



**DESERT COMMUNITY  
COLLEGE DISTRICT**  
Riverside County, California

**Final  
Subsequent Environmental  
Impact Report**  
(SCH No. 2023120165)

**FOR THE  
COLLEGE OF THE DESERT  
WEST VALLEY CAMPUS  
DEVELOPMENT PLAN  
AMENDMENT NO. 1 PROJECT**

**PREPARED FOR  
DESERT COMMUNITY COLLEGE DISTRICT  
43500 MONTEREY AVENUE  
PALM DESERT, CA 92260**



**PREPARED BY**



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**May 15, 2024**

**FINAL SEIR  
RESPONSE TO COMMENTS  
ON THE  
DRAFT  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT  
FOR THE  
COLLEGE OF THE DESERT  
WEST VALLEY CAMPUS  
DEVELOPMENT PLAN AMENDMENT NO. 1 PROJECT**

**May 15, 2024**

**RIVERSIDE COUNTY, CALIFORNIA  
STATE CLEARINGHOUSE NO. 2023120165**

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**AGENCY COMMENTS/RESPONSE TO COMMENTS**

The Response to Comments on the Draft SEIR for the College of the Desert West Valley Campus Development Plan Amendment No. 1 Project has been prepared in accordance with Section 15088, 15089 and 15132 of the California Environmental Quality Act (CEQA) Guidelines. The following agencies and interested parties have commented on the Draft SEIR. Please note that Section I contains verbatim comments from agency or other interested parties, and subsequent responses. Section II contains the full text of commenting agency correspondence.

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**FINAL  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

**COLLEGE OF THE DESERT  
WEST VALLEY CAMPUS  
DEVELOPMENT PLAN AMENDMENT NO. 1 PROJECT**

**SECTION I**

**RESPONSE TO COMMENTS**

The following verbatim comments were received on the Draft SEIR, which was transmitted to various public agencies and interested parties, and warrant a response. These comments concern aspects of the Draft SEIR, including clarification of information, adequacy of analysis, and similar issues. Related comments may occasionally be combined to allow one response to address these related questions. The following responses have been prepared to address issues raised in the agency/interested party comments.

**A. Riverside County Flood Control & Water Conservation District (RCFCWCD)  
March 19, 2024**

**Comment A-1:** This project involves District proposed Master Drainage Plan facilities, namely Palm Springs Master Drainage Plan Line 20. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

**Response A-1:** Comment noted. First, it is important to note that the referenced Line 20 project is a joint effort of the City of Palm Springs and RCFCWCD. The referenced Line 20 is currently under construction within its planned right-of-way to the south. As planned along the Project site's east boundary, Line 20 will extend north to Tahquitz Canyon Way and will be located roughly along the roadway centerline of Farrell Drive. Most or all of the referenced regulatory permits are the responsibility of the City and RCFCWCD. Of course, the College shall pay any required permits or plan check, inspection, and administrative fees associated with and required of the DPA No. 1 Project.

**Comment A-2:** This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, and the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

**Response A-2:**

The Project does not propose channels, off-site storm drains of any size, or other drainage facilities that could be interpreted as “regional facilities”. Inasmuch as the proposed Project does not directly involve existing or future RCFCWCD or City drainage facilities, there should be no need for the College to enter into a cooperative agreement regarding future inspection, operation, and maintenance of District or City off-site drainage facilities. As noted, the College shall pay any required permits or plan check, inspection, and administrative fees associated with and required of the DPA No. 1 Project.

**B. California Department of Toxic Substances Control  
April 16, 2024**

**Comment B-1:** If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).

**Response B-1:** Comment noted. In 2019, both the Palm Springs Mall building and the fast-food restaurant were subject to an environmental site assessment and asbestos and lead surveys prior to demolition. Demolition was conducted in an approved manner and potentially hazardous materials encountered were disposed of as required by Other than free-standing parking lot light poles, there are no existing structures on the Project site

**Comment B-2:** DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the [PEA](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

**Response B-2:** Comment noted. Mitigation measures set forth in the Draft SEIR (see Section 2.10) require the monitoring of onsite soils and materials for possible staining, odor or other possible indicators of contamination. Measures also require the Project proponent comply with all applicable federal, state, and local permitting requirements for hazardous and toxic materials generation, use, storage, and handling. The Draft SEIR also includes mitigation measures (Section 2.8) requiring imported fill sources be observed and tested by the Project geotechnical consultant prior to hauling onto the site to evaluate the suitability for use. Nonetheless, additional mitigation is hereby added to the SEIR:

**HAZ-8** "Prior to the importation of soils or other fill materials, said materials shall be evaluated, documented and, if appropriate, tested for the occurrence of contaminants regulated by the Department of Toxic Substances Control and the US Environmental Protection Agency."

**C. California Department of Fish & Wildlife (CDFW)**  
**April 24, 2024**

**Comment C-1:** **Issue:** The SEIR does not adequately identify the Project’s significant, or potentially significant, impacts to biological resources.

**Specific impact:** The SEIR bases its analysis of impacts to biological resources on a walking survey conducted in 2019 prior to the demolition of the Palm Springs Mall that occupied the Project site prior to its current condition, and a passerine and raptor nesting survey conducted in 2013 for a different project outside of the Project area. CDFW review of recent aerial imagery confirms the following on the Project site: sediment mounds that could be utilized for burrowing, shrubs that could be utilized for nesting and/or foraging, light poles and palm trees that could be utilized for nesting, perching, or roosting, and dead vegetation that could be utilized for cover. CDFW is concerned that no focused or protocol-level surveys were performed for the detection of special-status species on the Project site and surrounding areas. CDFW generally considers 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. Recent surveys during the appropriate times of the year are needed to inform appropriate avoidance, minimization, and mitigation measures, as well as to determine whether impacts to biological resources have been mitigated to a level that is less than significant. The Project area encompasses open and disturbed areas, as well as shrubs and perching structures, and there is high potential for special-status species to be impacted directly, indirectly, and cumulatively by Project activities.

The SEIR also states (p. 2.5-1) “the Initial Study determined that the Project would result in “No Impact” for threshold question b) because there are no riparian habitats on the previously fully developed Project site; question c) because the Project site is in the urban core of the City of Palm Springs and away from any natural or manmade drainages or wetlands; and question d) because the Project site is in the urban core area that essentially provides no viable native or other habitat that could support or provide a migratory or movement corridor for wildlife and that contains no aquatic resources in the vicinity that could support fish nor any native wildlife nursery sites.” Adjacency to urban areas does not necessarily determine habitat value or the use of these areas by special-status species. CDFW is concerned that the SEIR has trivialized the significance of the Project’s potential impacts on special-status species that could use such areas. Many special-status species, including burrowing owl, often utilize disturbed areas that could be directly and/or indirectly impacted by the Project. Impacts to special-status species, *regardless of habitat quality or location*, must be identified, evaluated, and mitigated to a level below significance.

