



December 12, 2025

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Re: Response to CDFW Comments on IS/MND for Catavina Residential Development Project (City of Palm Desert), SCH No. 2025091375

Dear Ms. Freeburn and Mr. Skaggs:

We are Blue Fern Development, applicants on the Catavina residential development project (the "Project") currently being processed through the City of Palm Desert (the "City").

In preparation of the Final Initial Study/Mitigated Negative Declaration for the Project (the "IS/MND"), we directed the project biologist to examine and respond to the comment letter, dated October 20, 2025, that you submitted on CDFW's behalf regarding the Project's biology impacts. That response, with input from City staff, has now been incorporated into the Final IS/MND. We have attached a copy of the response for your review.

In your comment letter, you recommended five modified or new mitigation measures which, if imposed by the City and implemented by the applicants, would reduce the Project's biological impacts to a less than significant level. As you will see from the attached response, the Final IS/MND has been revised to include, without change, three of the five mitigation measures that you proposed in your comment letter of October 20, 2025. The only exceptions are proposed measure BIO-3, which would require focused surveys for western burrowing owl (*Athene cunicularia hypugaea*), and proposed measure BIO-[B], which would require standards for artificial nighttime lighting.

In consultation with the project biologist, the City determined that such surveys were unnecessary for the following reasons:

- An extensive biological survey was conducted of the entire project site and accessible neighboring properties, and that survey was negative for burrowing owl individuals and burrowing owl sign;
- No suitable burrows or burrow surrogates (i.e., ground squirrel burrows, pipes, debris piles, etc.) of sufficient size and/or depth to support burrowing owl were observed on site; and
- The project site is highly disturbed, dominated by non-native grasses and mustards, with limited native vegetation and no evidence of active or historical burrowing owl use.

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Based on these findings, and on CDFW's own guidance regarding when focused burrowing owl surveys should be conducted (i.e., upon evidence of suitable owl habitat or sign on or within 150 feet of the project site), we and the City have concluded that focused surveys for burrowing owl are not warranted at this time. (See Response to Comment (RTC), 2-9.) Note, however, that we have accepted and incorporated into the Final IS/MND your recommendation to conduct pre-construction surveys for burrowing owl "to ensure any new colonization or creation of burrowing owl burrows between now and construction will be detected and avoided." (RTC, 2-9.)

Concerning proposed measure BIO-[B], we and the City have concluded that a mitigation measure for artificial nighttime lighting is not necessary based on existing City of Palm Desert Municipal Code and General Plan Policy requirements. Specifically, the project would be subject to Municipal Code Chapter 9.24, *Noise Control*, which limits construction between October 1st and April 30th to the hours of 7:00 a.m. to 5:30 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Between May 1st and September 30th, construction is allowed between 5:30 a.m. and 7:00 p.m. Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday. Accordingly, little to no construction will take place when nighttime lighting would be necessary. In addition, Project operations must comply with Municipal Code Chapter 24.16 (*Outdoor Lighting Requirements*), which contains standards and restrictions designed to minimize light intrusion into adjoining properties. Further, the project would be subject to compliance with General Plan Policy 2.5, which requires the limitation of light pollution from outdoor sources. (See RTC, 2-11.)

If you disagree with our position and still hold that focused surveys for burrowing owl and an additional measure for artificial nighttime lighting are necessary to mitigate the Project's potential biological impacts, please notify us by January 4, 2026. Thank you for your attention and your interest in the Catavina project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shane Bouchard".

Shane Bouchard (Dec 12, 2025 13:56:07 PST)

Shane Bouchard
President

Cc: Carlos Flores, Deputy Director of Development Services
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Response Letter to CDFW12.12.25

Final Audit Report

2025-12-12

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