

## 5.3 BIOLOGICAL RESOURCES

---

This section of the Draft Environmental Impact Report (Draft EIR) evaluates the potential for the proposed Section 31 Specific Plan Project (“Section 31 Specific Plan” or “Project”) to affect biological resources on the Project Site, City of Rancho Mirage (City), and within the broader Coachella Valley. This section incorporates information from the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and from the following study of the Project Site:

- *Rancho Mirage Section 31 Habitat Assessment and Coachella Valley Multiple Species Habitat Conservation Plan Consistency Analysis, City of Rancho Mirage, Riverside County, California*, ELMT Consulting, Inc., May 2018.

A complete copy of this study is included in the Appendices to this Draft EIR (**Appendix D: Biological Resources Study**). Prior to the preparation of this Draft EIR, an Initial Study (included in **Appendix A** of this Draft EIR) was prepared using the CEQA Guidelines Appendix G Environmental Checklist Form to assess potential environmental impacts associated with biological resources. The following Initial Study screening criteria related to biological resources do not require additional analysis in this Draft EIR:

- A substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
- Substantial interference with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impediment of the use of native wildlife nursery sites;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

Impacts found to be less than significant are further discussed in **Section 8.1: Effects Not Found to be Significant** of this Draft EIR. Please see **Section 9.0** for a glossary of terms, definitions, and acronyms used in this Draft EIR.

### A. ENVIRONMENTAL SETTING

While the Project Site is currently vacant and undeveloped, it is located in a local area that has undergone a conversion from natural habitats to residential, recreational, and commercial developments. As such, the biological resources on the Project Site have been impacted by development and human activity on all boundaries. The Project Site is depicted on the Cathedral City quadrangle of

the United States Geological Survey's (USGS) 7.5-minute topographic map series in Section 31 of Township 4 south, Range 6 east. Specifically, the Project Site is bordered by Monterey Avenue to the east, Frank Sinatra Drive to the south, Bob Hope Drive to the west, and Gerald Ford Drive to the north. Country clubs are located to the east, south, and west of the Project Site, and residential developments to the north and south. It should be noted that there is a vacant, undeveloped parcel immediately east of the Project Site at its southeastern corner and a vacant, undeveloped parcel immediately west of the northwestern portion of the Project Site that are also surrounded by development. Surrounding developments have protected the Project Site from prevailing westerly winds from the San Gorgonio Pass. This reduction in wind caused by surrounding development has resulted in the partial stabilization of sand deposits across the Project Site.

The Project Site consists of sand hummocks or rolling hills that rise from one to four feet above their base. The partially stabilized sand deposits across the Project Site retain moisture just below the surface and support varying amounts of vegetation, from scattered low annuals and perennial grasses, to evergreen and deciduous shrubs. Partially stabilized shielded sand fields consist of desert sand accumulations that lack dune formations stabilized by vegetation and where important transport processes are interrupted by barriers such as roads, buildings, and landscaping. Sonoran creosote bush scrub is the dominant plant community in these sand field areas. Vegetation can range from widely scattered herbs and shrubs to a nearly closed canopy of shrubs. These sand field communities are dependent on the active transport of sand. In the Coachella Valley, these habitats support a number of sensitive plant and wildlife species, including the Coachella Valley fringe-toed lizard, loggerhead shrike, flat-seeded spurge, and Coachella Valley milk-vetch. As discussed in further detail below in *Chapter 2: Regulatory Setting*, the City is a permittee under the CVMSHCP to address impacts to sensitive plant and wildlife species present in the Coachella Valley.

## 1. Existing Conditions

### ***Project Site***

The Project Site has been directly and indirectly impacted by development on all boundaries. The Project Site is nearly an ecological island bounded on all four sides by the major streets, residential developments, country clubs, and other uses described above. These existing conditions severely limit the movement of small terrestrial animals on, off, and through the Project Site.

The approximately 618-acre Project Site has never been developed and currently consists of relatively undisturbed desert lands. The Project Site is nearly entirely covered by low-lying sand dunes and sand fields with minimal modification and little topographical variation, which provides good ground visibility. However, some areas around the edges of the Project Site are disturbed. These areas contain

disturbances consistent with the installation of utility lines along the southern and western edges of the Project Site and two small borrow pits located on the northern side of the Project Site, with isolated areas of grading and moderately- and lightly-used two-track roads also present throughout the Project Site. Native vegetation has been impacted in these areas of disturbance.

Much of the Project Site contains the non-native and invasive Sahara mustard (*Brassica tournefortii*). The establishment of this non-native, ephemeral species has likely contributed to the partial stabilization of sand hummocks on the Project Site. The existing residential and commercial development to the west shields the site from prevailing westerly winds emanating from the San Gorgonio Pass. This has had the effect of reducing wind-carried sand, which also contributes to the partial stabilization of sand deposits across some of the Project Site.

### **Physical Features**

The elevation of the Project Site ranges from approximately 280 to 320 feet above mean sea level and generally slopes from the northeast to the south. The Project Site is relatively flat with no areas of significant topographic relief besides sand hummocks or rolling hills that rise from one to four feet above their base. The only topographical relief consists of sand mounds, commonly referred to as hummocks, or hills that rise from one to four feet above their base. As mentioned previously, the hummocks have been formed by shrubs and surrounding development that interrupt the flow of sand-carrying wind coming from prevailing westerly winds from the San Gorgonio Pass. The shrubs and surrounding developments reduce wind velocity and result in partial stabilization of sand deposits across the Project Site, causing the type of sand deposits referred to as hummocks. The Project Site is not located within any regional wildlife corridors/linkages or CVMSHCP conservation areas. Additionally, the Project Site is isolated from regional wildlife corridors and linkages, and there are no riparian corridors, creeks, or useful patches of stepping stone habitat (natural areas) within or connecting the Project Site to the CVMSHCP conservation areas.

There are no naturally occurring springs or permanent aquatic habitats within the Project Site boundaries. No blue-line stream or drainage (streams or dry washes) are shown on US Geological Survey maps for the Project Site and no botanical indicators of any drainage and/or wetland features were identified during field surveys.

In terms of soil characteristics, Myoma fine sand underlies the entire Project Site. Sand with 0 to 5 percent slopes underlie the majority of the Project Site, while sand with 5 to 15 percent slopes is largely confined to the eastern portion and northwestern and southwestern corners of the Project Site. This soil is composed of wind-blown alluvium created by persistent air movements from prevailing westerly

winds. At the time of analysis, residential developments surrounding the Project Site have resulted in partial sand stabilization on portions of the Project Site, as described above.

### ***Climate***

The Project Site lies within the confines of a geographical region known as the Colorado Desert.<sup>1</sup> Climatological data obtained for the City indicate the annual precipitation averages 5.23 inches per year, as is typical of this subdivision of the larger Sonoran Desert.<sup>2</sup> Most precipitation falls during the winter and late spring with occasional summer storms accounting for approximately one fifth of the annual total. Winter days are mild, averaging 71 degrees Fahrenheit. Winter nights occasionally drop near freezing. The month of July brings the hottest temperatures with daytime highs averaging 109 degrees F.

### ***Surrounding Lands***

Monterey Avenue is classified as a Major Arterial route<sup>3</sup> and forms the eastern boundary of the Project Site. To the east of Monterey Avenue is a resort and country club; in addition, one parcel (Assessor's Parcel Number [APN] 685220003) directly east of the southeastern corner of the Project Site is undeveloped and contains relatively undisturbed habitat similar to that found on the Project Site.

