State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Blvd, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

November 13, 2023
Sent via e-mail

Donald Vargas
Environmental Compliance Administrator
Imperial Irrigation District
P.O. Box 937
Imperial, CA 92251

EL CENTRO GENERATING STATION (ECGS) WASTEWATER MITIGATION PROJECT (PROJECT)
MITIGATED NEGATIVE DECLARATION (MND)
SCH#: 2023100122

Dear Donald Vargas:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the Imperial Irrigation District (IID), 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. We appreciate the extension from IID to submit comments by November 13, 2023. 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: Imperial Irrigation District

Objective: The Project proposes to create a wastewater treatment system that would eliminate discharge from the El Centro Generation System (ECGS)'s current cooling tower to comply with the new National Pollutant Discharge Elimination System permit limitations. The treatment system will include water softening, water storage, membrane filtration, and evaporation ponds. The entire Project site area of disturbance is estimated to be 37.5

[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.

acres (16.5 acres of evaporation ponds, 11 acres for Pond 3, a 2-acre treatment system, and 8 acres of linear facilities). The project includes equipment to minimize the cooling tower blowdown by increasing the cycles of concentration (COC), a water softening reactor, a repurposed evaporation pond, an ultrafiltration (UF) and a reverse osmosis (RO) system. Three new evaporation ponds are proposed on the site of the existing Bonanza Building. These ponds will cover 9 acres and will have an interior slope of 6:1 and an exterior berm slope of 4:1. An 18-inch overflow pipe will connect the ponds.

The area east of Pond 3 at the ECGS Wastewater facility (Accessor's Parcel Number [APN] 044-430-008) will house equipment including the motor control center power supply, pumping skids, control equipment, pipeline infrastructure, lime, and soda ash silos, two softening reactor tanks, an ultra-filtration system, and a RO system. A portion of the pipeline will extend through the City of El Centro right-of-way. Reject streams generated from the treatment system will be sent via a low-pressure pipeline to new evaporation ponds to be constructed on the Bonanza site and the parcel to the north (APNs 044-450-084 and -090). The Bonanza Building and surrounding structures will be demolished to accommodate construction of the evaporation ponds. As part of the demolition of the Bonanza Building, the underground septic systems will be cleaned and removed.

Location: The Project would be located within the existing boundaries of the ECGS Wastewater Facility and the Bonanza Building at the northwest and southwest corners of Dogwood Road and East Villa Avenue in unincorporated Imperial County, California (32.800149, -115.540395). The Project encompasses APNs 044-430-008, 044-450-084, and 044-450-090. The Project site is disturbed land with building structures and various water treatment pools. The Project site is surrounded by agricultural fields to the north and east, solar fields to the north and west, and industrial facilities to the south. Additionally, an irrigation canal runs along the north side of East Villa Avenue, an abutting canal runs along the eastern boundary called Dogwood Canal, and an abutting canal runs along the western boundary of the project site called Central Drain.

Timeframe: Construction is anticipated to take between 180 and 230 days.

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 IID 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) to biological resources and whether those impacts are less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW recommends 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.

<u>Project Description</u>

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 (p. 44) identifies major construction activities that would be performed to create the wastewater treatment system, including, but not limited to: removing an underground septic system, demolishing a building, installing a pipeline, trenching, excavating, Class Road base lay-in, soil compaction, and various equipment installations. However, further details are not provided. Activities involving trenching could pose a hazard to wildlife that could become entrapped or drown. Removing a septic system could result in the leakage

of pollutants that would pose a hazard to wildlife both directly and indirectly. Further, jackhammering to break up concrete surfaces has the potential to create noise levels that would adversely affect wildlife in both short-term and long-term intervals. A revised MND should include qualitative and quantitative descriptions of each construction activity that is proposed for the Project so that an accurate assessment of Project-related impacts to biological resources can be conducted.

Additionally, the MND does not identify all the Assessor's Parcel Numbers over which the proposed Project will take place. Based on Figure 2 of the MND, there is an additional parcel on the Project site where Project activities would take place: APN 044-430-010. A revised MND should clearly identify the area and extent of the proposed Project.

