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GAVIN NEWSOM, Governor
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January 8, 2024
Sent via email

John D. Criste
Designated Representative
College of the Desert/Desert Community College District
43500 Monterey Avenue
Palm Desert, CA 92260

Roadrunner Motors Transportation Training Center (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2023120550

Dear John Criste:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the College of the Desert/Desert Community College District (District) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA guidelines.[1]

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

CDFW ROLE

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

[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.

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: Roadrunner Motors Transportation Training Center

Objective: The Project proposes to construct and operate Roadrunner Motors, a new Automotive and Advanced Technology Transportation Program training facility on the Property. The Site's main access will be from an existing curb cut at the end of the Margo Murphy Way cul-de-sac, which directly connects the Site to East Palm Canyon Drive (i.e., Highway 111). A single masonry and steel building is planned encompassing 26,020± square feet that will include classrooms, instructional labs, instructional bays, storage and support area, offices, conference room and open work and break space. The Project also provides student parking spaces plus visitor parking spaces and faculty/staff/program vehicle parking spaces. The building will be secured with perimeter fencing and three access gates.

The Project will create new sources of artificial nighttime lighting including on-building security lighting and 12± perimeter and full-cutoff parking light standards 15± feet in height. Pole lighting will be on sensors and will automatically shut off in the dawn to dusk mode. The Project proposes the use of predominantly drought-tolerant landscaping.

Location: The proposed Project is located on two legal lots located south of East Palm Canyon Drive/Highway 111 and west of Perez Road in the Cathedral City corporate limits. The Property is identified as Assessor's Parcels No. 687-510-053 & 055. The Site is located within the northeastern quarter of Section 32, Township 4 South, Range 5 East, San Bernardino Base and Meridian, and has been assigned the following addresses: 67893 and 67905 East Palm Canyon Drive, Cathedral City, California 92234. The Property is located within Reservation Lands of the Agua Caliente Band of Cahuilla Indians and is designated as Fee land on the Tribe's Land Use Status Map. The Project is located next to and includes foothills of the Santa Rosa Mountains.

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

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 District 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 assessment of biological resources on the Project site and an incomplete 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 biological resources to less than significant.

Existing Environmental Setting

Compliance with CEQA is predicated on a complete and accurate description of the environmental setting that may be affected by the proposed Project. CDFW is concerned that the assessment of the existing environmental setting has not been adequately analyzed in the MND. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the MND may provide an incomplete analysis of Project-related environmental impacts.

The MND lacks a complete and recent assessment of biological resources within the Project site and surrounding area. A complete and accurate assessment of the environmental setting and Project-related impacts to biological resources is needed to both identify appropriate avoidance, minimization, and mitigation measures and demonstrate that these measures reduce Project impacts to biological resources 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 an adequate 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. The MND also lacks details of the Project's proposed landscaping plans (see Landscaping section below). To conduct a meaningful review and provide biological expertise on how to avoid or reduce impacts to biological resources to less than significant, CDFW requires a complete and accurate Project description.

Mitigation Measures

CEQA requires that an 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 District in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for assessment of biological resources, nesting birds, burrowing owl, bat surveys, avoidance of bats during tree removal, and artificial nighttime lighting.

1) Assessment of Biological Resources

Page 18 of the MND indicates "biological resources survey and report prepared for the dam project [referenced as Casey's June Beetle Habitat Assessment, McGill, T.J., Ph.D. RBF Consulting. 2010] included a survey for Casey's June beetle and it was determined to not occur in this area, the conditions being unfavorable for its occurrence. Conditions on the subject Property are comparable to those in the lower dam study area and, with the extensive site disturbance, including cutting and filling of soils at depth on the Property, the beetle is not expected to occur there. Neither should further biological surveys be required in order the develop the subject Property." However, a complete and recent assessment of biological resources has not been conducted within the Project site and surrounding area. Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts, that special emphasis should be placed on environmental resources that are rare or unique to the region, and that significant environmental impacts of the proposed Project are adequately investigated and discussed. Based on review of recent aerial imagery using Google Earth Pro, the Project site contains four Mexican fan palms (*Washingtonia robusta*) with skirts of untrimmed fronds, scattered shrubs, and ornamental shrubs and/or trees along a portion of the northern edge of the Project site, which provide, at minimum, habitat suitable for nesting birds (see Nesting Birds section below) and bats (see Bats section below), as well as burrowing owls (see Burrowing Owl section below).