Frank Sinatra Drive is classified as a Minor Arterial route<sup>4</sup> and forms the southern boundary of the Project Site. Immediately south of Frank Sinatra Drive are residential developments and a golf course, with some minor areas of relatively undisturbed habitat similar to that found on the Project Site interspersed within the residential development. Additionally, commercial office uses are located to the immediate south of the southeastern portion of the Project Site.

Bob Hope Drive is classified as a Major Arterial route<sup>5</sup> and forms the western boundary of the Project Site. A golf course and institution, the Sunnylands Center and Gardens ("Sunnylands"), are located west of Bob Hope Drive and the Project Site; in addition, a large area of relatively undisturbed habitat, similar to that found on the Project Site, is located north of the Sunnylands. Further north of this undeveloped area is a commercial shopping center.

---

1 E. C. Jaeger, *The North American Deserts*, (Stanford, CA: Stanford University Press, 1957).

2 National Climatic Data Center, *Climatic Summaries*, (Asheville, NC: 2013).

3 City of Rancho Mirage General Plan, "Circulation Element" (2017), Exhibit 8 Circulation Roadway Plan, 26.

4 City of Rancho Mirage General Plan, "Circulation Element" (2017), Exhibit 8 Circulation Roadway Plan, 26.

5 City of Rancho Mirage General Plan, "Circulation Element" (2017), Exhibit 8 Circulation Roadway Plan, 26.

Gerald Ford Drive is classified as a Minor Arterial route<sup>6</sup> and forms the northern boundary of the Project Site. Residential development forms the predominant land use north of Gerald Ford Drive, with two minor areas of relatively undisturbed habitat, similar to that found on the Project Site, interspersed in the western portion.

### **Field Surveys**

To identify any biological resources which may be present on the Project Site, field surveys were initiated in April and May of 2018. Specific dates of biological surveys were April 16, May 3, and May 16, 2018. Survey dates were in late spring, at the end of the rainy season for the region, when most plant species and resident vertebrate species can be detected. However, a recent history of unusually dry rainy seasons in the region may have reduced the sensitive plants found. Drought dictates against the germination of ephemeral plant species and reproduction and survival in all animal species. In spite of severe long-term drought, it was concluded that this phenomenon did not impact the findings in this report because of evidence of sensitive species that was discovered and historical information regarding the biota of the Project Site.

Plant communities identified on aerial photographs during the literature review were verified in the field by walking meandering transects through the on-site plant communities and along boundaries between plant communities. The survey pattern used has been approved by the US Fish and Wildlife Service (USFWS) for determining the presence or absence of the burrowing owl and desert tortoise, and represents an intensive survey effort that resulted in no officially listed or federally protected species being overlooked. In addition, field staff did not identify any natural corridors and linkages that may support the movement of wildlife through the area. Special attention was given to special-status habitats, which have higher potentials to support special-status plant and wildlife species.

Offsite surveys on surrounding property were not conducted as these properties are private. Regardless, offsite surveys were not considered necessary because very busy four-lane thoroughfares exist on the north, south and west boundaries of the Project Site, with a six-lane thoroughfare to the east. In addition, existing residential communities to the north and south, as well as country clubs to the east, south, and southwest, are enclosed by walls. These barriers dramatically reduce dispersal movements of species on, off, and through the Project Site, particularly small terrestrial vertebrates.

Animal surveys were conducted simultaneously with plant surveys. Wildlife detections were made through observation of scat, trails, tracks, burrows, nests, and/or visual and aural observation.

---

6 City of Rancho Mirage General Plan, "Circulation Element" (2017), Exhibit 8 Circulation Roadway Plan, 26.

## **Biological Communities/Habitat**

Habitat describes the place or set of environmental conditions in which plants and animals naturally live and grow. Temperature and precipitation are primary factors in determining specific locations of different habitats and the assortment of plant and animal species they support. In the Coachella Valley and surrounding areas, desert habitats are generally distinguished by physical differences in slope, soil substrate, solar and wind exposure, and water supply. The interrelationships of the physical environment of the habitat with the biological resources contained within define an ecological system. The value and diversity of habitats are determined by various factors, including climate, varied terrain, adequate space, a dependable supply of food and water, soils for vegetation growth, and shelter and nesting sites.

### **Plant Communities**

The Sonoran creosote bush scrub community dominates vegetation of the entire area and is the pervasive plant community throughout the Colorado Desert of southeastern California. The creosote bush (*Larrea tridentata*) is the dominant perennial plant community. Other common plant species observed on the Project Site include dyebush (*Psoralea emoryi*), indigo bush (*Psoralea schottii*), burrobush (*Ambrosia dumosa*), wire lettuce (*Stephanomeria pauciflora*), Booth's suncup (*Eremothera boothii*), croton (*Croton californicus*), Mediterranean grass (*Schismus* sp.). Saharan mustard (*Brassica tournefortii*), brown-eyed primrose (*Chylismia calviformis*), desert twinbugs (*Dicoria canescens*), brittlebush (*Encelia farinosa*), Spanish needle (*Palafoxia arida*), and coldenia (*Tiquila plicata*).

Some areas around the edges of the Project Site are disturbed, including following utility lines along the southern and western edges of the Project Site, two small borrow pits located on the northern side of the Project Site, and isolated areas of grading and moderately- and lightly-used two-track roads throughout the Project Site, as described above. In the borrow at the middle of the northern Project Site boundary, a small patch of emergent cattails (*Typha* sp.) black willow (*Salix gooddingii*), and cottonwood (*Populus fremontii*) has established.

In areas of disturbance, native vegetation has been impacted and dominated by weed species that germinate and grow following the damage or removal of native vegetation. Within the Project Site, such species include Sahara mustard (*Brassica tournefortii*) and croton (*Croton californicus*). These species are often found throughout the California deserts wherever the natural vegetation has been removed. The Sahara mustard is also established in undisturbed areas of the Project Site.

The CNDDDB lists one (1) special-status plant community as being identified within the Cathedral City and Myoma USGS 7.5-minute quadrangles: Desert Fan Palm Oasis Woodland. However, this special-status plant community does not occur within the boundaries of the Project Site.

### Special Status Plant Species

The Inventory of Rare and Endangered Vascular Plants of California, published by the California Native Plant Society (CNPS) (2001) and the CNDDDB, list a total of twenty (20) special-status plant species that have been recorded in the Cathedral City and Myoma quadrangles. Based on habitat requirements for specific species and the availability and quality of habitats needed by each sensitive plant species, it was determined that the Project Site has a moderate or higher potential to support one (1) CVMSHCP-covered plant species, Coachella Valley milk-vetch, which was observed on-site during the 2018 surveys. In addition, it was determined that the Project Site has a moderate potential to support eight (8) sensitive plant species that are not covered under the CVMSHCP, including Borrego milk-vetch (*Astragalus lentiginosus* var. *borreganus*), ribbed cryptantha (*Johnstonella costata*), winged cryptantha (*Johnstonella holoptera*), pointed dodder (*Cuscuta californica* var. *apiculata*), Abram's spurge (*Euphorbia abramsiana*), Arizona spurge (*Euphorbia arizonica*), flat-seeded spurge (*Euphorbia platysperma*), and slender cottenheads (*Nemacaulis denudata* var. *gracilis*).