Mitigation Measures

CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to less than significant. To support IID in ensuring that Project impacts to biological resources are reduced to a level that is less than significant, CDFW recommends revising and adding mitigation measures for special-status bats, burrowing owl (*Athene cunicularia*), nesting birds, special-status plants, CDFW's Lake and Streambed Alteration Program, construction noise, and artificial nighttime light.

I. Project Description and Related Impact Shortcoming

COMMENT #1: Project Timeline

Initial Study/Mitigated Negative Declaration (IS/MND) document, Section 2

Issue: The MND does not identify the date(s) that Project activities are anticipated to commence.

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 MND likely provides an incomplete assessment of Project-related impacts to biological resources. CDFW has identified gaps in information related to the project description.

CDFW Recommendations: A revised MND should clearly identify the extent of the proposed Project with potential dates of construction in order to adequately minimize and avoid potential impacts to biological resources.

II. Mitigation Measure or Alternative and Related Impact Shortcoming

COMMENT #2: Special-Status Bats

IS/MND document, Section IV, Pages #28-34, BIO-1

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to special-status bats or ensure that impacts are mitigated to a level less than significant.

Specific impact: The Biological Technical Report (Appendix A, p. 18) indicates that western mastiff bat (*Eumops perotis* ssp. *californicus*) has "high potential" to occur on the Project site because of the presence of suitable habitat and that "the buildings to be demolished in the northern portion of the site provide potential habitat for western mastiff bat." The MND (p. 32) indicates direct impacts have the potential to occur to the western mastiff bat which could include "injury, mortality, nest failures, and loss of young. Impacts to these species could be considered significant." In addition, a review of the California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS) indicate the occurrences of big free-tailed bat (*Nyctinomops macrotis*), western yellow bat (*Lasiurus xanthinus*), and western mastiff

bat near the Project site. Project construction and activities may result in direct and indirect impacts to bats. Direct impacts include removal of vegetation and structures occupied by roosting bats. This could result in injury or mortality to bats as well as loss of roosting habitat. Indirect impacts to bats and roosts could result from increased noise disturbances, artificial nighttime lighting, human activity, dust, ground-disturbing activities (e.g., staging, mobilizing, excavating, and grading), and vibrations caused by heavy equipment.

Evidence impact would be significant: Bats are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & G. Code, § 4150; Cal. Code of Regs, § 251.1). Several bat species are considered California Species of Special Concern (CSSC). Impacts on CSSC could require a mandatory finding of significance under CEQA (CEQA Guidelines, § 15065). Impacts on bats, either directly or indirectly through disturbances to roosts and loss of habitat, would be a significant impact.

Recommended Potentially Feasible Mitigation Measure:

CDFW appreciates the inclusion of MM BIO-1; however, the measure is insufficient in scope and timing to reduce impacts to a level less than significant. CDFW recommends a revised MND include specific avoidance and minimization measures to ensure that impacts to special-status bats do not occur. CDFW recommends that disturbance of occupied maternity roosts or hibernacula within the Project site be avoided **any time bats are on-site.** Preconstruction bat surveys shall be performed in the spring and winter prior to Project activities to determine the presence and/or location of maternity roosts or hibernacula. To avoid or reduce impacts to bats to less than significant, CDFW recommends IID include a revised Mitigation Measure BIO-1 in a revised MND as follows, with additions in **bold** and removals in ~~strikethrough~~:

MM BIO-1: Bat Habitat Assessment **and Focused Surveys**

A qualified biologist will conduct a bat habitat assessment **to determine** suitable bat roosting habitat **within the Project area and 500-feet extending from the work area,** prior to any construction activities. The habitat assessment should be conducted at least one year prior to the initiation of construction activities. ~~, if feasible~~ **Prior to the initiation of Project activities, within suitable bat roosting habitat, IID shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys.** ~~If no suitable roosting habitat is identified, no further measures are necessary.~~

If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction will only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If hibernacula are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around wintering roosts (hibernacula). The buffer shall not be reduced. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to hibernacula.

Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. If avoidance of a hibernacula is not feasible, the Project Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan shall be submitted for CDFW review prior to construction activities. The qualified biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall be in place prior to the initiation of Project-related activities to allow enough time for bats to relocate. Removal of roosts will be guided by accepted exclusion and deterrent techniques. The IID shall compensate no less than 2:1 for permanent impacts to maternity and hibernacula roosting habitat.