The California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, and other special-status species have been reported near the Project area including, but not limited to, the following:

**Birds:** burrowing owl (*Athene cunicularia*), least Bell's vireo (*Vireo bellii pusillus*),

**Reptiles:** flat-tailed horned lizard (*Phrynosoma mcallii*), Coachella Valley fringe-toed lizard (*Uma inornata*),

**Plants:** chaparral sand-verbena (*Abronia villosa* var. *aurita*), desert spike-moss (*Selaginella eremophila*), Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*),

**Invertebrates:** Coachella giant sand-treader cricket (*Macrobaenetes valgum*), Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*), and Casey's June beetle (*Dinacoma caseyi*).

Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant.

**Evidence impact would be significant:** 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 with respect to biological resources has not been adequately analyzed in the SEIR. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the SEIR likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. 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.

**Recommended Potentially Feasible Mitigation Measure:**

To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised SEIR include the results of *recent* biological surveys as described in the following mitigation measure, as well as any necessary mitigation measures:



**MM BIO-[A]: Assessment of Biological Resources**

Prior to the adoption of the CEQA document and 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) for revised BIO-1 and CDFW-recommended MM-BIO [A] through [D] (see Attachment 1).

**Response C-1:**

At the outset it must be noted that the CDFW comment letter makes no mention of the **Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and Natural Community Conservation Plan (NCCP)**, which is applicable to this Project site. The primary objective of the California NCCP program portion of this Plan is to conserve natural communities at the ecosystem scale while accommodating compatible land uses. To be approved by the California Department of Fish and Wildlife, an NCCP must provide for the conservation of species and protection and management of natural communities in perpetuity within the area covered by permits.

In this regard, many of the comments and issues raised in the CDFW letter are inappropriate and are made without recognition of the CV MSHCP/NCCP or its associated permits. The Project site is disturbed and fully developed prior to 1996, the established threshold for exemption from the payment of development impact fees. Furthermore, most of the cited species are covered under the CVMSHCP/NCCP permits. The possible occurrence of other CDFW-cited species, such as least Bell's vireo, flat-tailed horned lizard, Coachella Valley fringe-toed lizard, and Coachella Valley milkvetch (all CVMSHCP/NCCP-covered species) have no supporting habitat on site or in the Project area. It is of concern that CDFW refuses to acknowledge that species are covered under the CVMSHCP/NCCP and, furthermore, identifies species that have virtually no possibility of occurring on the Project site.

It is apparent that CDFW staff have not evaluated the urban context within which the Project is located. The Draft SEIR includes numerous maps, aerial photos and other resources that clearly show that the site harbors little or no wildlife habitat. Remaining vegetation on the 29±-acre site is limited to parkway trees (Mexican fan palms without skirts) and 15± ficus trees that were part of the parking lot shading. Four fan palms and a eucalyptus tree occur along the boundary between the subject property and the Palm Springs Cultural Center property. Please see Exhibit 1-4 of the Draft SEIR.

In addition to making special note of remaining on-site vegetation, CDFW staff point to a small area of stockpiled soils in the northeast corner of the Project site that is argued could be viable habitat, perhaps for burrowing owl or other species. This 50'X50" soils stockpile is located adjacent to and at the southwest corner of Tahquitz Canyon Way and Farrell Drive.

The Project site is also mischaracterized by CDFW, stating the site "*encompasses open and disturbed areas, as well as shrubs and perching structures, and there is high potential for special-status species to be impacted directly, indirectly, and cumulatively by Project activities.*" This statement grossly mischaracterizes the "habitat" value of the site. The Project site consists of expanses of asphalt pavement, empty tree wells, the mall building fill site (which is absent of any vegetation), and very limited vegetation within the parkways of Project-bounding street, as described and illustrated throughout the Draft SEIR.

Also not acknowledged in the CDFW's comment letter is the surround property context. The Project site is bounded on three sides by two four-lane arterial roadways and one two-lane local collector. All the lands surrounding the site are fully developed with single-family, multi-family and institutional uses.

Nonetheless, CDFW expresses concern that the site provides habitat in the form of, "*sediment mounds that could be utilized for burrowing, shrubs that could be utilized for nesting and/or foraging, light poles and palm trees that could be utilized for nesting, perching, or roosting, and dead vegetation that could be utilized for cover.*"

The CDFW comments goes on to express concern that no, "*focused or protocol-level surveys were performed for the detection of special-status species on the Project site and surrounding areas.*" As noted above and as is evident from even a cursory review of the Draft SEIR, there are no native or otherwise sensitive habitat areas either adjacent or in proximity of the Project site, which is located in the urban core of the City of Palm Springs.

Furthermore, CDFW states that "*occurrences of ESA-listed, CESA-listed, and other special-status species have been reported near the Project area*" and cites several species knowing that these occurrences have been identified far from the Project site, and not "near" the site, as stated. The species cited in the CDFW letter show a serious ignorance of the habitat needs and the true likelihood of the cited species occurrence at the Project site.

Finally, the Draft SEIR includes the following mitigation measures, which will ensure that impacts to biological resources from implementation of the project will be less than significant.

**BIO-1 MBTA Compliance**

If Project activities are initiated during the local nesting season (February 1 through August 31), a nesting bird survey of on-site and nearby lands and vegetation shall be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g., “no work” buffers) will be put in place around the nest until young have fledged. Buffers for nesting raptors or other birds of prey shall be a minimum of 500 feet, and 100-300 feet for other unlisted birds. Appropriate buffers shall be established on a case-by-case basis by the nesting bird biologist.

**BIO-2** Project design shall include the predominant use of native and other non-invasive drought-tolerant landscaping plants to provide suitable habitat for indigenous wildlife species and to preclude the introduction of invasive plants. The landscape palette shall conform to that set forth in the West Valley Campus Master Plan and the CVMSHCP, and shall avoid invasive and other undesirable plants identified in the CVMSHCP or otherwise identified.

NO further resource assessment or mitigation is required.

**Comment C-2:**

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

**Specific impact:** The SEIR states (p.2.5-5) “potential for indirect impacts to nesting birds is limited,” however, as mentioned above the Project site contains shrubs and perching structures that could be utilized by nesting birds at any time during construction. Additionally, the SEIR acknowledges (p. 2.5-4) that Coachella Valley supports a wild range of bird species including golden eagle, western burrowing owl, and many others. 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-1; however, the measure is insufficient in scope and timing to reduce impacts to nesting birds to a level less than significant. Project-specific avoidance and minimization measures for nesting birds 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. CDFW recommends the District revise Mitigation Measure BIO-1 as follows:

**MM BIO-1: Nesting Bird Pre-construction Surveys**

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 for each phase of construction. 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.

