4.4 BIOLOGICAL RESOURCES

4.4.1 Introduction

This section provides a discussion of existing biological resources within the boundaries of the La Entrada Specific Plan (proposed project) site and provides an evaluation of potential impacts to biological resources as a result of project implementation. Pursuant to the California Environmental Quality Act (CEQA) and the State and federal Endangered Species Act (CESA and FESA, respectively), mitigation measures and other pertinent regulations will be prescribed where impacts are identified. Information in this section is based on the *Biological Resources Assessment* (BRA) (LSA, June 2013) included in Appendix E, and the *Delineation of State and Federal Jurisdictional Waters* and the *La Entrada Specific Plan Impact Analysis Technical Memorandum* (both prepared by RBF Consulting, April 2013), which are included in Appendix E.

4.4.2 Methodology

Literature Review and Records Search. LSA biologists examined a variety of database records and technical documents to determine the existence or potential occurrence of special-interest plant and animal species located on site and in the vicinity of the site. A records search of the California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDB) RareFind 3.1.0 (CDFG CNDDB 2012), and California Native Plant Society's Online Inventory of Rare and Endangered Plants (CNPS v7-12, August 10, 2012) for the Thermal Canyon, Rockhouse Canyon, Cottonwood Basin, Indio, and Mecca, California United States Geological Survey (USGS) 7.5-minute quadrangles was conducted on September 13, 2012. Other documents reviewed include:

- **Thomas Leslie Corporation (TLC):** March 16, 2005. Results of 2005 Plant and Wildlife Species Surveys Conducted Within a Study Area Located in the City of Coachella, Riverside County, along Avenues 50 and 52.
- **Michael Brandman Associates:** November 16, 2006. Administrative Draft Environmental Impact Report for the Lomas Del Sol Specific Plan, Annexation and Development Agreement, City of Coachella, Riverside County, California. Prepared for the City of Coachella Community Development Department.

Biological Field Surveys. LSA biologists conducted general reconnaissance-level field surveys in August and September of 2012 and February 2013 for a total of nine days. Weather conditions in August were clear skies, with temperatures ranging from 85 to 114 degrees Fahrenheit (°F) and winds ranging from 7 to 10 miles per hour (mph) from the west. Weather conditions in September consisted of overcast skies, temperatures ranging from 80°F to 105°F, 34 to 48 percent humidity, and winds ranging from 3 to 5 mph from the northwest. Weather conditions on February 15, 2013, were clear with no breeze and a high of 75°F. During site surveys, notes were taken based on observations of site conditions and existing vegetation, as well as suitability for special-interest elements. In addition, all plant and animal species observed were noted. A list of plants and animals observed and a description

of special-interest plant and animal species potentially on the proposed project site can be found in the BRA.

The field work for the jurisdictional delineation was conducted on December 3, 2012, and January 9, 17, 22, and 31, 2013. A meeting to discuss field methods was also held on site with Jim Mace, Senior Project Manager, of the United States Army Corps of Engineers (ACOE) on October 3, 2012. The delineation documents the regulatory authority of the ACOE, Regional Water Quality Control Board (RWQCB), and CDFW pursuant to the Federal Clean Water Act (CWA), California Porter-Cologne Water Quality Control Act, and California Fish and Game Code.

4.4.3 Existing Environmental Setting

Project Site. The 2,200-acre (ac) project site is located on the relatively flat-lying alluvial floor of the Coachella Valley to the west and bedrock highlands of the Little San Bernardino and Orocopia Mountains to the northeast, east, and southeast. The project site includes southwest-trending ridges of relatively low relief with intervening alluvial drainages that drain into a larger alluvial fan.

Topography and Soils. The project site's elevation ranges from approximately 75 feet (ft) to approximately 775 ft above mean sea level (amsl). Surface drainage is generally directed toward the southwest. The soils on site, per the Soil Survey of Western Riverside Area and Coachella Valley Area California, consist of the following soil types: Badland; Carsitas gravelly sand (0 to 9 percent slopes); Carsitas cobbly sand (2 to 9 percent slopes); and Chuckwalla very gravelly sandy clay loam (2 to 5 percent slopes).