Triple-ribbed milk-vetch (*Astragalus tricarinatus*) a sensitive species covered under the CVMSHCP and known to occur within the broader Project Site vicinity, was presumed absent from the Project Site due to its location outside of the known elevation range for this species.

All other special-status plant species covered and non-covered are presumed absent. Descriptions of special-status plant species determined to have a moderate or higher potential to occur within the Project Site, as well as of those covered species that are known to occur within the general vicinity of the Project Site, are provided as follows:

#### Coachella Valley Milk-vetch

Coachella Valley milk-vetch can be either an annual or perennial herb that blooms between February and May. It is federally listed as endangered and is designated by the CNPS with the Rare Plant Rank 1B.2, indicating that is rare, threatened, or endangered in California and elsewhere, and is considered fairly threatened in California, with 20-80 percent of its known occurrences threatened. It is covered under the CVMSHCP, is endemic to California, and is only known from Riverside County. It occurs in sandy soils within desert dunes and Sonoran desert scrub, where it typically grows at elevations between 131 and 2,149 feet. Coachella Valley milk-vetch is known to occur in many locations

throughout the Coachella Valley, and the Project Site is immediately adjacent to designated Critical Habitat for this species.

During the 2018 surveys, several small populations (comprised of approximately 5-20 plants) and several scattered individuals were observed throughout the Project Site.

#### **Borrego Milk-vetch**

Borrego milk-vetch is an annual herb that blooms between February and May. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 4.3, indicating that it is a plant of limited distribution and is not very threatened in California, with less than 20 percent of its known occurrences threatened. It is not endemic to California, but in California it is known to occur in Imperial, Riverside, San Bernardino, and San Diego Counties, where it can be found in sandy soils in Mojavean and Sonoran desert scrub between 98 and 1,050 feet in elevation. Borrego milk-vetch was determined to have a moderate potential to occur on the Project Site. However, it was not observed during the 2018 surveys. Further, the Project Site is not expected to have long-term conservation value since it is surrounded by development.

#### **Ribbed Cryptantha**

Ribbed cryptantha is an annual herb that blooms between February and May. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 4.3, indicating that it is a plant of limited distribution and is not very threatened in California, with less than 20 percent of its known occurrences threatened. It is not endemic to California, but in California it is known to occur in Imperial, Inyo, Riverside, San Bernardino, and San Diego Counties, where it can be found in sandy soils in desert dunes and Mojavean and Sonoran desert scrub between 197 and 1,640 feet in elevation. Ribbed cryptantha was determined to have a moderate potential to occur on the Project Site. However, it was not observed during the 2018 surveys. Further, the Project Site is not expected to have long-term conservation value since it is surrounded by development.

#### **Winged Cryptantha**

Winged cryptantha is an annual herb that blooms between March and April. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 4.3, indicating that it is a plant of limited distribution and is not very threatened in California, with less than 20 percent of its known occurrences threatened. It is not endemic to California, but in California it is known to occur in Imperial, Inyo, Riverside, San Bernardino, and San Diego Counties, where it can be found in Mojavean and Sonoran desert scrub between 328 and 5,545 feet in elevation. Winged cryptantha was determined to

have a moderate potential to occur on the Project Site. However, it was not observed during the 2018 surveys. Further, the Project Site is not expected to have long-term conservation value since it is surrounded by development.

#### **Pointed Dodder**

Pointed dodder is an annual parasitic vine that blooms between February and August. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 3, indicating that it is under review and that more information about it is needed. It is not endemic to California, but in California it is known to occur in Riverside and San Bernardino Counties, where it can be found in Mojavean and Sonoran desert scrub between 0 and 1,640 feet in elevation. Pointed dodder was determined to have a moderate potential to occur on the Project Site. However, it was not observed during the 2018 surveys. Further, the Project Site is not expected to have long-term conservation value since it is surrounded by development.

#### **Abram's Spurge**

Abram's spurge is an annual herb that blooms between September and November. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 2B.2, indicating that it is rare, threatened, or endangered in California and more common elsewhere, and is moderately threatened in California. It is not endemic to California, but in California it is known to occur in Imperial, Riverside, and San Diego Counties, where it can be found in sandy Sonoran Desert scrub. The species was not observed during the 2018 surveys; however, the surveys were conducted outside of the known blooming period for this species and Abram's spurge was determined to have a moderate potential to occur on the Project Site. The Project Site is not expected to have long-term conservation value since it is surrounded by development.

#### **Arizona Spurge**

Arizona spurge is a perennial herb that blooms between March and April. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 2B.3, indicating that it is rare, threatened, or endangered in California and more common elsewhere, but is still not very threatened in California, with less than 20 percent of its known occurrences threatened. It is not endemic to California, but in California it is known to occur in Imperial, Riverside, and San Diego Counties, where it can be found in sandy Sonoran desert scrub between 164 and 984 feet in elevation. Arizona spurge was determined to have a moderate potential to occur on the Project Site. However, it was not observed during the 2018 surveys. Further, the Project Site is not expected to have long-term conservation value since it is surrounded by development.

### **Flat-seeded Spurge**

Flat-seeded spurge is an annual herb that blooms between February and September. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 1B.1, indicating that it is rare, threatened, or endangered in California and elsewhere, and is seriously threatened in California. It is not endemic to California, but in California it is known to occur in Imperial, Riverside, and San Diego Counties, where it can be found in sandy Sonoran desert scrub between 213 and 328 feet in elevation. Flat-seeded spurge was determined to have a moderate potential to occur on the Project Site. However, it was not observed during the 2018 surveys. Further, the Project Site is not expected to have long-term conservation value since it is surrounded by development.

### **Slender Cottonheads**

Slender cottonheads is a perennial herb that blooms between March and May. It is not State or federally listed. However, it is designated by the CNPS with the Rare Plant Rank 2B.2, indicating that it is rare, threatened, or endangered in California and more common elsewhere, and is moderately threatened in California. It is not endemic to California, but in California it is known to occur in Imperial, Riverside, and San Diego Counties, where it can be found in sandy Sonoran Desert scrub. Slender cottonheads was determined to have a moderate potential to occur on the Project Site. However, it was not observed during the 2018 surveys. Further, the Project Site is not expected to have long-term conservation value since it is surrounded by development.

### **Triple-ribbed Milk-vetch**

Triple-ribbed milk-vetch is a perennial herb that blooms between February and May. It is federally listed as endangered and is designated by the CNPS with the Rare Plant Rank 1B.2, indicating that it is rare, threatened, or endangered in California and elsewhere, and is considered fairly threatened in California, with 20-80 percent of its known occurrences threatened. It is covered under the CVMSHCP. It is endemic to California and is only known from Riverside and San Bernardino Counties. It occurs in sandy or gravelly soils in Joshua tree woodland and Sonoran desert scrub, where it typically grows at elevations between 1,476 and 3,904 feet. The Project Site is well outside of the known elevation range for this species, and triple-ribbed milk-vetch is presumed absent from the Project Site.

### **Wildlife Species**

The fauna of the Project Site and surrounding vicinity is composed of species typically found in sandy, windswept habitat in the Coachella Valley portion of the Colorado Desert. The literature search identified forty-three (43) special-status wildlife species as having potential to occur within the

Cathedral City and Myoma quadrangles. Animal species typically associated with residential subdivisions were recorded on the Project Site during field surveys along with other native species. Wildlife species identified on the Project Site and/or known to occur in habitats typical of on-site conditions are described below.