~~If Project activities are initiated during the local nesting season (February 1 through August 31), a nesting bird survey of on-site and nearby lands and vegetation shall be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g., “no work” buffers) will be put in place around the nest until young have fledged. Buffers for nesting raptors or other birds of prey shall be a minimum of 500 feet, and 100-300 feet for other unlisted birds. Appropriate buffers shall be established on a case-by-case basis by the nesting bird biologist.~~

**Response C-2:**

Comment noted. As noted in Response C-1, the Draft SEIR includes numerous maps, aerial photos and other resources that clearly show that the site harbors little or no wildlife habitat, including nesting habitat for tree, building or ground-nesting birds. Vegetation remaining on the 29±-acre site is limited to parkway trees, 15± ficus trees and four fan palms and a eucalyptus tree occur along the boundary between the subject property and the Palm Springs Cultural Center property. Please see Exhibit 1-4 of the Draft SEIR.

The Draft SEIR Mitigation Measure BIO-1 is compliant with applicable Fish & Game Code and the federal Migratory Bird Treaty Act (MBTA). Nonetheless, the CDFW recommendation that the pre-construction nesting surveys be required regardless of the time of year has merit. In the low desert of California this may mean earlier nesting periods than has been documented historically. Therefore, Mitigation Measure BIO-1 is revised to read as follows and is hereby incorporated by reference into the Project SEIR:

**Revised BIO-1 MBTA Compliance**

~~“If Project activities are initiated during the local nesting season (February 1 through August 31),~~ Regardless of the time of year, a nesting bird survey of on-site and nearby lands and vegetation and focusing on MBTA covered species, including burrowing owl, shall be conducted by a qualified avian biologist no more than three days prior to site disturbance or vegetation removal. ~~If no nests or occupied burrows are found, construction may proceed.~~

If active nests or burrows are found, impact avoidance measures (e.g., “no work” buffers) will be put in place around the nest until young have fledged. Buffers for nesting raptors or other birds of prey shall be a minimum of 500 feet, and 100-300 feet for other unlisted birds. If evidence of site occupation by burrowing owl, a habitat assessment shall again be conducted by a qualified avian biologist and in conformance with Appendix C of the CDFW 2012 “Staff Report on Burrowing Owl

Mitigation”. Any special status species and natural communities detected during Project surveys shall be reported to the California Natural Diversity Database (CNDDDB).

Appropriate buffers shall be established on a case-by-case basis by the qualified nesting bird biologist. Active nests and adequacy of the established buffer distance shall be regularly monitored ~~daily~~ by the qualified biologist until he/she ~~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 C-3:**

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

**Specific impact:** CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993), 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 (Gervais et al. 2003). 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; Coulombe 1971). The Project site contains suitable habitat for burrowing owl and the SEIR acknowledges (p. 2.5-4) that the species is active in the region.

CDFW is concerned that there have been no protocol-level surveys for the detection of burrowing owl on site since there is a high potential for current and future suitable burrows that would likely support the species at any time during construction. Impacts to burrowing owl from the Project could include take of burrowing owls, their nests, or eggs or destroying nesting, foraging, or overwintering 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. 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.” 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.). Burrowing owl is a Covered Species under the CVMSHCP, which requires that avoidance and minimization measures be implemented for this species.

**Recommended Potentially Feasible Mitigation Measure:**

CDFW recommends focused 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) and that results be included in a revised SEIR. Deferring surveys until the time of construction may result in significant Project delays should burrowing owls be detected on-site. CDFW recommends that the District begin coordination with CDFW and USFWS immediately if burrowing owls are detected on-site. CDFW recommends the District include the following mitigation measure a revised SEIR:

**MM BIO-[B]: Focused and Pre-Construction 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 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.

For each phase of construction, 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.

**Response C-3**

Please see Responses 1 and 2, above. The CDFW comment mischaracterizes the Project site and the possibility of burrowing owl occurring there. The CDFW comment letter states that the Project site harbors viable habitat for burrowing owl and other sensitive species. As noted in the Draft SEIR, the subject site has been fully developed since the mid-1960s. There are no vacant, undeveloped lands in proximity of the Project site. These biological resource study prepared for lands on the east side of Farrell Drive concluded that no burrowing owl occurred on that property, which was vacant until 2016-17 and is now fully developed.

The on-site “habitat” is inaccurately described and the references to viable owl habitat are not consistent with existing on-site conditions. The CDFW letter states: “*preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993), 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 (Gervais et al. 2003).*” Recent site visits clearly indicate that there is no viable owl habitat on this site, lacking surface vegetation, shrubs, grassy fields, or pasture-like conditions.

Furthermore, applying the same expert reference with regard to viable owl habitat, the CVMSHCP states: “*Individuals may be killed on roadways while foraging at night. Other studies indicated that road mortality can be a significant factor for this species; vehicle collisions caused three of five known deaths in one study (Konrad and Gilmer 1984) and 37% of known mortality in another (Haug and Oliphant 1987).*” The Project site is bounded on three sides by two four-lane arterial roadways and one two-lane roadway all with moderate traffic volumes. Pet predation is also a threat to burrowing owl, and the Project site is surrounded by single-family residential neighborhood to the immediate west and east, and multi-family residences to the north, from which free-roaming pets may constitute yet another threat to owls that might occur on the Project site making the occurrence of owl on the Project site further unlikely.



In summary, CDFW's recommendation that a focused burrowing owl survey be performed on this site is not warranted. Nonetheless, revised Mitigation Measure BIO-1, again stated below, will further ensure that potential impacts to burrowing owl are avoided.

**Revised BIO-1 MBTA Compliance**

~~“If Project activities are initiated during the local nesting season (February 1 through August 31),~~ Regardless of the time of year, a nesting bird survey of on-site and nearby lands and vegetation and focusing on MBTA covered species, including burrowing owl, shall be conducted by a qualified avian biologist no more than three days prior to site disturbance or vegetation removal. If no nests or occupied burrows are found, construction may proceed.

If active nests or burrows are found, impact avoidance measures (e.g., “no work” buffers) will be put in place around the nest until young have fledged. Buffers for nesting raptors or other birds of prey shall be a minimum of 500 feet, and 100-300 feet for other unlisted birds. If evidence of site occupation by burrowing owl, a habitat assessment shall again be conducted by a qualified avian biologist and in conformance with Appendix C of the CDFW 2012 “Staff Report on Burrowing Owl Mitigation”. Any special status species and natural communities detected during Project surveys shall be reported to the California Natural Diversity Database (CNDDDB).

