



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



July 3, 2019

Eric Ceja  
Principal Planner  
City of Palm Desert  
73-510 Fred Waring Drive  
Palm Desert, CA 92260

Governor's Office of Planning & Research

**JULY 03 2019**

**STATE CLEARINGHOUSE**

Dear Mr. Ceja:

Subject: DSRT SURF Specific Plan, Precise Plan, Tentative Tract Map 37369 and Associated Disposition and Development Agreement (SP18-0002 and PP18-0009)  
DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)  
SCH#: 2019011044

The California Department of Fish and Wildlife (CDFW) received a Notice of Availability of a DEIR from the City of Palm Desert for the DSRT SURF Specific Plan, Precise Plan, Tentative Tract Map 37369 and Associated Disposition and Development Agreement (SP 18-0002 and PP18-0009) Project (Project) pursuant 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.

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<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.

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 LOCATION**

The Project site is located within the Desert Willow Golf Resort south of Frank Sinatra Drive, east of Monterey Avenue, and west of Desert Willow Drive within the City of Palm Desert in Riverside County. The project site area is 17.69 acres in area. The Assessor's Parcel Numbers (APN) are 620-420-023, 620-400-024, and 620-400-008.

## **PROJECT DESCRIPTION**

The Project proposes the development of a surf lagoon of up to 6 acres in size with surf center facilities to include restaurant, bar, retail and similar facilities, up to 350 hotel rooms, and up to 88 resort residential villas. The Project will be implemented in two phases: The Surf Lagoon Planning Area will include the development of the surf lagoon and associated amenities on 11.85 acres. The surf lagoon will be a pie-shaped water pool. The Project would include a wave machine located in the central pier of the lagoon and a mechanical building at the southeastern portion of the site. The Hotels and Villas Planning Area will result in the construction of the hotel(s) and villas on approximately 5.84 acres. The Project may provide water for the lagoon in one of three ways: a well may be dug at the southeastern corner of the site; underground pipes may be constructed to connect from the southeastern corner of the site to the existing Desert Willow well located south of the site near Country Club Drive; or the lagoon may utilize potable water from existing Coachella Valley Water District (CVWD) water lines in Desert Willow Drive. The surf lagoon will be drained to Desert Willow Golf Course Lake, located south of the site between Willow Ridge and Desert Willow Drive. Existing turf in the Desert Willow Golf Course will be removed and replaced with desert landscaping in order to reduce the demand for water.

## **COMMENTS AND RECOMMENDATIONS**

The CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species (i.e., biological resources); and administers the Natural Community Conservation Planning Program (NCCP Program). The CDFW offers the comments and recommendations presented below to assist the City of Palm Desert (City; the CEQA lead agency) in adequately identifying and/or mitigating the project's significant, or potentially significant, impacts on biological resources. The comments and recommendations are also offered to enable the CDFW to adequately review and comment on the proposed project

with respect to impacts on biological resources and the project's consistency with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

The CDFW's comments and recommendations on the DEIR include:

Project Description

The Project Description on pp. 1-2 through 1-6 of the DEIR lacks a description of the timing of operation of the wave machines. Artificial water bodies in desert climates often act as attractants to waterfowl (e.g., Canada geese). If the surf lagoon wave machines are idle for extended periods, waterfowl may establish residence at the surf lagoon, thereby creating a potential human-wildlife conflict between waterfowl and surf lagoon customers. CDFW recommends that the Project Description be revised to include a description of the frequency, timing, and duration of the wave generating equipment operation. Though not identified in the Project Description, CDFW assumes that the water in the surf lagoon will be chlorinated. This information should be clarified, given that mosquito abatement may be necessary if the water is not treated and is proposed to remain undisturbed for extended periods of time (for example, when the wave machines are idle). CDFW recommends that the Project Description clearly identify any proposed mosquito abatement activities, or describe why such activities will be unnecessary.

Environmental Setting, Impacts, and Mitigation, Biological Resources Section, Subsection 2.4.6 (Project Impacts) and 2.4.7 (Mitigation Measures)

Subsection 2.4.6 (Impacts) on pp. 2.4-19 through 2.4-21 of the DEIR lacks a description of the possibility of waterfowl establishing residence at the surf lagoon during Project operation when wave machines are idle for extended periods of time. CDFW recommends that a Contingency Plan be developed and included as a Mitigation Measure in Subsection 2.4.7 to minimize human-wildlife conflicts if waterfowl are attracted to the surf lagoon.