### **Arthropods**

Arthropod species primarily consist of insects, as well as some related species, including arachnids, millipedes, centipedes, and some crustaceans.<sup>7</sup> No arthropods species were encountered on the Project Site during the site surveys. Special-status arthropod species known to occur within this portion of the Coachella Valley include Casey's June beetle (*Dinacoma caseyi*), quino checkerspot butterfly (*Euphydryas editha quino*), cheeseweed owlfly (*Oliarces clara*), Coachella giant sand treader cricket (*Macrobaenetes valgum*), and Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*). Of these special-status species, the Coachella giant sand treader cricket (*Macrobaenetes valgum*) and Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*) have been placed on the California Department of Fish and Wildlife's (CDFW) Special Animals List and are covered species under the CVMSHCP.

None of these insect species were observed during the site surveys, but there is a moderate to high potential for the Coachella giant sand treader cricket to occur on the Project Site due to suitable habitat present throughout. All other identified arthropod species are presumed absent due to no suitable habitat being present on the Project Site. Descriptions of species determined to have a moderate or higher potential to occur within the Project Site, as well as of those covered species that are known to occur within the general vicinity of the Project Site, are provided below.

### **Coachella Giant Sand Treader Cricket**

The Coachella giant sand treader cricket has no State or federal designation, but is covered under the CVMSHCP, as mentioned previously. Its known range extends through the western Coachella Valley to approximately two miles west of the City of Indio. This species is dependent on active dunes and ephemeral sand fields in the western Coachella Valley. It is strongly correlated with windblown habitats dominated by creosote bush, burrobush (*Ambrosia dumosa*), honey mesquite (*Prosopis glandulosa*), Mormon tea (*Ephedra* spp.), desert willow (*Chilopsis linearis*), and sandpaper bush (*Mortonia scabrella*). Stabilized sandy environments are avoided. Adults are active in early spring and burrow underground

---

7 Cranshaw, Whitney and Richard Redak, Bugs Rule! An Introduction to the World of Insects, p. 1, Princeton University Press, ISBN: 9781400848928, 2014.

again by mid- to late spring, and juveniles emerge in late fall. The Coachella giant sand treader cricket was determined to have a moderate to high potential to occur on the Project Site.

### ***Amphibians and Reptiles***

No amphibian species were found during the surveys and no hydrogeomorphic features (e.g., perennial creeks, ponds, lakes, reservoirs) that would provide suitable habitat for amphibian species were observed on or within the vicinity of the Project Site. As such, no amphibian species are expected to be present based on the existing characteristics of the Project Site and surrounding areas.

Reptiles detected on the Project Site included the desert iguana (*Dipsosaurus dorsalis*) and zebra-tailed lizard (*Callisaurus draconoides rhodostictus*). Although diversity was low during the survey, habitat on the Project Site is suitable for a number of reptilian species. Due to the open, sparsely vegetated habitat with fine windblown sands, the Project Site has the potential to support reptiles such as flat-tailed horned lizard (*Phrynosoma mcallii*), Coachella Valley fringe-toed lizard (*Uma inornata*), desert horned lizard (*Phrynosoma platyrhinos*), western side-blotched lizard (*Uta stansburiana elegans*), Sonoran gopher snake (*Pituophis catenifer affinis*), red racer (*Coluber flagellum piceus*), and Colorado Desert sidewinder (*Crotalus cerastes laterorepens*). Descriptions of species determined to have a moderate or higher potential to occur within the Project Site, as well as of those covered species that are known to occur within the general vicinity of the Project Site, are provided below.

#### **Flat-tailed Horned Lizard**

Flat-tailed horned lizard is designated by the CDFW as a candidate for endangered status under the California Endangered Species Act (CESA), and also as a species of special concern. It is covered under the CVMSHCP. This species is typically found in open, sandy habitats, usually sparsely vegetated with creosote bush and burrobush. While fine, windblown sands are preferred, excessively loose and unstable sand may also discourage this species from occurring in an area. Adults are typically active anywhere from mid-February to mid-November but are most active between April and September. Mating occurs in May and June, with eggs hatching between July and October. Flat-tailed horned lizard was determined to have a moderate potential to occur on the Project Site.

#### **Coachella Valley Fringe-toed Lizard**

Coachella Valley fringe-toed lizard is designated by the USFWS as threatened under the Endangered Species Act (ESA) and by the CDFW as endangered under the CESA. It is covered under the CVMSHCP. This species is only found in the Coachella Valley, and occurs on areas containing fine, windblown sands. They are rarely, if ever, found outside of this habitat and do not occur on stabilized sands. Vegetative

cover is sparse to moderate and is usually dominated by creosote bush, indigo bush, honey mesquite, and four-winged saltbush (*Atriplex canescens*). This species is typically active from spring through fall, especially between April and October. Up to three clutches of eggs are laid between May and September, with juveniles emerging between August and October. Coachella Valley fringe-toed lizard was determined to have a moderate potential to occur on the Project Site.

### **Birds**

The Project Site provides suitable foraging and cover habitat for a variety of resident and migrant bird species. A total of fifteen (15) bird species were detected during the field survey and included cliff swallow (*Petrochelidon pyrrhonota*), barn swallow (*Hirundo rustica*), verdin (*Auriparus flaviceps*), Cassin's kingbird (*Tyrannus vociferans*), black-tailed gnatcatcher (*Polioptila melanura*), mourning dove (*Zenaida macroura*), Wilson's warbler (*Cardellina pusilla*), white-throated swift (*Aeronautes saxatalis*), Anna's hummingbird (*Calypte anna*), Costa's hummingbird (*Calypte costae*), black-throated sparrow (*Amphispiza bilineata*), common raven (*Corvus corax*), northern mockingbird (*Mimus polyglottos*), house finch (*Haemorhous mexicanus*), and rock pigeon (*Columba livia*).

Based on habitat requirements for specific species and the availability and quality of habitats needed by each sensitive wildlife species, it was determined that the Project Site has a moderate or higher potential to support three special-status avian species not covered under the CVMSHCP but listed in the California Natural Diversity Database (CNDDDB), including loggerhead shrike (*Lanius ludovicianus*), Costa's hummingbird (*Calypte costae*), and black-tailed gnatcatcher (*Polioptila melanura*). As mentioned previously, Costa's hummingbird (*Calypte costae*) and black-tailed gnatcatcher (*Polioptila melanura*) were observed on-site during surveys. Descriptions of species determined to have a moderate or higher potential to occur within the Project Site, as well as of those covered species that are known to occur within the general vicinity of the Project Site, are provided below.

### **Loggerhead Shrike**

Loggerhead shrike has no special federal status and it is not addressed in the CVMSHCP, but it is designated by the CDFW as a species of special concern. It is a year-round resident of southern California, typically found in open country with short vegetation, including pastures, old orchards, cemeteries, golf courses, agricultural fields, riparian areas, and open woodlands. It utilizes somewhat prominent perching positions for hunting and eating. This species primarily nests in thorny shrubs and trees, but will nest in brush piles or other debris if no shrubs or trees are present. The general nesting season extends from the end of January through the end of July. Loggerhead shrike was determined to have a high potential to occur on the Project Site.