Appropriate buffers shall be established on a case-by-case basis by the qualified nesting bird biologist. Active nests and adequacy of the established buffer distance shall be regularly monitored ~~daily~~ by the qualified biologist until he/she ~~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 C-4**

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

**Specific impact:** The SEIR states (p. 2.3-16) “the Project proposes a comprehensive site/building/signage lighting plan that is designed for lighting and energy efficiency and to protect night skies from light pollution;” however, it does not include the lighting plan in the document. The SEIR also states that all lighting will be directed onto the site and away from adjacent properties which is an important design feature to minimize impacts, but the lighting designs were not disclosed and impacts to biological resources resulting from the use of artificial nighttime lighting during construction and operation of the Project 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 SEIR.

**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 SEIR include lighting designs and an analysis of impacts to biological resources, as well as specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant. CDFW recommends the District include the following mitigation measure in a revised SEIR:

**MM BIO-[C]: Artificial Nighttime Light**

During Project construction and operation, the District shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The District 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/>). The District 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.

**Response C-4**

As noted throughout the subject Draft SEIR, prior to 2019, the subject property was occupied by a 330,000 ± square foot shopping mall and 3,000± square foot fast-food restaurant. In addition to on-building security lighting and illuminated signage, the site parking lots includes a light standard every 140 feet. As discussed in Section 2.3 of the Draft SEIR, there currently exist major sources of light in the Project area include streetlights, athletic field and ball field lights, and safety and security lighting associated with the high school and the adjacent Palm Springs Cultural Center (Camelot Festival Theaters). The high school uses high luminance floodlights for the football field to the immediate south. To the southwest approximately 1,000 feet from the Project site, the Palm Springs baseball farm club stadium also relies on high intensity lighting for night games. Beyond these more intense uses of lighting, outdoor lighting levels in the Project area and vicinity are relatively low to moderate, being limited to street and security lighting.

The lighting discussion of the Project *Basis of Design* report states, in part: “05.13.5 Site: Luminaires with 3000K correlated color temperature and 90+ CRI LED sources may be used on the campus landscape areas and parking lot. All campus fixtures shall be carefully selected to have full cutoff optics to mitigate contribution to sky glow and comply with CalGreen and college policy to comply with local City of Palm Desert [Springs] Lighting Ordinances.”

Contrary to CDFW’s comments in this regard, the Draft SEIR does, in fact, provide extensive mitigation measures, several derived from *International Dark Sky Association guidance*, to further ensure that impacts from parking lot and other site lighting will be less than significant. The following measures are included in the Draft SEIR:

**AES-3** All outdoor lighting shall be in compliance with the Dark Sky Ordinance of Section 93.21.00 of the Palm Springs Municipal Code and the WVC Master Plan design guidelines. Other lighting recommendations include the following:

- a. Outdoor lighting shall be limited to the minimum height, number and intensity of fixtures needed to provide security and identification, taking every reasonable effort to preserve the community’s night skies.
- b. Lighting fixtures shall be of appropriate scale, style and character of the architecture. No lighting which incorporates flashing, pulsing or is otherwise animated shall be permitted.
- c. The intensity of light at the boundary of the site shall not exceed seventy-five (75) foot lamberts from a source of reflected light.
- d. All lighting shall be directed onto the site and away from adjacent properties.
- e. Elevated lighting, including but not limited to parking lot lighting, shall be full-cutoff fixtures. Drop or sag lens fixtures shall not be permitted.

**AES-4** Landscape lighting shall be shielded to direct and limit areas of illumination to the Project site. No up-lighting that spills into the night sky shall be used on the campus. Landscape lighting shall be included with landscape plans.

**AES-5** Exterior building and other security lighting shall be integral to the building architecture and/or landscape plan, shall avoid excessive lighting levels and direct and shield illumination to protect adjoining properties and night skies.

In summary, the Project’s adherence to the City’s Dark Sky Ordinance, the Project’s *Basis of Design* report, and the mitigation measures set forth in the Draft SEIR and restated above, ensure that impacts from outdoor lighting will be less than significant.

**Comment C-5**

**Issue:** The DEIR does not include an assessment of impacts to biological resources resulting from construction noise or mitigation measures to avoid or reduce impacts to a level less than significant.

**Specific impact:** The SEIR states (p. 2.13-9) the “Project would result in short-term and long-term noise impacts,” but includes no noise impact assessment or an analysis of the impacts of construction noise on biological resources. The SEIR also states (p. 2.13-10) noise levels are expected to range from 70 to 82 dBA, which exceeds 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 cues (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 SEIR 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 SEIR:

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

During all Project construction, the District 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. The District shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.

**Response C-5**

Please see relevant information and clarification provided in or referenced by Responses 1, 2 and 3 above.

The Draft SEIR (Section 2.13) assessed the existing noise environment at and surrounding the Project site. Immediately surrounding land uses within 0.50 miles of the site include the Palm Springs High School Football Stadium, the Minor League Palm Springs Power baseball stadium, and Palm Springs International Airport. Also affecting the existing noise environment at the Project site is vehicular traffic associated with two four-lane arterial roadways (Tahquitz Canyon Way and Farrell Drive) and a two-lane collector street (Baristo Road) serving the high school, the Palm Springs Cultural Center, the City Library and baseball stadium just to the west. Along Tahquitz Canyon Way the 65 dB CNEL contour (as modeled in 2015; See Section 2.13.5 of the Draft SEIR). As stated in the Draft SEIR, *“the 65 dB CNEL contour is currently located approximately 250 feet within the Project site along Tahquitz Canyon Way, 120 feet within the site along Farrell Drive, and 25 feet within the site along Baristo Road.”*

Concurrent with concluding that potential impacts to sensitive wildlife would be less than significant, but nonetheless providing for pre-construction surveys in the Draft SEIR, it was also concluded that there was no meaningful potential for the existing noise environment, nor that associated with Project construction and operation, would have an adverse impact on sensitive species. As cited above and in the Draft SEIR, the site is already impacted by community noise equivalent levels (CNELs) that should be adverse for wildlife.

The Draft SEIR already provides a wide array of mitigation measures designed to protect the surrounding noise environment, and which will thereby also benefit area wildlife these include the following (also Sec Section 2.13.7 of the Draft SEIR):

**NOI-1** To protect residential areas and other sensitive land uses, and to minimize impacts associated with exposure to excessive noise all practicable noise reducing measures shall be incorporated in the construction specifications to ensure that the potential for adverse noise impacts on the adjacent community is reduced to the maximum extent feasible. These include the following:

- a. All construction equipment and associated noise control equipment shall be maintained in proper working order in accordance with the manufacturers’ specifications.
- b. During demolition and construction activities, a contact person shall be designated to investigate, document, evaluate, and attempt to resolve legitimate project-related noise complaints. This person’s name and contact information shall be posted conspicuously at the site during the demolition and construction activities. The designated contact person shall contact individuals making a complaint within 24 hours to determine the noise source that resulted in the complaint and then implement all feasible measures to reduce the noise at the source.