~~If suitable roosting habitat and/or signs of bat use are identified during the assessment, the roosting habitat should be avoided to the extent possible. If the habitat assessment surveys reveal potential bat roosting habitat within the Project, a Bat Management Plan that will include specific avoidance and minimization measures to reduce impacts to roosting bats shall be prepared and consultation with CDFW initiated prior to the commencement of bat exclusion activities should they occur. The Project-specific Bat Management Plan may include any of the following as necessary and appropriate to the findings of the habitat assessment: emergence and/or pre-construction surveys for roosting bats including acoustic monitoring, roost removal timing and methodology, no-disturbance or temporal buffers, passive exclusion of bats, and/or species-specific replacement structures~~.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for revised MM BIO-1 through -3, and CDFW-recommended MM BIO-[A] through [D] (see Attachment 1).

COMMENT #3: Burrowing Owl Surveys

IS/MND document, Section IV, Pages #28-34, Appendix A, BIO-2

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to burrowing owl (*Athene cunicularia*) or ensure that impacts are mitigated to a level less than significant.

Specific impact: The Biological Technical Report (Appendix A, p. 18) indicates that burrowing owl has “high potential” to occur on the Project site. Suitable burrowing owl habitat has been confirmed on site including dirt berms, disturbed areas, agricultural fields, and irrigation ditches that would likely support the species at any time during construction. Appendix A (p. 18) indicates that “the dirt berms throughout the urban/developed portion of the site and portions of the tamarisk thicket provide potential habitat for burrowing owl.” Additionally, CNDDB and BIOS report occurrences of burrowing owl overlapping the Project site and in the surrounding area within 1.5 miles of the Project site.

Burrowing owls have a high potential to move into disturbed sites 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; Coulombe 1971). Impacts to burrowing owl from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or over-wintering habitat, thus impacting burrowing owl populations. Impacts can result from grading, earthmoving, burrow blockage, heavy equipment compaction and crushing of burrows, general Project disturbance that has the potential to harass owls at occupied burrows, and other activities.

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.).

Recommended Potentially Feasible Mitigation Measure:

CDFW appreciates the inclusion of MM BIO-2; however, the measure is insufficient in scope and timing to reduce impacts to a level less than significant. CDFW recommends a revised MND include specific avoidance and minimization measures to ensure that impacts to burrowing owls do not occur. CDFW recommends that prior to commencing Project activities for all phases of Project construction, surveys for burrowing owl be conducted for the entirety of the Project site by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). Although the MND includes Mitigation Measure BIO-2 for burrowing owl, CDFW recommends IID include a revised Mitigation Measure BIO-2 in a revised MND as follows, with additions in **bold** and removals in ~~strikethrough~~:

MM BIO-2:Focused and Pre-Construction Surveys for Burrowing Owl

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). 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, monitoring, relocation, minimization, and/or mitigation 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 compensatory mitigation 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. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

Pre-construction surveys for burrowing owl should be conducted within the Project Area and adjacent areas prior to the start of ground- disturbing activities. The surveys **shall be performed by a qualified biologist and** should follow the methods described in the *CDFW's Staff Report on Burrowing Owl Mitigation* (CDFG 2012 **or most recent version**). Two surveys should be conducted, with the first survey being conducted between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls and/or

suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the Project Area during the survey ~~and impacts to those features are unavoidable~~, **Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a** ~~Consultation with the CDFW should be conducted~~**Burrowing Owl Plan that shall be submitted to CDFW and USDWS for review and approval prior to commencing Project activities.** ~~and the methods described in the *CDFW's Staff Report on Burrowing Owl Mitigation* (CDFG 2012) for avoidance and/or passive relocation should be followed.~~

COMMENT #4: Nesting Birds

IS/MND document, Section IV, Pages #28-34, Appendix A, BIO-3

Issue: CDFW is concerned that the MND does not sufficiently identify Project impacts to nesting birds or ensure that impacts are mitigated to a level less than significant.

