CDFW requests that additional information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

### Project Description

Compliance with 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.

The MND lacks a discussion of plans for artificial nighttime lighting. CDFW requests that the MND is revised to include design plans for artificial nighttime lighting and lighting specifications. Artificial nighttime lighting can negatively impact biological resources in a variety of ways as discussed in the Artificial Nighttime Lighting section below. To conduct a meaningful review and provide biological expertise on how to protect fish and wildlife resources, CDFW requires a complete and accurate Project description.

### Mitigation Measures

CEQA requires that a MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding a mitigation measure for artificial nighttime lighting, as well as revising the mitigation measures for nesting birds and burrowing owl.

#### **1) 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 6 and 7 of the Project Biological Assessment & CVMSHCP Compliance Report (Biological Assessment) indicates that the Project site contains “several large Athel saltcedar (*Tamarix aphylla*) in a row on-site facing Dillon Road.” Other shrubs identified on-site in the Biological Assessment include, but are not limited to, four-wing saltbush (*Atriplex canescens*), creosote bush (*Larrea tridentata*), and brittlebush (*Encelia farinosa*). Suitable nesting bird habitat exist on-site within trees and shrubs. The MND includes Mitigation Measure BIO-2 for nesting birds, which indicates that “for any grubbing, grading or other site disturbance or tree or vegetation removal occurring during the nesting season between February 1st and August 31st, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the consulting biologist, immediately prior to initiation of project-related ground disturbing activities.” 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 considers the Mitigation Measure BIO-2 to be insufficient in scope and timing to reduce impacts to nesting birds to less than significant. CDFW recommends the City revise Mitigation Measure BIO-2, with additions in **bold** and removals in ~~strikethrough~~:

#### **Mitigation Measure BIO-2: Nesting Birds**

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

**young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.** ~~For any grubbing, grading or other site disturbance or tree or vegetation removal occurring during the nesting season between February 1st and August 31st, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the consulting biologist, immediately prior to initiation of project-related ground disturbing activities. If nesting birds are present, no work shall be permitted near the nest(s) until the young birds have fledged. While there is no established protocol for nest avoidance, when consulted, the CDFW generally recommends avoidance buffers of about 500 feet for birds of prey, and 100 — 300 feet for songbirds. If ground disturbance occurs outside the nesting season, this requirement shall be waived.”~~

## **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.”

Page 31 of the MND indicates that the “no burrows suitable for burrowing owl use were observed on or adjacent to the project site. There is, however, a low potential for the species to locate on the site prior to initiation of construction.” Page 6 of the Biological Assessment indicates that “the entire project site appears to have been routinely disturbed and has a mixture of barren, disturbed land with areas that have a sparse growth of plants concentrated mainly on the southern 2/3 of APN 657-220-003.” In California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils.<sup>2</sup> Grassland, shrub steppe, and desert are naturally occurring habitat types used by the species. In addition, burrowing owls may occur in some agricultural areas, ruderal grassy fields, vacant lots and pastures if the vegetation structure is suitable and there

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<sup>2</sup> Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*), in A. Poole and F. Gill, editors, *The Birds of North America*, The Academy of Natural Sciences, Philadelphia, Pennsylvania, and The American Ornithologists’ Union, Washington, D.C., USA.

are useable burrows and foraging habitat in proximity.<sup>3</sup> The Project site contains suitable habitat for burrowing owl, and CDFW is concerned about the potential for burrowing owls to move into the project site prior to and during construction activities. Burrowing owls frequently move into disturbed areas since they are adapted to highly modified habitats (Chipman et al. 2008<sup>4</sup>; Coulombe 1971<sup>5</sup>). Although the MND includes Mitigation Measure BIO-1 for burrowing owl, CDFW considers the measure to be inadequate in scope and timing to reduce impacts to less than significant. CDFW recommends that County revise Mitigation Measure BIO-1, with additions in **bold** and removals in ~~strikethrough~~:

### **Mitigation Measure BIO-1: Burrowing Owl Avoidance**

**Suitable burrowing owl habitat has been confirmed on the Project site and surrounding area; therefore, focused burrowing owl surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, 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 minimization and 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**

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<sup>3</sup> Gervais, J. A., D. K. Rosenberg, and L. A. Comrack. Burrowing Owl (*Athene cunicularia*) in Shuford, W.D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.

<sup>4</sup> Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. *Journal of Raptor Research* 42(2): 87-98.

<sup>5</sup> Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162-176.

**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 Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS 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 and USFWS for review and approval prior to commencing Project activities..** ~~A pre-construction burrowing owl survey following CDFW guidelines must be conducted. Unless avoidable, all burrowing owls must be relocated prior to any ground disturbing activities. If burrowing owls remain on-site, a Burrowing Owl Relocation and Management Plan must be prepared to outline how the owls will be relocated per CDFW guidelines. Any owls occurring onsite must be relocated prior to construction, vegetation removal, or grading activities. Relocation will, at a minimum, require prior approval from the CDFW.~~

### **3) *Artificial Nighttime Lighting***

Page 18 of the MND indicates that the “proposed project would result in a new caretaker building and RV parking area, both of which may result in an increase of artificial light and glare into the existing environment. Potential sources of light and glare would include external building lighting, parking lot lighting, an illuminated sign, security lighting, building windows, and reflective building materials.” Page 18 of the MND states that “the project’s lighting will be required to comply with §17.40.170 of the Municipal Code. Per the City’s requirements, lighting must be fully or partially shielded in order to prevent glare and light spread beyond the site boundaries. In accordance with the City’s Mixed-Use development standards, per §17.14.040, lighting shall be incorporated along sidewalks and pedestrian walkways.” Page 10 of the MND includes Mitigation Measure BIO-3, which indicates that the Project shall adhere to CVMSHCP Land Use Adjacent Guidelines, including “Lighting: 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.”