### **Costa's Hummingbird**

Costa's hummingbird does not have any formal federal, State, or regional protections. It is a year-round resident in southern California and is found in desert and semi-desert, arid brushy foothills, and chaparral. This species breeds in the Sonoran and Mojave Deserts, and departs desert heat moving into chaparral, scrub, and woodland habitats. Costa's hummingbird was observed on the Project Site during site surveys.

### **Black-tailed Gnatcatcher**

Black-tailed gnatcatcher is a CDFW Watch List Species that prefers nesting and foraging in densely lined arroyos and washes dominated by creosote bush and saltbush with scattered bursage, burrowed, ocotillo, saguaro, barrel cactus, prickly pear cactus, and cholla. The species is a fairly common resident below 300 feet above mean sea level in desert wash habitat from the City of Palm Springs and Joshua Tree National Park south, and common along the Colorado River. Black-tailed gnatcatcher was observed on the Project Site during site surveys.

### **Burrowing Owl**

The burrowing owl is designated by the CDFW as a California species of special concern, is a covered species under the CVMSHCP, and is also protected in the United States under the Migratory Bird Treaty Act of 1918. It is a grassland specialist distributed throughout western North America where it occupies open areas with short vegetation and bare ground within shrub, desert, and grassland environments. Burrowing owls use a wide variety of arid and semi-arid environments with well-drained, level to gently sloping areas characterized by sparse vegetation and bare ground. They are dependent upon the presence of burrowing mammals (such as ground squirrels) for roosting and nesting habitat. This species requires open vegetation allowing line-of-sight observation of the surrounding habitat to forage as well as watch for predators. The burrowing owl nesting season generally extends from mid-March to the end of August. While the open areas on the Project Site have the potential to provide suitable habitat, no suitable burrows, and very few burrows of any size, were found during the field survey. The burrowing owl was determined to have a low potential to occur on the Project Site.

### **Mammals**

Only one (1) mammalian species, black-tailed jackrabbit (*Lepus californicus*), was observed during site surveys. However, the Project Site provides suitable habitat for a variety of mammalian species. Most mammal species are nocturnal and are difficult to observe during a diurnal field visit. Mammalian species that could occur within the Project Site include coyote (*Canis latrans*), desert kangaroo rat

(*Dipodomys deserti*), Palm Springs pocket mouse (*Perognathus longimembris bangsi*), Coachella Valley round-tailed ground squirrel (*Spermophilus tereticaudus chlorus*), and Palm Springs ground squirrel (*Spermophilus tereticaudus chlorus*). No bat species are expected to roost within the Project Site due to a lack of suitable roosting habitat (i.e., trees, crevices, abandoned structures) present, but the Project Site does provide suitable foraging habitat for bat species. No mammalian species covered under the CVMSHCP were observed on the Project Site. Descriptions of species determined to have a moderate or higher potential to occur within the Project Site, as well as of those covered species that are known to occur within the general vicinity of the Project Site, are provided below.

### **Palm Springs Pocket Mouse**

The Palm Springs pocket mouse is designated by the CDFW as a species of special concern and is also covered under the CVMSHCP. It is endemic to the Coachella Valley, and while its current distribution is not well known, it was historically present from the San Gorgonio Pass to Joshua Tree National Park and south to Borrego Springs. This species generally occurs in creosote scrub, desert scrub, and grasslands with loose and/or sandy soils and sparse to moderate vegetative cover. Areas dominated by creosote bush, brittlebush (*Encelia farinosa*), burrobush, and ephedra (*Ephedra californica*). They are likely dormant generally between October and March but may emerge periodically to feed on seed caches. Breeding occurs from January to August, peaking between March and May. Palm Springs pocket mouse was determined to have a moderate potential to occur on the Project Site.

### **Coachella Valley Round-tailed Ground Squirrel**

Coachella Valley round-tailed ground squirrel is designated by the CDFW as a species of special concern. This species is typically found in scrub and wash habitats including mesquite- and creosote-dominated sand dunes, creosote bush scrub, creosote-palo verde scrub, and saltbush/alkali scrub, particularly in sandy floodplains. Ideal habitat seems to be areas where hummocks of sand accumulate at the base of large shrubs, and according to current data as described in the CVMSHCP, this species seems to particularly favor hummocks that form around mesquite. It is inactive and in its burrows from August until January. The breeding period is generally from early spring through June. Coachella Valley round-tailed ground squirrel was determined to have a moderate potential to occur on the Project Site.

### **Sensitive Wildlife**

Based on habitat requirements for specific species and the availability and quality of habitats needed by each sensitive wildlife species, it was determined that the Project Site has a moderate or higher potential to support five (5) CVMSHCP-covered wildlife species, including Coachella giant sand treader cricket, Palm Springs pocket mouse, flat-tailed horned lizard, Coachella Valley fringe-toed lizard, and

Coachella Valley round-tailed ground squirrel. Under the CVMSHCP, adverse impacts to these five covered species can be mitigated by the Project Applicant paying the required mitigation fee. Collected fees are used to purchase and preserve comparable habitat elsewhere in the Coachella Valley.

In addition, the Project Site has a moderate or higher potential to support three (3) special-status wildlife species that are not covered under the CVMSHCP, including loggerhead shrike, Costa's hummingbird, and black-tailed gnatcatcher. All other special-status wildlife species, covered and non-covered, have a low potential to occur or are presumed absent. Costa's hummingbird and black-tailed gnatcatcher were the only special-status wildlife species observed within the Project Site during the habitat assessment.

### **Wildlife Movement Corridors**

Habitat linkages provide links between larger undeveloped habitat areas that are separated by development. Wildlife corridors are similar to linkages, but provide specific opportunities for animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are significant features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The Project Site is not located within any regional wildlife corridors/linkages, or CVMSHCP conservation areas. The Project Site is isolated from regional wildlife corridors and linkages, and there are no riparian corridors, creeks, or useful patches of stepping stone habitat (natural areas) within or connecting the Project Site to the CVMSHCP conservation areas. As such, development of the Project Site is not expected to impact wildlife movement opportunities in the region. Therefore, impacts to wildlife corridors or linkages are not expected to occur.

## **2. Regulatory Setting**

### ***Federal***

#### **Federal Endangered Species Act**

The Federal Endangered Species Act (FESA) of 1973, as amended, was promulgated to protect and conserve any species of plant or animal that is endangered or threatened with extinction and the habitats in which these species are found. Section 4(a) of the FESA requires that critical habitat be designated by the USFWS "to the maximum extent prudent and determinable, at the time a species is determined to be endangered or threatened." Critical habitat is formally designated by USFWS to

provide guidance for planners/managers and biologists with an indication of where suitable habitat may occur and where high priority of preservation for a particular species should be given. “Take” of endangered species is prohibited under Section 9 of the FESA. Take, as defined under FESA, means to “harass, harm, pursue, hunt, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” Section 7 of the FESA requires federal agencies to consult with the USFWS on proposed federal actions that may affect any endangered, threatened or proposed (for listing) species or critical habitat that may support the species. Section 10 of the FESA provides the regulatory mechanism that allows the incidental take of a listed species by private interests and nonfederal government agencies during lawful activities. Habitat conservation plans (HCPs) for the impacted species must be developed in support of incidental take permits for nonfederal projects to minimize impacts to the species and develop viable mitigation measures to offset the unavoidable impacts.