Specific impact: The MND (p. 32) indicates that "the site provides nesting habitat for ground-nesting species as well as species that nest in tamarisk thicket and big saltbush scrub habitat." CDFW is concerned about the impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak breeding season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 2017). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. 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 therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

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:

CDFW appreciates the inclusion of MM BIO-3; however, the measure is insufficient in scope and timing to reduce impacts to a level less than significant. CDFW recommends a revised MND 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. Although the MND includes Mitigation Measure BIO-3 for nesting birds, CDFW recommends IID include a revised Mitigation Measure BIO-3 in a revised MND as follows, with additions in **bold** and removals in ~~strikethrough~~:

MM BIO-3: Pre-Construction Nesting Bird Survey

~~If construction or other project activities are scheduled to occur during the bird breeding season (Typically February 1 through August 31 for raptors and March 15 through August 31 for the majority of migratory bird species),~~ **Regardless of the time of year,** a pre-construction nesting-bird survey should be conducted by a qualified avian biologist to ensure that active bird nests, including **but not limited to** those for the black-tailed gnatcatcher~~, burrowing owl,~~ and loggerhead strike, will not be disturbed or destroyed. The survey should be completed no more than three days prior to **vegetation removal or** ~~initial~~ ground**-disturbing activities** ~~disturbance~~. The nesting-bird survey should include the Project Area and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. **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 an active nest is identified, the **qualified** biologist should establish an appropriately sized disturbance limit buffer around the nest using flagging or staking. **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.** Construction activities should not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist. **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 #5: Special-Status Plants

IS/MND document, Section IV, Pages #28-34, Appendix A

Issue: CDFW is concerned that the field assessment for the MND was not sufficient in timing and scope to detect special-status plant species that may occur on the Project site.

Specific impact: The MND indicates that no special-status plants were observed during the habitat assessment conducted on June 6, 2023, but states (Appendix A, p. 15) “numerous special-status plant species have been recorded within 5 miles of the Project Area.” CNDDB/BIOS indicates that the following special-status plants have historically occurred near the Project site: Walton’s amaranth (*Amaranthus watsonii*), gravel milk-vetch (*Astragalus sabulonum*), Abram’s spurge (*Euphorbia abramsiana*), ribbed cryptantha (*Johnstonella costata*), and sand foot (*Pholisma sonorae*). CDFW is concerned that the habitat assessment was not conducted at the appropriate time(s) of year to detect all special-status plants on the Project site and did not follow the standard protocol to detect special-status plants. Floristic assessments typically involve multiple visits to the project site at various times of year to detect plants in various blooming seasons. If the presence of special-status plant species is not determined through floristic based surveys, unauthorized take or disturbance of special-status plant species could occur. CDFW recommends a thorough, floristic-based assessment of special-status plants at the appropriate time of year be conducted, usually involving multiple visits to the Project area, as described below.

Evidence impact would be significant: The California Rare Plant Rank 1B indicates plants that are rare, threatened, or endangered in California and elsewhere, and California Rare Plant Rank 2B indicates plants that are rare, threatened, or endangered in California but more common elsewhere. Impacts to these species must be analyzed during preparation of environmental documents relating to CEQA because they meet the definition of rare or endangered under CEQA Guidelines §15125 (c) and/or §15380.

Recommended Potentially Feasible Mitigation Measure:

CDFW recommends that a revised MND include a thorough, recent, floristic-based assessment of special-status plants completed at the appropriate time(s) of year before IID adopts the MND. CDFW generally considers biological field assessments for rare plants to be valid for a period of up to three years. The results of this assessment should be included in a revised MND. If any rare, threatened, endangered, or other sensitive plant species are located within the Project site, CDFW recommends that the MND be revised to include appropriate avoidance, minimization, and mitigation measures. For unavoidable impacts to special status species, on-site habitat restoration and/or enhancement and preservation should be evaluated and discussed in detail. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated and discussed in detail in a revised MND. CDFW recommends inclusion of the following mitigation measure:

MM BIO-[A]: Special-Status Plants

> **Prior to adoption of the CEQA document, a thorough floristic-based assessment of special-status plants and natural communities, following *CDFW's Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (CDFW 2018 or most recent version) shall be performed by a qualified biologist. Should any state-listed plant species be present in the Project area, the Project proponent shall obtain an Incidental Take Permit for those species prior to the start of Project activities. Should other special-status plants or natural communities be present in the Project area, on-site habitat restoration and/or enhancement and preservation should be evaluated. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated.**

COMMENT #6: CDFW Lake and Streambed Alteration (LSA) Program

IS/MND document, Section IVb, Page #33

Issue: The MND acknowledges that an irrigation canal is located along the north boundary of the proposed Project but does not include mitigation measures to avoid or reduce impacts to a level less than significant.