To adequately investigate the Project's potentially significant direct and indirect environmental impacts to biological resources, such as nesting birds, bats, and burrowing owls, CDFW recommends that the MND is revised to include the findings of a thorough, recent, assessment of biological resources. Based on findings from a recent

assessment of biological resources, CDFW recommends that the MND is revised to include an analysis of direct, indirect, and cumulative impacts to biological resources and identification of appropriate avoidance, minimization, and mitigation measures. Recent and complete information on biological resources; analysis of a Project's direct, indirect, and cumulative impacts; and appropriate avoidance, minimization, and mitigation measures support the District in demonstrating that Project impacts to biological resources are less than significant.

CDFW recommends that the District include in a revised MND the following mitigation measure:

Mitigation Measure BIO-[A]: Assessment of Biological Resources

Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) CDFW-recommended MM BIO-[A] through MM BIO-[F].

2) 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.).

MND lacks the findings of a complete and recent assessment of biological resources within the Project site and surrounding area, and the MND indicates that further biological surveys should not be required (page 18). The Project site contains suitable habitat for nesting birds in the Mexican fan palms (*Washingtonia robusta*), scattered shrubs, and ornamental trees and/or shrubs located within the Project site and surrounding area. For example, the four Mexican fan palms provide suitable habitat for hooded oriole (*Icterus cucullatus*), which primarily nests in palm trees and builds hanging nests on the undersides of palm fronds[2]. Because the Project site and surrounding area contains suitable habitat for nesting birds, CDFW is concerned about 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. 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[2]). CDFW staff have observed that climate change conditions may result in the 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. The MND lacks a mitigation measure to protect nesting birds. To support the Project in avoiding or reducing impacts to nesting birds to less than significant, CDFW recommends the District add the following measure to a revised MND:

Mitigation Measure BIO-[B]: 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

[2] 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.

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. Construction activities may not occur inside the established buffers, which 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.

3) 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.”

MND lacks the results of a complete and recent assessment of biological resources within the Project site and surrounding area, including a burrowing owl habitat assessment and/or focused surveys, and the MND indicates that further biological surveys should not be required (page 18). The MND also lacks a discussion of the Project’s potential impacts to burrowing owl. Based on review of aerial imagery, the Project site is vacant, periodically graded, and at times contains sparse vegetation that recruits between grading activities. The Project site is located adjacent to open-space areas to the south within the foothills of the Santa Rosa and San Jacinto Mountains. CDFW notes that in California, preferred habitat for burrowing owl is generally typified

by short, sparse vegetation with few shrubs,[3] and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat proximity.[4] In addition, burrowing owls frequently move into disturbed areas prior to and during construction activities since they are adapted to highly modified habitats (Chipman et al. 2008[5]; Coulombe 1971[6]). The Project site contains suitable habitat for burrowing owl. Given the MND's lack of findings from a recent habitat assessment for burrowing owls, it is uncertain if suitable burrows or burrow surrogates exist within the Project area or surrounding areas.

CDFW recommends the MND is revised to include the findings of a burrowing owl habitat assessment and focused surveys following guidelines outlined in the *Staff Report on Burrowing Owl Mitigation* (CDFW 2012[7]). A habitat assessment and focused surveys for burrowing owl provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, 3503.5, and 3513. If focused surveys confirm occupied burrowing owl habitat in or adjacent to the Project area, CDFW recommends that the MND is revised to include an impact assessment per guidelines in the *Staff Report on Burrowing Owl Mitigation.* Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of the proposed Project. Focused surveys, and an impact assessment will also inform appropriate avoidance, minimization, and mitigation measures for the Project and help demonstrate that impacts to burrowing owls are reduced to less than significant.

The MND lacks a mitigation measure for burrowing owl. To support the District in avoiding or reducing impacts to burrowing owl to less than significant, CDFW recommends that the following mitigation measure is added to a revised MND:

Mitigation Measure BIO-[C]: Burrowing Owl Surveys

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[3] 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.

[4] Gervais, J. A., D. K. Rosenberg, R. G. Anthony. 2003. Space use and pesticide exposure risk of male burrowing owls in an agricultural landscape. Journal of Wildlife Management 67: 155-164.

[5] 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.

[6] Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, Speotyto cunicularia, in the Imperial Valley of California. Condor 73:162–176.

[7] California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency.

Suitable burrowing owl habitat has been confirmed on the site; 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, 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.

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.

4) Bats

The MND lacks the results of a complete and recent assessment of biological resources within the Project site and surrounding area, including surveys for western yellow bat (*Lasiurus xanthinus*; California Species of Special Concern), and the MND indicates that further biological surveys should not be required (page 18). Based on review of recent aerial and street view imagery using Google Earth Pro, the Project site contains four Mexican fan palms, which have skirts of untrimmed fronds. Western yellow bats are strongly associated with native California fan palm (*Washingtonia fillifera*)[8] and Mexican fan palm[7] in Coachella Valley. In California, western yellow bats appear to roost exclusively in the skirt of dead fronds of both native and non-native palm trees and appear to be limited in their distribution by availability of palm habitat.[9] Western yellow bats likely form small maternity groups in palm trees.[10] Some individuals or populations may be migratory, although some individuals appear to be present year-round, even in the northernmost portion of the range including southern California. The Mexican fan palms on the Project site are suitable roosting habitat for western yellow bat.