- c. The staging of concrete mixer trucks adjacent to noise-sensitive residential areas west, east and north of the project site shall be prohibited prior to 7:00 a.m. on weekdays and prior to 8:00 a.m. on Saturdays.
- d. The staging of haul trucks required to remove debris and excavated materials adjacent to noise-sensitive areas west, east and north of the project site shall be prohibited prior to 7:00 a.m. on weekdays and prior to 8:00 a.m. on Saturdays.
- e. The on-site staging and routing of heavy construction equipment shall minimize the need for heavy vehicles to travel in reverse within the site to avoid and minimize the activation of continuous vehicle reverse warning alarms, which are one of the most commonly cited nuisance noises associated with construction activities. While typically of short duration, these alarms generate 1000 Hertz pure tone beeps at 97 to 112 dBA, which exceeds the noise levels associated with long-term hearing loss.
- f. Prior to issuance of grading or building permits, the contractor shall identify the site-specific measures to be implemented to attenuate construction noise levels during demolition and construction activities per the environmental specifications in the construction contract. These specifications may include but are not limited to the following:
  - The contractor shall comply with all local sound control and noise level rules, regulations and ordinances which apply to any and all work performed pursuant to the contract.
  - All feasible best practice demolition and construction techniques shall be implemented to minimize noise impacts on adjacent noise-sensitive land uses.
  - A construction truck routing plan shall be developed and submitted to the COD Bond Office for review and approval that demonstrates, to the extent practicable, avoidance of routes with adjacent noise-sensitive receptors.
  - Every effort shall be made to create the greatest distance between noise sources and sensitive receptors during construction activities.
  - Stockpiling and vehicle staging areas shall be located as far as practicable from noise-sensitive receptors.
  - Parking, refueling and servicing operations for all heavy equipment and on-site construction vehicles shall be located as far as practicable from existing homes and other noise-sensitive land uses.
  - Stationary equipment shall be placed such that emitted noise is directed away from noise-sensitive receptors.
  - To the extent practicable, the noisiest construction operations shall be arranged to occur together in the construction program to avoid continuing periods of greater annoyance.

**NOI-2** If outdoor events with amplified sound or other sources of potentially significant community noise are planned, and which have the potential to exceed City community noise standards, the College shall make application at the City for a temporary event permit that demonstrates how potential noise impacts will be management and mitigated.

In summary, the existing noise environment is currently not conducive to wildlife, although a variety of species can survive, and some even thrive in urban development areas. Future growth in area traffic alone will further degrade the noise environment. Pre-construction nesting bird surveys are required and will further ensure that impacts to nesting birds, including burrowing owl, are less than significant. The mitigation measures set forth in Section 2.13.7 of the Draft SEIR will be effective at limiting Project impacts to the noise environment for all sensitive receptors, including wildlife. No further assessment or mitigation is required.

**Comment C-6**

**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 (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

**Response C-6**

Comment noted. Mitigation Measure BIO-1 has been revised to require that the Project consulting biologist report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB).

**Comment C-7**

**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.)

**Response C-7**

Comment noted. The environmental document filing fee will be paid in accordance with applicable California codes and regulations following final action by the District Board of Trustees.

**D. Agua Caliente Band of Cahuilla Indians (ACBCI)  
March 19, 2024**

**Comment D-1:** The presence of an approved Agua Caliente Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

Under CUL-1, the monitor should be on site during all ground disturbances. Verbiage needs to be changed in this phrase, "an Agua Caliente Native American Cultural Resource Monitor(s) shall be contacted." It sounds as if the monitor will be offsite.

**Response D-1:** Comment noted. Mitigation measure CUL-1 has been revised in response to the Tribe's comments as follows:

CUL-1 Prior to the initiation of site disturbance, the College shall coordinate with the ACBCI to arrange an approved Agua Caliente Native American Cultural Resource Monitor(s) to be present during all site disturbance, including excavation, grading and similar activities. Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office. ~~that e Should any cultural or archaeological resources be uncovered during ground disturbing activities, work shall cease in the area and an Agua Caliente Native American Cultural Resource Monitor(s) shall be contacted who may request that any destructive construction halt.~~



**FINAL  
SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

**COLLEGE OF THE DESERT  
WEST VALLEY CAMPUS  
DEVELOPMENT PLAN AMENDMENT NO. 1 PROJECT**

**SECTION II**

**COMMENT LETTERS  
ON THE  
COLLEGE OF THE DESERT WEST VALLEY CAMPUS DEVELOPMENT PLAN  
AMENDMENT NO. 1 PROJECT  
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT**

The following comprises all of the comment letters received on the Draft SEIR transmitted to various public agencies and interested parties. Comments restated in Section I are bracketed in this section and correspond to the comment numbers in Section I.

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JASON E. UHLEY  
General Manager-Chief Engineer



RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

255342

March 19, 2024

Desert Community College District  
College of the Desert Bond Office  
43500 Monterey Avenue  
Palm Desert, CA 92260

Attention: John Criste

Re: College of the Desert – West Valley Campus

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases, or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received March 7, 2024. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

- This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed.
- This project involves District proposed Master Drainage Plan facilities, namely Palm Springs Master Drainage Plan Line 20. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, and the District would consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

A-1

A-2

- An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, Palm Springs Master Drainage Plan Line 20. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- The District's previous comments dated January 8, 2024 are still valid.

**GENERAL INFORMATION**

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the responsible agency has determined that the project has been granted a permit or is shown to be exempt.