Specific impact: The MND (p. 33) indicates that a “potentially jurisdictional aquatic resource feature within the site is an active irrigation canal on the north side of East Villa Avenue.” CDFW review of aerial imagery confirms the location of an irrigation canal running along the north side of East Villa Avenue, an abutting canal running along the eastern boundary called Dogwood Canal, and an abutting canal running along the western boundary of the project site called Central Drain. Canals and ditches, regardless of whether they are concrete lined, may provide suitable habitat for biological resources. Potential direct and indirect impacts to the canals and associated fish and wildlife resources, such as burrowing owl, resulting from Project construction are subject to notification under Fish and Game Code section 1602.

Evidence impact would be significant: 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. Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify the Project that would eliminate or reduce harmful impacts to fish and wildlife resources. CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code § 21065). Early consultation with CDFW is recommended since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To submit a Lake or Streambed Alteration notification, visit: https://wildlife.ca.gov/Conservation/Environmental-Review/LSA.

Recommended Potentially Feasible Mitigation Measure:

Because of the potential for impacts to resources subject to Fish and Game Code section 1602, CDFW recommends IID include the following additional mitigation measure in a revised MND:

MM BIO-[B]: Lake and Stream Alteration (LSA) Program

> **Prior to Project-activities 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 shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.**

COMMENT #7: Construction Noise

IS/MND document, Section XIIIa, Page #44

Issue: The MND does not include a noise impact assessment or mitigation measures to avoid or reduce impacts to biological resources from construction noise to a level less than significant.

Specific impact: The MND (p. 44) states the Project would result in a substantial temporary noise increase from the operation of equipment for on-site construction activities but includes no noise impact assessment or an analysis of the impacts of construction noise on biological resources. Based on the nature of the proposed construction activities (i.e., trenching, excavating, road lay-in, compaction, building demolition), noise levels would be expected to exceed exposure levels that may adversely affect wildlife species at 55 to 60 dBA.

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 cures (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:

Because of the potential for construction noise to negatively impact wildlife, CDFW recommends a revised MND include a noise impact assessment and an analysis of impacts to biological resources accompanied by specific avoidance and minimization measures to ensure that impacts to wildlife are avoided or reduced to less than significant. CDFW recommends adding the following mitigation measure to a revised MND:

MM BIO-[C]: Construction Noise Impacts to Biological Resources

> **During all Project construction, IID 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. IID 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 #8: Artificial Nighttime Light

IS/MND document, Section Id, Page #25

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

Specific impact: The MND states (p. 25) that lighting for construction will be utilized that could adversely affect day or nighttime glare. 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 to reduce impacts to less than significant should be included in a revised MND.

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; 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:

Because of the potential for artificial nighttime light to negatively impact wildlife, CDFW recommends a revised MND 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. CDFW recommends IID include the following mitigation measure in a revised MND:

MM BIO-[D]: Artificial Nighttime Light

During Project construction and operation, IID 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. IID 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/). IID 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.

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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist IID in identifying and mitigating Project impacts on biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant impacts on biological resources. 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, be recirculated for public comment. CDFW also recommends that the revised MND include an analysis of impacts to biological resources from construction noise and artificial nighttime lighting, as well as mitigation measures described in this letter for the special-status bats, burrowing owl, nesting birds, special-status plants, CDFW's Lake and Streambed Alteration Program, construction noise, and artificial nighttime light. If the revised MND cannot demonstrate that impacts to biological resources are mitigated to a level that is less than significant, CDFW recommends that an Environmental Impact Report be prepared by IID for the Project.

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:
Kim Freeburn
84F92FFEEFD24C8...