### **Federal Migratory Bird Treaty Act**

The Migratory Bird Treaty Act (MBTA) of 1918 is the domestic law that affirms or implements the United States’ commitment to four international conventions with Canada, Japan, Mexico, and Russia for the protection of shared migratory bird resources. It governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, import, export, transport, sale, purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations. As with the FESA, the act also authorizes the Secretary of the Interior to issue permits for take. The procedures for securing such permits are found in Title 50 of the Code of Federal Regulations, together with a list of the migratory birds covered by the act. This law is generally protective of migratory birds but does not specify the type of protection required. USFWS administers permits to take migratory birds in accordance with the regulations promulgated by the MBTA. Nesting raptors, such as red-tailed hawks and burrowing owls, are protected under the MBTA. In common practice, USFWS places restrictions on disturbances allowed near active raptor nests.

## **State**

### **California Environmental Quality Act (CEQA)**

The California Environmental Quality Act (CEQA) provides for the protection of the environment within the State of California by establishing State policy to prevent significant, avoidable damage to the environment through the use of alternatives or mitigation measures for projects. It applies to actions directly undertaken, financed, or permitted by State lead agencies. If a project is determined to be subject to CEQA, the lead agency will be required to conduct an Initial Study (IS); if the IS determines that the project may have significant impacts on the environment, the lead agency will subsequently be required to write an Environmental Impact Report (EIR). A finding of non-significant effects will require

either a Negative Declaration or a Mitigated Negative Declaration instead of an EIR. Section 15380 of the CEQA Guidelines independently defines “endangered” and “rare” species separately from the definitions of the California Endangered Species Act (CESA). Under CEQA, “endangered” species of plants or animals are defined as those whose survival and reproduction in the wild are in immediate jeopardy, while “rare” species are defined as those who are in such low numbers that they could become endangered if their environment worsens.

### **California Endangered Species Act (CESA)**

In addition to federal laws, the State of California implements the CESA which is enforced by CDFW. The CESA program maintains a separate listing of species beyond the FESA, although the provisions of each act are similar.

State-listed threatened and endangered species are protected under provisions of the CESA. Activities that may result in “take” of individuals (defined in CESA as “hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill”) are regulated by CDFW. Habitat degradation or modification is not included in the definition of “take” under CESA. Nonetheless, CDFW has interpreted “take” to include the destruction of nesting, denning, or foraging habitat necessary to maintain a viable breeding population of protected species.

The State of California considers an endangered species as one whose prospects of survival and reproduction are in immediate jeopardy. A threatened species is considered as one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A rare species is one that is considered present in such small numbers throughout its range that it may become endangered if its present environment worsens. State threatened and endangered species are fully protected against take, as defined above.

The CDFW has also produced a species of special concern list to serve as a species watch list. Species on this list are either of limited distribution or their habitats have been reduced substantially, such that a threat to their populations may be imminent. Species of special concern may receive special attention during environmental review, but they do not have formal statutory protection. At the federal level, USFWS also uses the label species of concern, as an informal term that refers to species which might be in need of concentrated conservation actions. As the Species of Concern designated by USFWS do not receive formal legal protection, the use of the term does not necessarily ensure that the species will be proposed for listing as a threatened or endangered species.

### **Fish and Game Code**

Fish and Game Code Sections 3503, 3503.5, 3511, and 3513 are applicable to natural resource management. For example, Section 3503 of the Code makes it unlawful to destroy any birds' nest or any birds' eggs that are protected under the MBTA. Further, any birds in the orders Falconiformes or Strigiformes (Birds of Prey, such as hawks, eagles, and owls) are protected under Section 3503.5 of the Fish and Game Code which makes it unlawful to take, possess, or destroy their nest or eggs. A consultation with CDFW may be required prior to the removal of any bird of prey nest that may occur on a project site. Section 3511 of the Fish and Game Code lists fully protected bird species, where the CDFW is unable to authorize the issuance of permits or licenses to take these species. Pertinent species that are State fully protected by the State include golden eagle (*Aquila chrysaetos*) and white-tailed kite (*Elanus leucurus*). Section 3513 of the Fish and Game Code makes it unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the MBTA.

### **Native Plant Protection Act**

Sections 1900–1913 of the Fish and Game Code were developed to preserve, protect, and enhance Rare and Endangered plants in the State of California. The act requires all State agencies to use their authority to carry out programs to conserve Endangered and Rare native plants. Provisions of the Native Plant Protection Act prohibit the taking of listed plants from the wild and require notification of the CDFW at least ten days in advance of any change in land use which would adversely impact listed plants. This allows the CDFW to salvage listed plant species that would otherwise be destroyed.

### **California Native Plant Society Rare and Endangered Plant Species**

Vascular plants listed as rare or endangered by the CNPS, but which have no designated status under FESA or CESA are defined as follows:

#### California Rare Plant Rank

- 1A- Plants Presumed Extirpated in California and either Rare or Extinct Elsewhere
- 1B- Plants Rare, Threatened, or Endangered in California and Elsewhere
- 2A- Plants Presumed Extirpated in California, But More Common Elsewhere
- 2B- Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere

3- Plants about Which More Information is Needed - A Review List

4- Plants of Limited Distribution- A Watch List

#### Threat Ranks

.1- Seriously threatened in California (over 80 percent of occurrences threatened / high degree and immediacy of threat)

.2- Moderately threatened in California (20-80 percent occurrences threatened / moderate degree and immediacy of threat)

.3- Not very threatened in California (<20 percent of occurrences threatened / low degree and immediacy of threat or no current threats known)

### ***Regional and Local***

#### **Habitat Conservation Plans**

Under Section 10(a)(1)(B) of the FESA, an incidental take permit from the USFWS is required when nonfederal activities will result in “take” of threatened or endangered wildlife. Habitat Conservation Plan (HCP) must accompany any application to the USFWS for an incidental take permit. If the USFWS accepts the HCP, then the agency issues a permit that allows permittees to “take” an endangered species if such taking is incidental to, and not the primary purpose of, the proposed activity. The permit is required prior to developing any part of an endangered species’ habitat, because USFWS regulations equate habitat modification with taking an endangered species, which is prohibited under federal law. The goal of the HCP is to conserve natural communities before their native species have declined to the point that protection under the FESA is necessary.

The purpose of the HCP planning process is to reduce conflicts between conservation and economic growth and to minimize, to the extent feasible, impacts to endangered, threatened, or sensitive species resulting from a project. The purpose of the permit is to authorize the incidental take of a listed species, not to authorize the activities that result in take. Currently, HCPs are evolving from a process adopted primarily to address single projects to broad-based, landscape-level planning, utilized to achieve long-term biological and regulatory goals. The project applicant, in consultation with the USFWS, drives the development and preparation of an HCP. An HCP generally includes an assessment of impacts likely to result in taking of federally listed species; measures the applicant will undertake to monitor, minimize and mitigate impacts; alternative actions to the taking considered and not adopted; and additional measures required by the USFWS.

An HCP is intended to standardize and streamline the existing permitting process for incidental take of listed species under FESA. Upon granting of take approval from the USFWS, the participating entity(s), such as a city, county, or district, assumes permitting responsibilities for proposed projects that would potentially take “covered species.” Covered species include species currently listed as threatened or endangered and certain species that may become listed during the term of the HCP. Mitigation/compensation measures established under an HCP would concurrently satisfy applicable provisions of FESA. It should be noted that an HCP does not address issues associated with Section 404 of the federal Clean Water Act. Projects that currently require a Section 404 permit would continue to do so notwithstanding the applicable HCP.

