



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



January 5, 2024  
Sent via email

Governor's Office of Planning & Research

**Jan 05 2024**

**STATE CLEARINGHOUSE**

Ryan Molhoek  
Senior Engineer  
Desert Water Agency  
1200 S. Gene Autry Trail  
Palm Springs, CA 92264

Well 46 Palm Oasis (PROJECT)  
Mitigated Negative Declaration (MND)  
SCH# 2023080352

Dear Ryan Molhoek:

On September 13, 2023, the California Department of Fish and Wildlife (CDFW) provided comments on the Mitigated Negative Declaration (MND) for the Well 46 Palm Oasis Project proposed by the Desert Water Agency (DWA). A revised MND was recirculated for public review on December 7, 2023. CDFW appreciates the recirculation of a revised MND that incorporates CDFW's recommendations on mitigation measures to avoid or reduce significant impacts to nesting birds, burrowing owl, and artificial nighttime lighting. CDFW is providing the following additional comments regarding the revised MND specifically on the topic of groundwater-dependent ecosystems and species.

### ***Groundwater-Dependent Ecosystems and Species***

In the comment letter dated September 13, 2023, CDFW recommended that the MND was revised to include an analysis of Project impacts on groundwater-dependent ecosystems and Peninsular bighorn sheep (*Ovis canadensis nelsoni*; Fully Protected Species; Coachella Valley Multiple Species Habitat Conservation Plan Covered Species). Page 24 of the revised MND indicates that "[e]xisting groundwater levels in the Project area, based on 2022 data for DWA's two nearest wells, range from 368 to 390 feet below ground surface and are too deep to provide a benefit to groundwater-dependent ecosystems or species, including Peninsular bighorn sheep. The Project will not result in substantially lowering groundwater levels in the Project area and will not impact the growth of vegetation outside the Project Site." However, no additional analysis on the potential impacts of groundwater drawdown on groundwater-dependent ecosystems and Peninsular bighorn sheep was included in the revised MND. The Project site is located approximately 0.5 miles from U.S. Fish and Wildlife Service critical habitat for Peninsular bighorn sheep. Especially during the summer months and through times of drought, Peninsular bighorn sheep rely on vegetation in washes and

alluvial fans where groundwater is generally closer to the surface and in greater quantity compared to mountain sides.<sup>1</sup> The operations of the proposed well will result in groundwater drawdown within a zone of influence, also referred to as a cone of depression<sup>2</sup>, and it is uncertain if this zone of influence will overlap with areas that have perennial or intermittent water sources, or areas of the alluvial fan to the southwest that may potentially have vegetation supported by shallow groundwater, that are important for Peninsular bighorn sheep. For example, there is a riparian area located approximately 2 miles southwest of the Project site, and additional analysis would be needed to determine how this riparian area might be impacted by the proposed Project. To support DWA in reducing impacts to Peninsular bighorn sheep to a level less than significant, CDFW recommends the MND is revised to include a quantitative analysis of Project potential impacts on groundwater levels, specifically analyzing how the proposed well's groundwater drawdown and its area of influence may impact riparian habitats and perennial and intermittent water sources in the Santa Rosa and San Jacinto Mountains. Based on the findings of this analysis, CDFW recommends the MND is revised to include appropriate avoidance, minimization, and/or mitigation measures to reduce impacts to Peninsular bighorn sheep to a level less than significant.

## CONCLUSIONS

CDFW appreciates the opportunity to provide additional comments on the revised MND to assist the DWA 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 analysis of potential impacts to groundwater-dependent ecosystems and Peninsular bighorn sheep. 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 an analysis of potential impacts to groundwater-dependent ecosystems and Peninsular bighorn sheep, be recirculated for public comment.

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<sup>1</sup> United States Fish and Wildlife Service. 2009. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Peninsular Bighorn Sheep and Determination of a Distinct Population Segment of Desert Bighorn Sheep (*Ovis canadensis nelsoni*). Federal Register 74(70): 17321.

<sup>2</sup> Ahmadi, Amin., Chitsazan, Manouchehr., Mirzaee, S. Yahya., Nadre, Arash. "The effects of influence radius and drawdown cone on the areas related to the protection of water wells." *Journal of Hydrology*, vol. 617, February 2023.

Ryan Molhoek, Senior Engineer  
Desert Water Agency  
January 5, 2024  
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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, Senior Environmental Scientist Specialist, at [jacob.skaggs@wildlife.ca.gov](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
84F92FFEEFD24C8...

Kim Freeburn  
Environmental Program Manager

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

ec:

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