While the MND includes avoidance and minimization measures for the Project to minimize lighting impacts and comply with the CVMSHCP Land Use Adjacency Guidelines, the MND lacks details on the Project's lighting plans and lighting specifications. New sources of lighting associated with the Project have the potential to impact Covered Species in the adjacent Willow Hole Conservation Area. Of particular importance, this portion of the Willow Hole Conservation Area functions as a biological corridor for Palm Springs pocket mouse (see CVMSHCP Section 4.3.8). CDFW requests that the MND is revised to include the Project's lighting plans and lighting specifications to be used during Project construction activities and long-term operations of the Project to allow CDFW to conduct a meaningful review and provide biological expertise on activities that have the potential to adversely affect fish and wildlife resources.

Additionally, because the Project is located adjacent to the Willow Hole Conservation Area, an area that supports habitat for nesting birds, migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife, CDFW recommends the MND is revised to include an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources within the adjacent Willow Hole Conservation Area. 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.<sup>6</sup> Many species use photoperiod cues for communication (e.g., bird song<sup>7</sup>), determining when to begin foraging,<sup>8</sup> behavioral thermoregulation,<sup>9</sup> and migration.<sup>10</sup> Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.<sup>10</sup>

To support City in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant, CDFW recommends that City add to a revised MND the following mitigation measure:

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<sup>6</sup> 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.

<sup>7</sup> Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130-139.

<sup>8</sup> Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123-1127.

<sup>9</sup> Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98-108.

<sup>10</sup> Longcore, T., and C. Rich. 2004. Ecological light pollution -Review. *Frontiers in Ecology and the Environment* 2:191-198.



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

Throughout construction and the lifetime operations of the Project, the Project Sponsor and City of Desert Hot Springs shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Desert Hot Springs shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent, and does not result in lighting trespass including glare into surrounding areas including the Willow Hole Conservation Area or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City of Desert Hot Springs 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.

#### **4) Landscaping**

Page 47 of the MND indicates that “the Project will be required to comply with the CVWD’s water-efficiency requirements, including the use of drought-tolerant planting materials and limited landscaping irrigation.” The MND lacks additional details on landscaping plans and the plant species proposed for landscaping. 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, §

Patricia Villagomez, Principal Planner  
City of Desert Hot Springs  
August 15, 2023  
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21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **ENVIRONMENTAL DOCUMENT FILING FEES**


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

## **CONCLUSIONS**

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW also concludes that the MND lacks sufficient information for a meaningful review of impacts to biological resources, including a complete project description. The CEQA Guidelines indicate that recirculation is required when insufficient information in the MND precludes a meaningful review (§ 15088.5) or when a new significant effect is identified and additional mitigation measures are necessary (§ 15073.5). CDFW recommends that a revised MND, including a complete Project description with lighting plans and specifications, be recirculated for public comment. CDFW also recommends that revised and additional mitigation measures as described in this letter be added to a revised MND.

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

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

Patricia Villagomez, Principal Planner  
City of Desert Hot Springs  
August 15, 2023  
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**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW  
[Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Vincent James, U.S. Fish and Wildlife Service  
[vincent\\_james@fws.gov](mailto:vincent_james@fws.gov)

**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Mitigation Measure BIO-2: Nesting Birds</b></p> <p>Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>	<p><b>Timing:</b> No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Desert Hot Springs and Project applicant</p> <p><b>Monitoring and Reporting:</b> City of Desert Hot Springs</p>
<p><b>Mitigation Measure BIO-1: Burrowing Owl Avoidance</b></p> <p>Suitable burrowing owl habitat has been confirmed on the Project site and surrounding area; therefore, focused burrowing owl surveys shall be conducted in accordance with the Staff Report on Burrowing Owl Mitigation (2012 or most recent version) prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The</p>	<p><b>Timing: Focused surveys:</b> Prior to vegetation removal or ground-disturbing activities. <b>Pre-construction surveys:</b> No less than 14 days prior to start of Project-related activities and within 24 hours prior to</p>	<p><b>Implementation:</b> City of Desert Hot Springs and Project applicant</p> <p><b>Monitoring and Reporting:</b> City of Desert Hot Springs</p>

<p><b>Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, 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 minimization and 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 Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</b></p> <p><b>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 and USFWS for review and approval prior to commencing Project activities.</b></p>	<p>ground disturbance.</p> <p><b>Methods:</b> See Mitigation Measure</p>	
<p><b>Mitigation Measure BIO-[A]: Artificial Nighttime Lighting</b></p> <p><b>Throughout construction and the lifetime operations of the Project, the Project Sponsor and City of Desert Hot Springs shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Desert Hot Springs shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest</b></p>	<p><b>Timing:</b> Throughout construction and the lifetime operations of the Project</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Desert Hot Springs and Project applicant</p> <p><b>Monitoring and Reporting:</b> City of Desert Hot Springs</p>

<p><b>extent, and does not result in lighting trespass including glare into surrounding areas including the Willow Hole Conservation Area or upward into the night sky (see the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). The City of Desert Hot Springs 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.</b></p>		
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