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the responsible agency should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

If a natural watercourse or mapped floodplain is impacted by this project, the responsible agency should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



AMY MCNEILL  
Engineering Project Manager

Attachment

EM:bjj



**Yana Garcia**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D.  
Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

### SENT VIA ELECTRONIC MAIL

April 16, 2024

Todd Campbell

Project Manager

Desert Community College District/College of the Desert Bond Office

43500 Monterey Avenue

Palm Desert, CA 92260

[tcampbell@bond.collegeofthedesert.edu](mailto:tcampbell@bond.collegeofthedesert.edu)

RE: SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR) FOR THE DEVELOPMENT PLAN AMENDMENT NO. 1/COLLEGE OF THE DESERT WEST VALLEY CAMPUS (PROJECT) DATED MARCH 8, 2024 STATE CLEARINGHOUSE NUMBER [2023120165](#)

Dear Todd Campbell,

The Department of Toxic Substances Control (DTSC) received a SEIR for the project. In 2016, the Desert Community College District (District) approved the College of the Desert West Valley Campus Master Plan and Phase I Development Project on the subject property and certified its Environmental Impact Report (EIR). The approved 29.11± acre West Valley Campus (WVC) Master Plan was designed to accommodate an ultimate enrollment of approximately 3,000 full-time equivalent students, allow up to 330,000 square feet of functional space to be constructed in phases, and include core campus, academic pillar/partnership space, ancillary campus buildings, and a conference and event center. The project planning area is adjacent to the Palm Springs

Cultural Center building and site located to the southwest corner of the planning area. The approved WVC Master Plan remains in effect. The project proposes the approval and development of the Development Plan Amendment No. 1, including providing 121,025± square feet of assignable space, 750± parking spaces, a multi-modal transit hub, and central plant and support facilities. The DPA No. 1 project is expected to accommodate an enrollment of 2,951 students, which equates to approximately 1,100 new students. After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#).
2. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the [PEA](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

B-1

B-2

DTSC appreciates the opportunity to comment on the SEIR for the project. Thank you for your assistance in protecting California's people and environment from the harmful

Todd Campbell  
April 16, 2024  
Page 3

effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

*Tamara Purvis*

Tamara Purvis  
Associate Environmental Planner  
HWMP-Permitting Division – CEQA Unit  
Department of Toxic Substances Control  
[Tamara.Purvis@dtsc.ca.gov](mailto:Tamara.Purvis@dtsc.ca.gov)

Todd Campbell  
April 16, 2024  
Page 4

cc: (via email)

Governor's Office of Planning and  
Research State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

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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



April 24, 2024  
 Sent via e-mail

Todd Campbell  
 Project Manager  
 Desert Community College District/College of the Desert Bond Office  
 43500 Monterey Avenue  
 Palm Desert, CA 92260

**DEVELOPMENT PLAN AMENDMENT NO. 1/COLLEGE OF THE DESERT WEST  
 VALLEY CAMPUS (PROJECT)  
 SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (SEIR)  
 SCH#: 2023120165**

Dear Todd Campbell:

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of an SEIR from the Desert Community College District (District), for the Development Plan Amendment No. 1/College of the Desert West Valley Campus (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

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

**CDFW ROLE**

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

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:** Desert Community College District

**Objective:** In 2016, the District approved the College of the Desert West Valley Campus Master Plan and Phase I Development Project on the subject property in its Environmental Impact Report (EIR; SCH: 2014111025). The approved master plan and phase I project include development of the 29.11± acre property to accommodate an enrollment of approximately 3,000 full-time equivalent students, allow up to 330,000 square feet of

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



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functional space to be constructed in phases, and to include core campus, academic pillar/partnership space, ancillary campus buildings, and conference/event center. The approved West Valley Campus Master Plan remains in effect. The Development Plan Amendment No. 1 proposes development of 176,640 gross square feet and 121,025 assignable square feet that would be constructed continuously over a 2- to 3-year build-out period, allowing completed portions of the campus to become operational as development progresses. The proposed Project reconfigures the distribution of buildings, parking, and other facilities, and includes new facilities not contemplated in the 2016 plan.

**Location:** The proposed Project is located on the southwest corner of Tahquitz Canyon Way and Farrell Drive in the city of Palm Springs, County of Riverside, State of California (33.821461, -116.519764). The Project site is currently vacant and is surrounded by housing developments to the north, east, and west, and Palm Springs High School campus to the south. The Project encompasses Accessor's Parcel Numbers (APNs) 502-190-003, -004, -008, -015, -017, -018, -019, and -020. The Project site is located within the boundaries of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

**Timeframe:** Construction activities would occur continuously over a 2- to 3-year build-out period, allowing completed portions of the campus to become operational as development progresses.

## 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 SEIR 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 offers the following comments and recommendations to assist the District in adequately identifying and mitigating the Project's significant, or potentially significant, impacts to biological resources.

### I. Environmental Setting and Related Impact Shortcoming

#### COMMENT #1: Assessment of Biological Resources

##### Subsequent Environmental Impact Report (SEIR) document, Section 2.5

**Issue:** The SEIR does not adequately identify the Project's significant, or potentially significant, impacts to biological resources.

**Specific impact:** The SEIR bases its analysis of impacts to biological resources on a walking survey conducted in 2019 prior to the demolition of the Palm Springs Mall that occupied the Project site prior to its current condition, and a passerine and raptor nesting survey conducted in 2013 for a different project outside of the Project area. CDFW review of recent aerial imagery confirms the following on the Project site: sediment mounds that could be utilized for burrowing, shrubs that could be utilized for nesting and/or foraging, light poles and palm trees that could be utilized for nesting, perching, or roosting, and dead vegetation that could be utilized for cover. CDFW is concerned that no focused or protocol-level surveys were performed for the detection of special-status species on the Project site and surrounding areas. CDFW generally considers 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. Recent surveys during the appropriate times of the year are needed to inform appropriate avoidance, minimization, and mitigation measures, as well as to determine whether impacts to biological resources have been mitigated to a level that is less than significant. The Project area encompasses open and disturbed areas, as well as shrubs

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and perching structures, and there is high potential for special-status species to be impacted directly, indirectly, and cumulatively by Project activities.

The SEIR also states (p. 2.5-1) "the Initial Study determined that the Project would result in "No Impact" for threshold question b) because there are no riparian habitats on the previously fully developed Project site; question c) because the Project site is in the urban core of the City of Palm Springs and away from any natural or manmade drainages or wetlands; and question d) because the Project site is in the urban core area that essentially provides no viable native or other habitat that could support or provide a migratory or movement corridor for wildlife and that contains no aquatic resources in the vicinity that could support fish nor any native wildlife nursery sites." Adjacency to urban areas does not necessarily determine habitat value or the use of these areas by special-status species. CDFW is concerned that the SEIR has trivialized the significance of the Project's potential impacts on special-status species that could use such areas. Many special-status species, including burrowing owl, often utilize disturbed areas that could be directly and/or indirectly impacted by the Project. Impacts to special-status species, *regardless of habitat quality or location*, must be identified, evaluated, and mitigated to a level below significance.

The California Natural Diversity Database (CNDDB) and Biogeographic Information and Observation System (BIOS) indicate that occurrences of ESA-listed, CESA-listed, and other special-status species have been reported near the Project area including, but not limited to, the following:

**Birds:** burrowing owl (*Athene cunicularia*), least Bell's vireo (*Vireo bellii pusillus*),

**Reptiles:** flat-tailed horned lizard (*Phrynosoma mcallii*), Coachella Valley fringe-toed lizard (*Uma inornata*),

**Plants:** chaparral sand-verbena (*Abronia villosa* var. *aurita*), desert spike-moss (*Selaginella eremophila*), Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*),

**Invertebrates:** Coachella giant sand-treader cricket (*Macrobaenetes valgum*), Coachella Valley Jerusalem cricket (*Stenopelmatus cahullaensis*), and Casey's June beetle (*Dinacoma caseyi*).