### **Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)**

A Multiple Species Habitat Conservation Plan (Plan) was prepared for the entire Coachella Valley and surrounding mountains to address current and potential future State and federal Endangered Species Act issues in the Plan Area. A Memorandum of Understanding (Planning Agreement) was developed to govern the preparation of the Plan. In late 1995 and early 1996, under the auspices of CVAG, the cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage; County of Riverside (County); USFWS; California Department of Fish and Game (CDFG); Bureau of Land Management (BLM); U.S. Forest Service (USFS); and National Park Service (NPS) signed the Planning Agreement to initiate the planning effort. Subsequently, Caltrans, Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), Riverside County Flood Control and Water Conservation District (County Flood Control), Riverside County Regional Park and Open Space District (County Parks), Riverside County Waste Resources Management District (County Waste), California Department of Parks and Recreation (State Parks), and CVMC decided to participate in the Plan.

The Plan balances environmental protection and economic development objectives in the Plan Area and simplifies compliance with endangered species related laws. The Plan is intended to satisfy the legal requirements for the issuance of Permits that will allow the Take of species covered by the Plan in the course of otherwise lawful activities. The Plan will, to the maximum extent practicable, minimize and mitigate the impacts of the Taking and provide for Conservation of the Covered Species.

The Conservation Plan includes the establishment of an MSHCP Reserve System, setting Conservation Objectives to ensure the Conservation of the Covered Species and conserved natural communities in the MSHCP Reserve System, provisions for management of the MSHCP Reserve System, and a Monitoring Program, and Adaptive Management. The MSHCP Reserve System will be established from lands within 21 Conservation Areas. Because some Take Authorization is provided under the Plan for Development in Conservation Areas, the actual MSHCP Reserve System will be somewhat smaller than the total acres in

the Conservation Areas. When assembled, the Reserve System will provide for the Conservation of the Covered Species in the Plan Area.

## **B. ENVIRONMENTAL IMPACTS**

### **1. Thresholds of Significance**

In order to assist in determining whether a project would have a significant effect on the environment, the City finds a project may be deemed to have a significant biological impact if it would:

**Threshold 5.3-1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.**

**Threshold 5.3-2: Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS.**

### **2. Methodology**

Prior to the initiation of the fieldwork as described previously, reviews of the literature and institutional records were conducted to determine the biological resources that might exist within the general area and to determine the possible occurrence of special status species. Previously recorded occurrences of special-status plant and wildlife species and their proximity to the Project Site were determined through a query of the CDFW's QuickView Tool in the Biogeographic Information and Observation System (BIOS), CNDDDB Rarefind 5, the California Native Plant Society's (CNPS) Electronic Inventory of Rare and Endangered Vascular Plants of California, Calflora Database, compendia of special-status species published by CDFW, and USFWS's species listings, and species covered within the CVMSHCP and associated technical documents.

Literature detailing biological resources previously observed in the vicinity of the Project Site and historical land uses were reviewed to understand the extent of disturbances to the habitats on site. Standard field guides and texts on special-status and non-special-status biological resources were reviewed for habitat requirements.

### **3. Project Design Features**

The Project does not include any features specifically related to biological resources.

#### 4. Project Impacts

**Threshold 5.3-1: *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?***

The Project Site predominantly consists of Sonoran creosote bush scrub habitat that is the pervasive plant community throughout the Colorado Desert of southeastern California. The fauna of the Project Site and surrounding vicinity consists of species typical of sandy, windswept habitats in the Coachella Valley portion of the Colorado Desert.

One plant species federally listed as endangered, designated by the CNPS with the Rare Plant Rank 1B.2, and covered under the CVMSHCP was detected on the Project Site and is considered resident: the Coachella Valley milk vetch. Five additional covered wildlife species (Coachella giant sand treader cricket, Palm Springs pocket mouse, flat-tailed horned lizard, Coachella Valley fringe-toed lizard, and Coachella Valley round-tailed ground squirrel) have a moderate or higher potential to occur on the Project Site but were not detected. In addition, the Project Site has a moderate or higher potential to support three (3) special-status wildlife species that are not covered under the CVMSHCP, including loggerhead shrike, Costa's hummingbird, and black-tailed gnatcatcher, and eight (8) special-status plant species that are not covered under the CVMSHCP, including Borrego milk-vetch (*Astragalus lentiginosus* var. *borreganus*), ribbed cryptantha (*Johnstonella costata*), winged cryptantha (*Johnstonella holoptera*), pointed dodder (*Cuscuta californica* var. *apiculata*), Abram's spurge (*Euphorbia abramsiana*), Arizona spurge (*Euphorbia arizonica*), flat-seeded spurge (*Euphorbia platysperma*), slender cottenheads (*Nemacaulis denudata* var. *gracilis*). Costa's hummingbird and black-tailed gnatcatcher were the only special-status species not covered under the CVMSHCP that were observed within the Project Site during the habitat assessment; mitigation regarding these species is further discussed below. The Project Site is not expected to have long-term conservation value for non-covered special-status plant species since it is surrounded by development and no additional mitigation obligations specific to these plant species are expected. Project impacts to these species, if they were to occur onsite, would be considered less than significant and no further mitigation would be required.

A minor portion of the Project Site, mainly confined to the edges, has been previously disturbed. These areas contain disturbances consistent with the installation of utility lines along the southern and western edges of the Project Site and two small borrow pits located on the northern side of the Project Site and four stormwater inlets on the eastern side, with isolated areas of grading and moderately- and

lightly-used two-track roads also present throughout the Project Site. Native vegetation has been impacted in these areas of disturbance.

Development of the Project would result in the loss of native vegetation and habitats that support sensitive and special-status species. Impacts to species could occur directly from habitat modification and removal for building pad development, roadway construction, and surface improvements. Soil disturbance may significantly increase erosion and impact drainages and water quality. Other potential impacts could include the introduction of non-native weedy and insect species and increased competition from non-native species that could affect other species ability to forage or establish territories.

Small areas of open space and pockets of landscaping established with the new development would potentially support individual native plant and wildlife species, but these areas would be small and isolated in nature and would not provide substantial habitat areas.

Section 31 Specific Plan policies and programs would encourage the use of desert plant materials and plantings in associated Project landscaping that respect native plants species and are compatible with the Coachella Valley climate. Project landscaping would help minimize impacts to sensitive plant and wildlife species within the Project Site and vicinity. Additionally, the Project's proposed landscaping would be consistent with the City of Rancho Mirage General Plan. The City of Rancho Mirage General Plan Conservation and Open Space Element identifies the protection and preservation of biological resources, especially sensitive and special status wildlife species and their natural habitats, as a major goal.<sup>8</sup> This is set to be accomplished, in part, through the City's use of naturally occurring desert plant materials, and prohibiting the use of non-native plant materials that are harmful to native plant and animal species in landscaping for development projects.