Vegetation. The dominant plant communities within the study area are Sonoran Creosote Bush Scrub, Desert Dry Wash Woodland, and Desert Saltbush Scrub (Holland 1986). The Sonoran Creosote Bush Scrub is dominated by creosote (*Larrea tridentate*), white bursage (*Ambrosia dumosa*), common burrobrush (*Ambrosia salsola*), and Schott's dalea (*Psorothamnus schottii*). Desert Dry Wash Woodland habitat is present in the upper reaches of the larger drainages within the study area. Dominant species identified within Desert Dry Wash Woodland habitat include blue palo verde (*Parkinsonia florida*) and smoke tree (*Dalea spinosa*). A small section of Desert Saltbush Scrub exists where the proposed Avenue 50 extension joins the project site, just east of the Coachella Canal. This plant community is dominated by saltbush (*Atriplex* sp.), tamarisk (*Tamarix ramosissima*), blue palo verde, Jimson weed (*Datura stramonium*), and common burrobrush. The same Desert Saltbush Scrub habitat also exists where the proposed Avenue 52 extension joins the project site, just east of the Coachella Canal. Additionally, areas of highly disturbed creosote bush scrub exist along the proposed access route on Avenue 52, west of the Coachella Canal. Agriculture fields exist west of the Coachella Canal along the proposed Avenue 50 access route.

Wildlife. Common wildlife and/or its sign (e.g., scat, tracks, burrows) observed during the field survey included sidewinder (*Crotalus cerastes cerastes*), western zebra-tailed lizard (*Callisaurus draconoides rhodostictus*), desert horned lizard (*Phrynosoma platyrhinos calidiarum*), mainland

cactus wren (C*ampylorhynchus brunneicapillus anthonyi*), Le Conte's thrasher (*Toxostoma lecontei*), mourning dove (*Zenaida macroura*, and kangaroo rat (*Dipodomys* sp.).

A complete list of plant and animal species observed is provided in Appendix A of the BRA.

Special-Interest Species. Legal protection for special-interest species varies widely, from the comprehensive protection extended to listed threatened/endangered species, to no legal interest at present. The CDFW, United States Fish and Wildlife Service (USFWS), local agencies, and special-interest groups such as the CNPS publish watch lists of declining species. Species on watch lists can be included as part of the sensitive species assessment. Species that are candidates for State and/or federal listing and species on watch lists are included in the special-interest species list.

Inclusion of species described in the special-interest species analysis is based on the following criteria:

- Direct observation of the species or its sign in the study area or immediate vicinity during surveys conducted for this study or reported in previous biological studies;
- Sighting by other qualified observers;
- Record reported by the CNDDB, published by CDFW;
- Presence or location of specific species lists provided by private groups (e.g., CNPS); and
- Study area lies within known distribution of a given species and contains appropriate habitat.

The literature review revealed 35 sensitive species with the potential to occur within the area of the project site. A list of these species along with a data summary for each and a determination as to the likelihood of the species occurring on the project site can be found in the BRA.

Threatened/Endangered Species. Five federally/State listed species were identified as potentially present in the project vicinity and include the following:

- **Coachella Valley milkvetch (*Astragalus lentiginosus* var. *coachellae*):** federally listed endangered and Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) covered species.
- **Desert tortoise (*Gopherus agassizii*):** federally listed threatened/State listed threatened and CVMSHCP covered species.
- **Coachella Valley fringe-toed lizard (*Uma inornata*):** federally listed threatened/State listed endangered and CVMSHCP covered species.
- **Desert pupfish (*Cyprinodon macularius*):** federally/State listed endangered and CVMSHCP covered species.
- **Yuma clapper rail (*Rallus longirostris yumanensis*):** federally listed endangered/State listed threatened and CVMSHCP covered species.