Environmental Setting, Impacts, and Mitigation, Hydrology and Water Quality Section, Subsection 2.10.5 (Existing Conditions)

It is stated on p. 2.10-8 of the DEIR that "If required, the surf lagoon water will be treated before being sent to the evacuation line". The evacuation line carries discharge to the existing golf course lake. CDFW was unable to locate a definition for "treated" within the DEIR. Given that the water will be discharged to a lake accessible by wildlife, CDFW recommends that a definition of "treated" be included in the DEIR to provide public review and comment for any potential impacts to fish and wildlife resources. CDFW recommends that the definition clearly identify how the water may be treated, what would trigger treatment, and the chemical constituents proposed to be used, if chemical treatment is deemed necessary.

Environmental Setting, Impacts, and Mitigation, Hydrology and Water Quality Section, Subsection 2.10.6 (Project Impacts)

Subsection 2.10.6 states on pp. 2.10-18 and 2.10-19 of the DEIR states:

*“The Project will provide water for the lagoon in one of three ways: installation of a new groundwater well at the southeastern corner of the site; connection to the existing Desert Willow groundwater well located south of the site near Country Club Drive; or utilization of the potable water from CVWD.”*

Table 2.10-1 (Total Project Water Demand) identifies that the total Project water demand would be 165.21 acre-feet per year (AFY). However, water savings from a turf reduction program at the golf course are projected to be 106.75 AFY. The net total water demand after accounting for the water savings associated with turf reduction will be 58.46 AFY. CDFW recommends that no new groundwater extractions be implemented, either through a new well or increased extractions from an existing well. The Coachella Valley has been in groundwater overdraft for many years and although groundwater levels have been improving in some areas (due to ongoing groundwater replenishment activities), the groundwater basin is still, nonetheless in overdraft. Page 42 of Appendix I to the DEIR (Water Supply Assessment and Water Supply Verification for the DSRT SURF Project) states:

*“The effectiveness of the Groundwater Replenishment Program has been demonstrated by rising water levels in the Palm Springs area and by slowing water level declines in the mid-Coachella Valley portion of Whitewater River (Indio) Subbasin. According to the 2016 CVWMP [Coachella Valley Water Management Plan] Status Report, it is anticipated that long-term groundwater overdraft will be eliminated by 2022 in the Coachella Valley with increased groundwater levels in the Palm Springs area and the eastern Coachella valley...However, groundwater levels in the mid-Coachella Valley area will continue to decline until programs are implemented in this area to reduce groundwater pumping.”*

The Project site is located in the middle section of the Coachella Valley. Although, projections indicate that groundwater overdraft may be eliminated in the groundwater subbasin as a whole by 2022, it is identified by the Water Supply Assessment that groundwater declines are still occurring in the mid-valley area.

Given that the Coachella Valley is in groundwater overdraft, and the Project site is located in an area where groundwater levels are still declining and/or have been declining in the recent past, CDFW is concerned that if the Project chooses not to use potable water (i.e., water is instead sourced via the installation of a new groundwater well at the southeastern corner of the site, or connection to the existing Desert Willow groundwater well located south of the site near Country Club Drive) reliance on groundwater for this Project would have impacts to biological resources not identified or analyzed in this DEIR. If the Lead Agency wishes to pursue the use of groundwater for this Project CDFW recommends that additional analyses be completed and presented in a revised and recirculated EIR for public review and comment. As currently prepared the DEIR lacks sufficient information on the potential impacts of additional groundwater extraction at this location.

## 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 found at the following link:

[http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

## FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of 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 fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the DEIR to assist the City in identifying and mitigating Project impacts on biological resources and we request that the City address the Department's comments and concerns prior to adoption of the DEIR. In particular we request clarification regarding the ultimate water source to be used for this project. If you should have any questions pertaining to the comments provided in this letter, please contact Charles Land (760) 200-9418 or at [Charles.Land@wildlife.ca.gov](mailto:Charles.Land@wildlife.ca.gov).

Sincerely,

*Heather A. Pert*  
for

Scott Wilson  
Environmental Program Manager  
Inland Deserts Region

cc: Heather Pert, CDFW  
Joanna Gibson, CDFW  
State Clearinghouse

Ken Corey, US Fish and Wildlife Service  
Jenness McBride, US Fish and Wildlife Service