In addition, the City is a participant and permittee under the CVMSHCP. The Project Applicant would pay the conservation fee identified by the CVMSHCP. With payment of the conservation fee identified in Mitigation Measure **MM 5.3-1**, development would be consistent with the CVMSHCP. The Project would also implement Mitigation Measure **MM 5.3-2**, which requires preconstruction surveys for burrowing owls during nesting season to further mitigate direct impacts of the Project, and Mitigation Measure **MM 5.3-3**, which requires preconstruction breeding surveys for loggerhead shrike, Costa's hummingbird, and black-tailed gnatcatcher. The impacts of the Project would be mitigated to a less than

---

8 City of Rancho Mirage, General Plan, Chapter 5: Conservation and Open Space, pg. 68, adopted November 16, 2017.

significant level through **MM 5.3-1**, **MM 5.3-2**, and **MM 5.3-3**. Accordingly, impacts would be less than significant.

***Threshold 5.3-2: Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS?***

No sensitive vegetation communities, including riparian habitat, were identified within the Project Site. The Project Site does not contain naturally occurring springs or permanent aquatic habitats. No blue-line stream corridors (streams or dry washes) are shown on U.S. Geological Survey maps for the Project Site nor are there botanical indicators of such corridors. Accordingly, no significant impacts to riparian habitat or other sensitive natural communities will result from the development of the Project.

#### **4. Cumulative Impacts**

Implementation of the proposed Project in conjunction with other related projects within the County of Riverside and the City of Rancho Mirage, and other growth permitted by the City's General Plan and the General Plans of other jurisdictions in the Coachella Valley will result in cumulative impacts to biological resources.

The City of Rancho Mirage and other jurisdictions in the Coachella Valley are permittees under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). In addition, the Agua Caliente Indian Reservation (Reservation), home of the Agua Caliente Band of Cahuilla Indians (Tribe), consists of approximately 31,500 acres of land in Riverside County, California. The Tribe adopted a Tribal Habitat Conservation Plan (Tribal HCP or THCP) in 2010 in order to (1) continue to exercise its long-standing tradition as a land use manager and steward of the natural resources in and around the Reservation by assuming a role as the primary manager of such resources and the land uses that impact them, a role that is recognized as appropriate by the U.S. Department of the Interior in Joint Secretarial Order 3206 and the USFWS Native American Policy, among other authorities; and (2) to establish consistency and streamline permitting requirements with respect to protected species for itself, Tribal members, and third parties developing the Reservation and other Tribal Lands by establishing one process that the Tribe oversees and implements. The HCPs are intended to address the cumulative impacts on sensitive biological species posed by development throughout the Coachella Valley through the provision of mitigation for regional cumulative biological effects resulting from development within the HCP areas. By establishing dedicated conservation areas with stringent development restrictions, the intent of the HCPs are to allow needed development to proceed elsewhere in the valley while preserving sufficient

habitat for plant and wildlife species to survive. In this manner, compliance with the HCPs ensure that cumulative impacts to biological resources are mitigated to a level considered less than significant.

As with the Project, related projects would be subject to the CVMSHCP or THCP as applicable, and the impacts from those projects to sensitive habitat, sensitive plants, and sensitive wildlife would be required to be mitigated through compliance with the requirements of the CVMSHCP or THCP, including the payment of the CVMSHCP Conservation Plan Fee or Tribal HCP Conservation Fee. Therefore, implementation of related projects and other anticipated growth in the Coachella Valley would not combine with the Project to result in cumulatively considerable impacts on biological resources.

## C. MITIGATION MEASURES

The following mitigation measures would reduce biological resource impacts:

**MM 5.3-1 Coachella Valley Multiple Species Habitat Conservation Plan.** The CVMSHCP Conservation Fee shall be paid in accordance with the provisions of the Rancho Mirage Municipal Code (Section 3.29.147).

**MM 5.3-2 Burrowing Owl.** To avoid impacts to burrowing owls during construction, the following actions, which are consistent with the Staff Report on Burrowing Owl Mitigation prepared by the CDFW on March 7, 2012 and approved and accepted by the USFWS, shall be taken:

1. Two pre-construction clearance surveys shall be conducted 14-30 days and 24 hours prior to any ground disturbance or vegetation removal activities planned between February 15 and June 15, the breeding season for burrowing owls, to determine the location of any active burrows on and within 550 yards of an approved Project Site. If no active burrows are found in the survey area, site disturbance may commence providing a biological monitor is on-site.
2. A biological monitor, with the authority to halt or redirect grading, shall be present whenever grading or construction vehicles are present and operating on the Project Site. The function of the monitor is to protect burrowing owls that arrive on or near the Project Site after the clearance survey and during the construction period.
3. As specified in Section 4.4 of the CVMSHCP, the applicable avoidance, minimization, and mitigation measures shall be implemented in the event an owl burrow is discovered. If either a nesting or escape burrow is occupied, owls shall be relocated pursuant to accepted Wildlife Agency protocols.

**MM 5.3-3 Nesting Birds.** To avoid impacts associated with the take, possession, or destruction of birds, their nests or eggs during construction, including loggerhead shrike, Costa's hummingbird, and black-tailed gnatcatcher, breeding surveys shall be conducted simultaneously with burrowing owls surveys, 30 days prior to any construction activities planned between February 1 and August 31, which is the breeding season for these species. If a loggerhead shrike, Costa's hummingbird, and black-tailed gnatcatcher nest is found, a 300-foot buffer shall be established in which construction activities are prohibited until all young have fledged; for MBTA-listed and raptor species, this buffer shall be expanded to 500 feet. A biological monitor shall be present to delineate the boundaries of the buffer area and monitor the active nest to ensure that nesting behavior is not adversely affected by construction activities.

#### **D. LEVEL OF SIGNIFICANCE AFTER MITIGATION**

Payment of the CVMSHCP Conservation Fee, as required by Mitigation Measure **MM 5.3-1**, will mitigate the potential impact of the Project on sensitive plant and wildlife species addressed by the CVMSHCP, which are identified as present or likely to be present within the Project Site, including Coachella Valley milk-vetch, Coachella giant sand treader cricket, Palm Springs pocket mouse, flat-tailed horned lizard, Coachella Valley fringe-toed lizard, and Coachella Valley round-tailed ground squirrel to a less than significant level.

While payment of the CVMSHCP Conservation Fee will mitigate the impact of the Project on the species listed in the CVMSHCP and their habitats a less than significant level. Additionally, implementation of **MM 5.3-2** will further mitigate the direct impact of Project construction activities on any individual burrowing owls that may be present on the Project Site.

**MM 5.3-3** will mitigate the direct impact of Project construction activities on any individual loggerhead shrikes, Costa's hummingbirds, or black-tailed gnatcatchers that may be present on the Project Site to a less than significant level.

Based on the Project Site's footprint, and with the implementation of the aforementioned mitigation, none of the special-status species known to occur in the general vicinity of the Project Site will be directly or indirectly adversely impacted from implementation of the Project. Additionally, mass grading of the site prior to construction as opposed to incremental grading would discourage species from re-establishing residence onsite, thereby reducing potential impacts to biological resources. Due to these factors, it was determined that Project impacts on federally, State, or CVMSHCP listed species known to occur in the general vicinity of the Project Site would be less than significant. Additionally, Project impacts on federally designated Critical Habitats would be less than significant. With implementation of

the applicable avoidance and minimization measures, as well as payment of the CVMSHCP local development mitigation fee, the proposed Project would be fully consistent with the biological goals and objectives of the CVMSHCP. No significant unavoidable project or cumulative impacts to biological resources would result from the Project.