Habitat on the project site is considered unsuitable for Coachella Valley fringe-toed lizard, desert pupfish, and Yuma clapper rail. Habitat on site is considered to be marginally suitable for Coachella Valley milkvetch and moderately suitable for the desert tortoise. However, the proposed project is not within federally designated critical habitat for any of the federally/State listed species discussed above.

Nonlisted Special-Interest Species. Of the 30 other nonlisted special-interest species identified and discussed in the BRA, 11 are considered absent based on lack of suitable habitat or because the project site is outside the known range of the species; one species, LeConte's thrasher (*Toxostoma lecontei*), was found to be present; three are considered to have high potential of occurrence; six are considered to have a moderate probability of occurrence; and nine are considered to have a low probability of occurrence.

Eight of the nonlisted special species identified as present or having a potential for occurrence are CVMSHCP Covered Species. Covered species are species for which take authorization has been issued from the USFWS under the FESA Section 10(a)(1)(B) and CDFW under the California Fish and Game Code Sections 2800–2835. These species include the following:

1. Mecca aster (*Xylorhiza cognate*)
2. Flat-tailed horned lizard (*Phrynosoma mcalli*)
3. Burrowing owl (*Athene cunicularia*)
4. Crissal thrasher (*Toxostoma crissale*)
5. Le Conte's thrasher
6. Southern yellow bat (*Lasiurus xanthinus*)
7. Palm Springs pocket mouse (*Perognathus longimembris bangsi*)
8. Palm Springs round-tailed ground squirrel (*Xerospermophilus tereticaudis chlorus*)

The project site contains potential habitat for the burrowing owl. Burrowing owls nest on the ground in abandoned burrows of ground squirrels or other animals, in pipes, rock and debris piles, and in other similar features. Burrowing owl sign, in the form of a burrow with whitewash from a previous season, was found on site. Burrowing owls and their sign were also observed in and adjacent to the project site in a previous survey.

The following 11 species, including 5 plant species and 6 mammal species, have potential for occurrence on the project site, but are not covered species under the CVMSHCP:

1. Gravel milk-vetch (*Astragalus sabulonum*)
2. Glandular ditaxis (*Ditaxis claryana*)
3. Coves' cassia (*Senna covessii*)
4. Palmer's jackass clover (*Wislizenia refracta* ssp. *palmeri*)
5. Jackass clover (*Wislizenia refracta* ssp. *refracta*)

6. Pallid bat (*Antrozous pallidus*)
7. Pallid San Diego pocket mouse (*Chaetodipus fallax pallidus*)
8. Spotted bat (*Euderma maculatum*)
9. Western mastiff bat (*Eumops perotis*)
10. Pocketed free-tailed bat (*Nyctinomops femorosaccus*)
11. American badger (Taxidea taxus)

The 5 plant species identified above have a California Rare Plant Rank of 2, which means these plants are considered by CNPS to be rare, threatened, or endangered in California, but are more common elsewhere. The 6 mammals, which include 3 bat species, a badger, and a pocket mouse, are California Species of Special Concern that refers to animals with vulnerable or seriously declining populations. The project site provides potential foraging habitat or low-quality roosting habitat for the bat species and low quality habitat for the American badger and San Diego pocket mouse. None of these species were identified during the August and September 2012 field surveys or February 2013 field survey. In addition, these species were not found in previous studies conducted on the project site.

4.4.4 Regulatory Setting

Federal Policies and Regulations.

United States Fish and Wildlife Service. The USFWS, pursuant to the FESA, protects endangered and threatened species. An endangered species is defined as a species "in danger of extinction throughout all or a significant portion of its range" and a threatened species is one that is likely to become an endangered species in the foreseeable future.

The USFWS also identifies species that are proposed for listing as endangered or threatened. Other than for federal actions, there is no formal protection for these species under the FESA. However, consultation with the USFWS regarding proposed species can prevent project delays that could occur if a species is listed prior to project completion.