Recent surveys during the appropriate times of the year are needed to identify potential impacts to biological resources; inform appropriate avoidance, minimization, and mitigation measures; and determine whether impacts to biological resources have been mitigated to a level that is less than significant.

**Evidence impact would be significant:** 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 with respect to biological resources has not been adequately analyzed in the SEIR. CDFW is concerned that without a complete and accurate description of the existing environmental setting, the SEIR likely provides an incomplete or inaccurate analysis of Project-related environmental impacts and whether those impacts have been mitigated to a level that is less than significant. 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.

**Recommended Potentially Feasible Mitigation Measure:**

To establish the existing environmental setting with respect to biological resources, CDFW recommends that a revised SEIR include the results of *recent* biological surveys

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as described in the following mitigation measure, as well as any necessary mitigation measures:

**MM BIO-[A]: Assessment of Biological Resources**

**Prior to the adoption of the CEQA document and 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.**

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

**II. Mitigation Measure or Alternative and Related Impact Shortcoming**

**COMMENT #2: Nesting Birds**

**SEIR document, Page #2.5-5, BIO-1**

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

**Specific impact:** The SEIR states (p.2.5-5) "potential for indirect impacts to nesting birds is limited," however, as mentioned above the Project site contains shrubs and perching structures that could be utilized by nesting birds at any time during construction. Additionally, the SEIR acknowledges (p. 2.5-4) that Coachella Valley supports a wild range of bird species including golden eagle, western burrowing owl, and many others. 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.

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**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-1; however, the measure is insufficient in scope and timing to reduce impacts to nesting birds to a level less than significant. Project-specific avoidance and minimization measures for nesting birds 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. CDFW recommends the District revise Mitigation Measure BIO-1 as follows:

**MM BIO-1: Nesting Bird Pre-construction Surveys**

**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 for each phase of construction. 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.**

~~If Project activities are initiated during the local nesting season (February 1 through August 31), a nesting bird survey of on-site and nearby lands and vegetation shall be conducted by a qualified biologist no more than three days prior to site disturbance. If no nests are found, construction may proceed. If active nests are found, impact avoidance measures (e.g., "no work" buffers) will be put in place around the nest until young have fledged. Buffers for nesting raptors or other birds of prey shall be a minimum of 500 feet, and 100-300 feet for other unlisted birds. Appropriate buffers shall be established on a case-by-case basis by the nesting bird biologist.~~

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#### **SEIR document, Page #2.5-4**

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

**Specific impact:** CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs (Haug et al. 1993), 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 (Gervais et al. 2003). 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; Coulombe 1971). The Project site contains suitable habitat for burrowing owl and the SEIR acknowledges (p. 2.5-4) that the species is active in the region.

CDFW is concerned that there have been no protocol-level surveys for the detection of burrowing owl on site since there is a high potential for current and future suitable burrows that would likely support the species at any time during construction. 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. 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." 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.). Burrowing owl is a Covered Species under the CVMSHCP, which requires that avoidance and minimization measures be implemented for this species.

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#### **Recommended Potentially Feasible Mitigation Measure:**

CDFW recommends focused 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) and that results be included in a revised SEIR. Deferring surveys until the time of construction may result in significant Project delays should burrowing owls be detected on-site. CDFW recommends that the District begin coordination with CDFW and USFWS immediately if burrowing owls are detected on-site. CDFW recommends the District include the following mitigation measure a revised SEIR:

#### **MM BIO-[B]: Focused and Pre-Construction 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**

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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.

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For each phase of construction, 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.

#### COMMENT #4: Artificial Nighttime Light

##### SEIR document, Page #2.3-16

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

**Specific impact:** The SEIR states (p. 2.3-16) "the Project proposes a comprehensive site/building/signage lighting plan that is designed for lighting and energy efficiency and to protect night skies from light pollution;" however, it does not include the lighting plan in the document. The SEIR also states that all lighting will be directed onto the site and away from adjacent properties which is an important design feature to minimize impacts, but the lighting designs were not disclosed and impacts to biological resources resulting from the use of artificial nighttime lighting during construction and operation of the Project 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 SEIR.

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**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 SEIR include lighting designs and an analysis of impacts to biological resources, as well as specific avoidance and minimization measures to ensure that impacts to wildlife are reduced to less than significant. CDFW recommends the District include the following mitigation measure in a revised SEIR:

**MM BIO-[C]: Artificial Nighttime Light**

**During Project construction and operation, the District shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The District 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/>). The District 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.**

**COMMENT #5: Construction Noise**

**SEIR document, Section 2.13**

**Issue:** The DEIR does not include an assessment of impacts to biological resources resulting from construction noise or mitigation measures to avoid or reduce impacts to a level less than significant.

**Specific impact:** The SEIR states (p. 2.13-9) the "Project would result in short-term and long-term noise impacts," but includes no noise impact assessment or an analysis of the impacts of construction noise on biological resources. The SEIR also states (p. 2.13-10) noise levels are expected to range from 70 to 82 dBA, which exceeds 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 cues (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)

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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 SEIR 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 SEIR:

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

**During all Project construction, the District 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. The District shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.**

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**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 (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

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**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.)

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**CONCLUSION**

CDFW appreciates the opportunity to comment on the SEIR to assist the Desert Community College District in identifying and mitigating Project impacts on biological resources. CDFW concludes that the SEIR 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 SEIR 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 SEIR, including an assessment of biological resources, be recirculated for public comment. CDFW also recommends that the revised SEIR include an analysis of impacts to biological resources from artificial nighttime lighting and construction noise, as well as mitigation measures described in this letter for assessment of biological resources, nesting birds, burrowing owl, artificial nighttime light, and construction noise.