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

Office of Planning and Research, State Clearinghouse, Sacramento
State.clearinghouse@opr.ca.gov

REFERENCES

Barber, J. R., K. R. Crooks, and K. M. Fristrup. 2009. The costs of chronic noise exposure for terrestrial organisms. Trends in Ecology and Evolution 25:180-189.
Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. Ecology 58:98–108.
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.
Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. Condor 73:162–176.
Francis, C. D., C. P. Ortega, and A. Cruz. 2009. Noise pollution changes avian communities and species interactions. Current Biology 19:1415–1419.
Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. Biological Reviews.
Gillam, E. H., and G. F. McCracken. 2007. Variability in the echolocation of Tadarida brasiliensis: effects of geography and local acoustic environment. Animal Behaviour 74:277–286.
Kight, C. R., and J. P. Swaddle. 2011. How and why environmental noise impacts animals: An integrative, mechanistic review. Ecology Letters 14:1052–1061.
Longcore, T., and C. Rich. 2004. Ecological light pollution – Review. Frontiers in Ecology and the Environment 2:191–198.
Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. The Condor 108:130–139.
Patricelli, G., and J. J. L. Blickley. 2006. Avian communication in urban noise: causes and consequences of vocal adjustment. Auk 123:639–649.
Quinn, J. L., M. J. Whittingham, S. J. Butler, W. Cresswell, J. L. Quinn, M. J. Whittingham, S. J. Butler, W. Cresswell, and W. Noise. 2017. Noise, predation risk compensation and vigilance in the chaffinch Fringilla coelebs. Journal of Avian Biology 37:601–608.
Rabin, L. A., R. G. Coss, and D. H. Owings. 2006. The effects of wind turbines on antipredator behavior in California ground squirrels (Spermophilus beecheyi). Biological Conservation 131:410–420.
Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.
Slabbekoorn, H., and E. A. P. Ripmeester. 2008. Birdsong and anthropogenic noise: Implications and applications for conservation. Molecular Ecology 17:72–83.
Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. Current Biology 19:1123–1127. Elsevier Ltd.
Sun, J. W. C., and P. M. Narins. 2005. Anthropogenic sounds differentially affect amphibian call rate. Biological Conservation 121:419–427.

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Biological Resources (BIO)		
Mitigation Measure (MM) Description	**Implementation Schedule**	**Responsible Parties**
MM BIO-1: Bat Habitat Assessment and Focused Surveys A qualified biologist will conduct a bat habitat assessment to determine suitable bat roosting habitat within the Project area and 500-feet extending from the work area, prior to any construction activities. The habitat assessment should be conducted at least one year prior to the initiation of construction activities. Prior to the initiation of Project	**Habitat assessment and focused surveys:** At least one (1) year prior to Project construction activities.	IID

activities, within suitable bat roosting habitat, IID shall retain a qualified biologist to conduct focused surveys to determine presence of daytime, nighttime, wintering (hibernacula), and maternity roost sites. Two spring surveys (April through June) and two winter surveys (November through January) shall be performed by qualified biologists. Surveys shall be conducted during favorable weather conditions only. Each survey shall consist of one dusk emergence survey (start one hour before sunset and last for three hours), followed by one pre-dawn re-entry survey (start one hour before sunrise and last for two hours), and one daytime visual inspection of all potential roosting habitat on the Project site. Surveys shall be conducted within one 24-hour period. Visual inspections shall focus on the identification of bat sign (i.e., individuals, guano, urine staining, corpses, feeding remains, scratch marks and bats squeaking and chattering). Bat detectors, bat call analysis, and visual observation shall be used during all dusk emergence and pre-dawn re-entry surveys. If active maternity roosts are identified in the work area or 500 feet extending from the work area, Project construction will only occur between October 1 and February 28, outside of the maternity roosting season when young bats are present but are not yet ready to fly out of the roost. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If hibernacula are identified in the work area or 500 feet extending from the work area, a minimum 500-foot no-work buffer shall be provided around wintering roosts (hibernacula). The buffer shall not be reduced. Project-related construction and activities shall not occur within 500 feet of or directly under or adjacent to hibernacula. Buffers shall be left in place until the end of Project construction and activities or until a qualified bat biologist determines that the hibernacula are no longer active. Project-related construction and activities shall not occur between 30 minutes before sunset and 30 minutes after sunrise. Hibernacula roosts shall not be evicted, excluded, removed, or disturbed. If avoidance of a hibernacula is not feasible, the Project Biologist will prepare a relocation plan to remove the hibernacula and provide for construction of an alternative bat roost outside of the work area. A bat roost relocation plan shall be submitted for CDFW review prior to construction activities. The qualified biologist will implement the relocation plan and new roost sites shall be in place before the commencement of any ground-disturbing activities that will occur within 500 feet of the hibernacula. New roost sites shall be in place prior to the initiation of Project-related activities to allow enough time for bats to relocate. Removal of roosts will be guided by accepted exclusion and deterrent techniques. The IID shall compensate no less than 2:1 for permanent impacts to maternity and hibernacula roosting habitat.		
MM BIO-2: Focused and Pre-Construction Surveys for Burrowing Owl Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). 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, monitoring, relocation,	**Focused surveys:** Prior to the start of Project-related activities. **Pre-construction surveys:** No less than 14 days prior to start of Project-related activities and within 24	IID