"Take" of a listed species is prohibited under Section 9 of the FESA. "Take" is to harass, harm, pursue, hunt, shoot, wound, trap, capture, collect, or attempt to engage in any such conduct. Harm is further defined as significant habitat alteration that results in death or injury to listed species by significantly impairing behavior patterns such as breeding, feeding, or sheltering. "Take" of a listed species incidental to otherwise lawful activities can be authorized by the USFWS. The take of federally listed species can be authorized under Section 10(a) of the FESA, with development of a Habitat Conservation Plan (HCP) or as part of a Section 7 consultation between the USFWS and another federal agency if the project is subject to federal action (e.g., a Section 404 Permit). In certain instances, such as for the California gnatcatcher, take of a threatened species can be authorized by special rule (i.e., 4[d]). In the case of the California gnatcatcher, the 4(d) rule applies in jurisdictions that are participating in the State's Natural Communities Conservation Plan (NCCP) program dealing with coastal sage scrub (CSS) plant communities.

United States Army Corps of Engineers. The ACOE regulates discharges of dredged or fill material into waters of the United States (U.S.). These waters include wetlands and nonwetland bodies of water that meet specific criteria. The ACOE regulatory jurisdiction pursuant to Section 404 of the federal CWA is founded on a connection, or nexus, between the water body in question and interstate commerce. This connection may be direct, through a tributary system linking a stream channel with traditional navigable waters used in interstate or foreign commerce, or may be indirect, through a nexus identified in the ACOE regulations. The following definition of waters of the U.S. is taken from the discussion provided in 33 Code of Federal Regulations (CFR) 328.3:

> "The term waters of the United States means:
>
> (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce . . . ;
>
> (2) All interstate waters including interstate wetlands;
>
> (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams) . . . the use, degradation or destruction of which could affect interstate or foreign commerce . . . ;
>
> (4) All impoundments of waters otherwise defined as waters of the United States under the definition; and
>
> (5) Tributaries of waters defined in paragraphs (a) (1)–(4) of this section."

The ACOE typically considers any body of water displaying an ordinary high water mark (OHWM) for designation as waters of the U.S. subject to guidance derived from Supreme Court decisions. The landward limits of ACOE jurisdiction in tidal waters of the U.S. extend to the high tide line, and ACOE jurisdiction over nontidal waters of the U.S. extends laterally to the OHWM or beyond the OHWM to the limit of any adjacent wetlands, if present (33 CFR 328.4). The OHWM is defined as "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area" (33 CFR 328.3). Jurisdiction typically extends upstream to the point where the OHWM is no longer perceptible.

The ACOE and the United States Environmental Protection Agency (EPA) define wetlands as follows:

> "Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions."

In order to be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology. Each characteristic has a specific set of mandatory wetland criteria that must be satisfied in order for

that particular wetland characteristic to be met. Several parameters may be analyzed to determine whether the criteria are satisfied.

The drainage features on the project site are on an alluvial fan at the base of the Little San Bernardino Mountains in the eastern Coachella Valley and are subject to CDFW and RWQCB jurisdiction.

The Jurisdictional Delineation (Appendix E) made a preliminary determination that no ACOE jurisdictional waters are present on the project site. Based on the detailed analysis of on-site hydrologic conditions, it was preliminarily determined that the three wetland characteristics, hydrophytic vegetation, hydric soils, and wetland hydrology, are not present on the site. Accordingly, ACOE jurisdiction is considered absent on site.

Migratory Bird Treaty Act. The Migratory Bird Treaty Act (MBTA) (16 United States Code [USC] 703–712, as amended) regulates the take, possession, import, export, transport, selling, purchasing, or bartering of migratory birds, their eggs, parts, and nests, except as authorized under a valid permit (50 CFR 21.11). The take of all migratory birds is governed by the MBTA's regulation of taking migratory birds for educational, scientific, and recreational purposes and requiring harvests to be limited to levels that prevent overutilization. Section 704 of the MBTA states that the Secretary of the Interior is authorized and directed to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take but ensuring that take is compatible with protection of species.

State Policies and Regulations.