The MND lacks a mitigation measure for the protection of bats. To support the District in avoiding or reducing impacts to western yellow bats to less than significant, CDFW recommends that the MND is revised to include the results of bat surveys (see survey methods in the mitigation measure below) for western yellow bats. CDFW also recommends that the District revise the MND to include the following mitigation measure:

Mitigation Measure BIO-[D]: Bat Surveys

Prior to the initiation of Project activities within suitable bat roosting habitat, the College of the Desert/Desert Community College District 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),**

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[8] Stokes, D., M. Combs, and K.B. Clark. 2023. Surveys for Western Yellow Bat in the Coachella Valley. 2022. Annual Report. February 8, 2023

[9] Bolster, B.C., Bolster, B.C., (ed.). 1998. Terrestrial Mammal Species of Special Concern in California. Draft Final Report. May. Sacramento, CA. Prepared by Paul W. Collins. Prepared for California Department of Fish and Game, Nongame Bird and Mammal Conservation Program, Sacramento, CA.

[10] Life History Account for Western Yellow Bat, California Department of Fish and Wildlife, February 2008.

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 during preconstruction surveys, for maternity roosts, Project construction will only occur outside of the maternity roosting season. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active 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.

Also, because the Project may result in the removal of palm trees, that may support roosting habitat and maternity groups for western yellow bats, the Project should implement appropriate avoidance, minimization, and mitigation measures to ensure impacts to this species are less than significant. Removal of palm trees that contain roosting habitat for bats can subject bats to impacts ranging from permanent loss of day roosts, including maternity roosts, to direct mortality if avoidance, minimization, and mitigation measures are not implemented. To support the District in reducing impacts to western yellow bats to less than significant, CDFW also recommends that the following mitigation measure is added to a revised MND:

Mitigation Measure BIO-[E]: Avoidance of Bats during Tree Removal

Tree removal work with the potential to house roosting bats shall be performed between September 15 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not

drop below 45°F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45°F or less for that evening and the next four evenings), then no tree removals shall be performed. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist.

5) Artificial Nighttime Lighting

The Proposed project will result in new sources of artificial nighttime lighting. Page 12 of the MND indicates that the "transformation from vacant land to an automobile educational facility would create new permanent sources of light and glare. The facility will have limited lighting during nighttime, including on-building security lighting and 12± perimeter and full-cutoff parking light standards 15± feet in height. Pole lighting will be on sensors and will automatically shut off in the dawn to dusk mode. All Project lighting will be consistent with Chapter 9.89 of the City's Zoning Project. Proposed lighting will avoid or minimize the impacts of light and glare within the Project site and on surrounding lands. Standard design techniques to be employed in the Project's lighting plan will shield outdoor light fixtures and control direct glare and light spillover from emanating off-site. Therefore, the Project will have a less than significant light and glare impact on adjacent properties or to the desert night sky." However, the MND lacks any additional details on the Project's lighting plans and lighting specifications or additional avoidance and minimization measures associated with artificial nighttime lighting.

The Project is located adjacent to open-space areas to the south in foothills of the Santa Rosa and San Jacinto Mountains—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, other nocturnal and crepuscular wildlife, and Peninsular bighorn sheep. Page 18 of the MND indicates that the "subject Property is located at the toe and portions include the foothills of the Santa Rosa Mountains, which are identified as habitat for the federal and state-listed Peninsular bighorn sheep (*Ovis canadensis nelsonii*)." Page 42 of the MND states that "[s]ensitive species that occur in the mountains include the federal and state-listed Peninsular bighorn sheep." The Project's proposed artificial nighttime lighting has the potential to significantly and adversely affect fish and wildlife in the open-space areas adjacent to the Project site. 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[11]. Many species use photoperiod cues for communication (e.g., bird song[12]), determining when to begin foraging[13], behavioral thermoregulation[14], and migration[15]. Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.[11]

CDFW recommends the MND is revised to lighting design specification and an analysis of the direct, indirect, and cumulative impacts of artificial nighttime lighting expected to adversely affect biological resources within open-space areas adjacent to the Project site. Also, the MND lacks a mitigation measure for artificial nighttime lighting. To support the District in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant, CDFW recommends that the District add the following mitigation measure to a revised MND:

Mitigation Measure BIO-[F]: Artificial Nighttime Lighting

Throughout construction and the lifetime operations of the Project, the College of the Desert/Desert Community College District 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 College of the Desert/Desert Community College District shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at http://darksky.org/). The College of the Desert/Desert Community College District and Project proponent 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.