minimization, and/or mitigation 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 compensatory mitigation 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. The Burrowing Owl Plan shall identify compensatory mitigation for the temporary or permanent loss of occupied burrow(s) and habitat consistent with the "Mitigation Impacts" section of the 2012 Staff Report and shall implement CDFW-approved mitigation prior to initiation of Project activities. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls. If no suitable habitat is available nearby, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval. Pre-construction surveys for burrowing owl should be conducted within the Project Area and adjacent areas prior to the start of ground- disturbing activities. The surveys shall be performed by a qualified biologist and should follow the methods described in the *CDFW's Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). Two surveys should be conducted, with the first survey being conducted between 30 and 14 days before initial ground disturbance (grading, grubbing, and construction), and the second survey being conducted no more than 24 hours prior to initial ground disturbance. If burrowing owls and/or suitable burrowing owl burrows with sign (e.g., whitewash, pellets, feathers, prey remains) are identified on the Project Area during the survey, 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 USDWS for review and approval prior to commencing Project activities.	hours prior to ground disturbance.	
MM BIO-3: Pre-Construction Nesting Bird Survey Regardless of the time of year, a pre-construction nesting-bird survey should be conducted by a qualified avian biologist to ensure that active bird nests, including but not limited to those for the black-tailed gnatcatcher and loggerhead strike, will not be disturbed or destroyed. The survey should be completed no more than three days prior to vegetation removal or ground-disturbing activities. The nesting-bird survey should include the Project Area and adjacent areas where project activities have the potential to affect active nests, either directly or indirectly due to construction activity or noise. 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 an active nest is identified, the qualified biologist should establish an appropriately sized	No more than three (3) days prior to vegetation clearing or ground-disturbing activities.	IID

disturbance limit buffer around the nest using flagging or staking. 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. Construction activities should not occur within any disturbance limit buffer zones until the nest is deemed inactive by the qualified biologist. 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.		
MM BIO-[A]: Special-Status Plants Prior to adoption of the CEQA document, a thorough floristic-based assessment of special-status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (CDFW 2018 or most recent version) shall be performed by a qualified biologist. Should any state-listed plant species be present in the Project area, the Project proponent shall obtain an Incidental Take Permit for those species prior to the start of Project activities. Should other special-status plants or natural communities be present in the Project area, on-site habitat restoration and/or enhancement and preservation should be evaluated. Where habitat preservation is not available on-site, off-site land acquisition, management, and preservation should be evaluated.	Prior to the adoption of the CEQA document.	IID
MM BIO-[B]: CDFW's Lake and Stream Alteration Program Prior to Project-activities 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 shall obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.	Prior to Project-activities and issuance of any grading permit.	IID
MM BIO-[C]: Construction Noise Impacts to Biological Resources During all Project construction, IID 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. IID 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.	During Project activities.	IID
MM BIO-[D]: Artificial Nighttime Light During Project construction and operation, IID 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	During Project construction activities and operation.	IID

most active. IID 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/). IID 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.		