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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](mailto:Alyssa.Hockaday@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
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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](mailto:Heather.Brashear@wildlife.ca.gov)

Office of Planning and Research, State Clearinghouse, Sacramento  
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**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Biological Resources (BIO)

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Mitigation Measure (MM) Description	Implementation Schedule	Responsible Parties
<p><b>MM BIO-[A]: Assessment of Biological Resources</b>            Prior to the adoption of the CEQA document and 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.</p>	<p>Prior to the adoption of the CEQA document and prior to Project construction activities.</p>	<p>Desert Community College District</p>
<p><b>MM BIO-1: Nesting Bird Pre-construction Surveys</b>            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 for each phase of construction. 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.</p>	<p>No more than three (3) days prior to vegetation clearing or ground-disturbing activities for each phase of construction.</p>	<p>Desert Community College District</p>
<p><b>MM BIO-[B]: Focused and Pre-Construction Burrowing Owl Surveys</b>            Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (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</p>	<p><b>Focused surveys:</b> Prior to the start of Project-related activities.   <b>Pre-construction surveys:</b> No less than 14 days prior to start of Project-</p>	<p>Desert Community College District</p>

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<p>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.</p> <p>For each phase of construction, 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.</p>	<p>related activities and within 24 hours prior to ground disturbance for each phase of construction.</p>	
<p><b>MM BIO-[C]: Artificial Nighttime Light</b>                  During Project construction and operation, the District shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. The District 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 <a href="http://darksky.org/">http://darksky.org/</a>). The District 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.</p>	<p>During Project construction activities and operation.</p>	<p>Desert Community College District</p>
<p><b>MM BIO-[D]: Construction Noise Impacts to Biological Resources</b>                  During all Project construction, the District 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),</p>	<p>During all Project construction.</p>	<p>Desert Community College District</p>

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small micro-hydroelectric systems, or small wind turbine systems. The District shall ensure the use of noise suppression devices such as mufflers or enclosures for generators. Sounds generated from any means must be below the 55-60 dB range within 50-feet from the source.		
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# AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



D

03-018-2012-001

May 01, 2024

[VIA EMAIL TO:jcriste@terranovaplanning.com]  
Terra Nova  
Mr. John Criste  
400 S. Farrell Drive  
Palm Springs, CA 92262

## Re: COD West Valley Campus SEIR

Dear Mr. John Criste,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the College of the Desert West Valley Campus, Palm Springs project. We have reviewed the documents and have the following comments:

\*The presence of an approved Agua Caliente Native American Cultural Resource Monitor(s) during any ground disturbing activities (including archaeological testing and surveys). Should buried cultural deposits be encountered, the Monitor may request that destructive construction halt and the Monitor shall notify a Qualified Archaeologist (Secretary of the Interior's Standards and Guidelines) to investigate and, if necessary, prepare a mitigation plan for submission to the State Historic Preservation Officer and the Agua Caliente Tribal Historic Preservation Office.

\* Under CUL-1, the monitor should be on site during all ground disturbances. Verbiage needs to be changed in this phrase, "an Agua Caliente Native American Cultural Resource Monitor(s) shall be contacted." It sounds as if the monitor will be offsite.

D-1

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760) 883-1137. You may also email me at ACBCI-THPO@aguacaliente.net.

Cordially,

Luz Salazar  
Cultural Resources Analyst  
Tribal Historic Preservation Office  
AGUA CALIENTE BAND  
OF CAHUILLA INDIANS

# Development Plan Amandment No. 1/College of the Desert West Valley Campus

## Summary

<b>SCH Number</b>	2023120165
<b>Lead Agency</b>	Desert Community College District
<b>Document Title</b>	Development Plan Amandment No. 1/College of the Desert West Valley Campus
<b>Document Type</b>	SBE - Subsequent EIR
<b>Received</b>	3/8/2024
<b>Present Land Use</b>	General Plan: Mixed Use/Multi-Use, Zoning: Planned Development (PD_
<b>Document Description</b>	In 2016, the Desert Community College District (District) approved the College of the Desert West Valley Campus Master Plan and Phase I Development Project on the subject property and certified its Environmental Impact Report (EIR). The approved 29.11± acre WVC campus master plan was designed to accommodate an ultimate enrollment of approximately 3,000 full-time equivalent students (FTES), allow up to 330,000 square feet of functional space to be constructed in phases, and to include core campus, academic pillar/partnership space, ancillary campus buildings, and conference/event center. The Project planning area is adjacent to the Palm Springs Cultural Center (PSCC) building and site located to the southwest corner of the planning area. The approved WVC Master Plan remains in effect. The Project proposes the approval and development of the Development Plan Amendment No. 1, including providing 121,025± square feet of assignable space, 750± parking spaces, a multi-modal transit hub, and central plant and support facilities. The DPA No. 1 Project is expected to accommodate an enrollment of 2,951 students, which equates to approximately 1,101 FTES.

## Contact Information

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**Email**

jcriste@terranovalplanning.com

## Location

<b>Cities</b>	Palm Springs
<b>Counties</b>	Riverside
<b>Regions</b>	Southern California
<b>Cross Streets</b>	Southwest corner of Tahquitz Canyon Way and Farrell Drive
<b>Zip</b>	92262
<b>Total Acres</b>	27.95±
<b>Parcel #</b>	502-190-003,004,008,015,017,018,019 and 020
<b>State Highways</b>	SR 111
<b>Airports</b>	Palm Springs International Airpo
<b>Schools</b>	Palm Springs High School
<b>Township</b>	4S
<b>Range</b>	4E
<b>Section</b>	13
<b>Base</b>	SBBM

## Notice of Completion

<b>State Review Period Start</b>	3/11/2024
<b>State Review Period End</b>	4/24/2024
<b>State Reviewing Agencies</b>	California Air Resources Board (ARB), California Coachella Valley Mountains Conservancy (CVMC), California Department of Education, California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Transportation, District 8 (DOT), California Department of Transportation, Division of Aeronautics (DOT), California Department of Transportation, Division of Transportation Planning (DOT), California Department of Water Resources (DWR), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, Colorado River Basin Region 7 (RWQCB), Department of General Services (DGS), Office of Historic Preservation, Department of Toxic Substances Control, California Department of Fish and Wildlife, Inland Deserts Region 6 (CDFW)
<b>State Reviewing Agency Comments</b>	Department of Toxic Substances Control, California Department of Fish and Wildlife, Inland Deserts Region 6 (CDFW)
<b>Development Types</b>	Educational (121,025 assignable sf)
<b>Local Actions</b>	Site Plan, Development Plan Amendment
<b>Project Issues</b>	Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Drainage/Absorption, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Growth Inducement, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Schools/Universities, Sewer Capacity, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation

## Attachments

**Draft Environmental Document [Draft IS, NOI\_NOA\_Public**COD WVC DPA # 1 SCH Summ 3 [PDF](#) [137 K](#)COD WVC DPA 1 SEIR Notice of Availability [PDF](#) [239 K](#)

**notices, OPR Summary  
Form, Appx,]**

COD WVC DPA 1 SEIR w Appendices PDF 173099 K

**Notice of Completion  
[NOC] Transmittal form**

COD WVC DPA #1 NOC Amnd 1 NOC PDF 545 K

**State Comment Letters  
[Comments from State  
Reviewing Agency(ies)]**

2023120165\_CDFW Comment PDF 556 K

2023120165\_DTSC Comment PDF 591 K

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