6) Landscaping

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[11] 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.

[12] Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. The Condor 108:130–139.

[13] Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. Current Biology 19:1123–1127.

[14] Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. Ecology 58:98–108.

[15] Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. Frontiers in Ecology and the Environment 2:191–198.

Page 37 of the MND indicates that the Project will be comply with “drought tolerant landscape measures”. No other details are provided in the MND on the Project’s proposed landscaping plans. 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, § 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 the District 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 assessment of biological resources and 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 and recent assessment of biological resources, be recirculated for public comment. CDFW also recommends that additional mitigation measures and analysis 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, Senior Environmental Scientist Specialist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Kim Freeburn
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Kim Freeburn
Environmental Program Manager

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

ec:

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ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Mitigation Measures	Timing and Methods	Responsible Parties
Mitigation Measure BIO-[A]: Assessment of Biological Resources **Prior to Project construction activities, a complete and recent inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511), will be completed. Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.**	**Timing**: Prior to Project construction activities. **Methods:** See Mitigation Measure	**Implementation**: College of the Desert/Desert Community College District **Monitoring and Reporting**: College of the Desert/Desert Community College District
Mitigation Measure BIO-[B]: 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**	**Timing**: No more than 3 days prior to vegetation removal or ground-disturbing activities. **Methods:** See Mitigation Measure	**Implementation**: College of the Desert/Desert Community College District **Monitoring and Reporting**: College of the Desert/Desert Community College District

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. Construction activities may not occur inside the established buffers, which 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.		
Mitigation Measure BIO-[C]: Burrowing Owl Surveys **Suitable burrowing owl habitat has been confirmed on the site; 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, 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**	**Timing: Focused surveys:** Prior to vegetation removal or ground-disturbing activities. **Pre-construction surveys:** No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance. **Methods:** See Mitigation Measure	**Implementation**: College of the Desert/Desert Community College District **Monitoring and Reporting**: College of the Desert/Desert Community College District

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. **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.**		
Mitigation Measure BIO-[D]: Bat Surveys **Prior to the initiation of Project activities within suitable bat roosting habitat, the College of the Desert/Desert Community College District 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**	**Timing:** Prior to initiation of Project activities **Methods:** See Mitigation Measure	**Implementation**: College of the Desert/Desert Community College District **Monitoring and Reporting**: College of the Desert/Desert Community College District

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 during preconstruction surveys, for maternity roosts, Project construction will only occur outside of the maternity roosting season. Maternity roosts shall not be evicted, excluded, removed, or disturbed. If active 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.		
Mitigation Measure BIO-[E]: Avoidance of Bats during Tree Removal **Tree removal work with the potential to house roosting bats shall be performed between September 15 and October 31 to minimize direct impacts to roosting bats. This time period is after young are volant (flying) but before expected onset of torpor (wintering inactivity). Tree removal work may also be conducted between February 15 and March 31, following winter torpor and prior to the start of the maternity season. No tree removals shall occur during the hibernation season, which typically begins in November or December (depending on weather conditions) and continues through mid-February, due to the high potential for mortality of hibernating bats. Depending on weather conditions and the best professional judgement of a qualified bat biologist approved by CDFW, tree removal work may be performed in November if the forecasted nighttime low temperatures on the evening of removal and the subsequent four evenings do not drop below 45°F. In November, if weather is cold (i.e., forecasted nighttime low temperatures reach 45°F or less for**	**Timing:** See Mitigation Measure **Methods:** See Mitigation Measure	**Implementation**: College of the Desert/Desert Community College District **Monitoring and Reporting**: College of the Desert/Desert Community College District

that evening and the next four evenings), then no tree removals shall be performed. All tree removals shall require a two-step removal process and the involvement of a CDFW-approved qualified bat biologist to ensure that no roosting bats are killed during this activity. The following two-step tree removal process shall be implemented over two consecutive days: on Day 1, live palm fronds located above the frond skirt, and as identified by a qualified bat biologist, will be removed. On Day 2, the remainder of the tree may be removed without supervision by a qualified bat biologist.		
Mitigation Measure BIO-[F]: Artificial Nighttime Lighting **Throughout construction and the lifetime operations of the Project, the College of the Desert/Desert Community College District 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 College of the Desert/Desert Community College District shall ensure that all lighting for the Project is fully shielded, cast downward, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at** http://darksky.org/**). The College of the Desert/Desert Community College District and Project proponent 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.**	**Timing**: Throughout construction and the lifetime operations of the Project. **Methods:** See Mitigation Measure	**Implementation**: College of the Desert/Desert Community College District **Monitoring and Reporting**: College of the Desert/Desert Community College District