California Endangered Species Act. The CDFW, via policies formulated by the California Fish and Game Commission (Commission), regulates species of plants and animals that are in danger of, or threatened with, extinction. The Commission has established a list of endangered, threatened, and candidate species that are regulated by the CDFW. Endangered species are native species or subspecies of plants and animals that are in serious danger of becoming extinct throughout all or a significant portion of their range. Threatened species are those species that, although not presently threatened with extinction, are likely to become endangered species in the foreseeable future in the absence of special protection and management efforts. Candidate species are those species the Commission has formally noticed as being under review for addition to either the list of endangered or threatened species or a species proposed for listing.

California Natural Diversity Database. The CDFW administers the CNDDB, which maintains lists of special-interest plants, animals, and natural communities that occur within California. These particular natural communities, or habitat types, are designated as sensitive because of their rarity (e.g., very localized distribution, few scattered occurrences) and/or because of some threat (e.g., development, off-road vehicles) to this specific habitat type. The purpose of these listings is solely informational; there is no regulatory protection of these communities afforded by these CNDDB listings.

Streambed Alteration Regulations. The CDFW makes it illegal under Section 1602 for any person to substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the CDFW as waters within its jurisdiction. Furthermore, it is unlawful for a person to use any material from the streambeds without first notifying the CDFW.

California Native Plant Society. The CNPS is a nonprofit organization whose purpose is to encourage the preservation of native California Plants. CNPS created and maintains an Online Inventory of Rare and Endangered Plants of California. This extensive database is used by amateur and professional biologists and identifies four specific designations, or "Lists," of special-interest plant species.

Regional Water Quality Control Board. The RWQCB is the primary agency responsible for the administration of Section 401 of the CWA, which is implemented through the issuance of a Section 401 Certification for Section 404 permits issued by the ACOE. Generally, areas subject to RWQCB jurisdiction coincide with those of the ACOE (e.g., waters of the U.S.). RWQCB also asserts authority over waters of the State under waste discharge requirements pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), but this mechanism is not generally utilized in cases where the ACOE asserts permitting authority pursuant to the CWA.

California Desert Native Plants Act. The intent of the Desert Native Plants Act, (Division 23 of the California Food and Agricultural Code) is to protect California desert native plants from unlawful harvesting on both public and privately owned lands. It is also provides information necessary to legally harvest native plants so as to ultimately transplant those plants with the greatest possible chance of survival.

Local and Regional Plans and Policies.

Coachella Valley Multiple Species Habitat Conservation Plan. The CVMSHCP is a comprehensive, multijurisdictional HCP focusing on preservation of species and their associated habitats within the Coachella Valley region of Riverside County. The CVMSHCP is an HCP/NCCP that was prepared pursuant to the FESA Section 10(a)(1)(B), and the Natural Communities Conservation Planning Act, Fish and Game Code Sections 2800–2835. A joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was prepared for compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) to assess the potential effects of implementing the CVMSHCP. The primary goal of the CVMSHCP is to maintain and enhance biological diversity and ecosystem processes within the region while allowing the opportunity for future economic growth. The CVMSHCP covers 27 sensitive plant and wildlife species ("covered species") as well as 27 natural communities. Covered species include both listed and nonlisted species that are sufficiently conserved by the CVMSHCP and for which take authorization has been issued by the USFWS and CDFW under HCP/NCCP regulations. The overall provisions for the plan are subdivided according to specific resource conservation goals that have been organized based on

geographic areas defined as: Conservation Areas,[1] Essential Ecological Process Areas necessary to maintain habitat viability, and Biological Corridors and Linkages. Each Conservation Area has specific Conservation Objectives that must be satisfied.

The CVMSHCP was approved on October 1, 2008. Approval of the CVMSHCP and execution of the Implementing Agreement allows signatories of the Implementing Agreement to issue take authorizations for all species covered in the CVMSHCP, including State and federally listed species as well as other covered species and/or their habitats. The City of Coachella is a signatory to the Implementing Agreement. Each participating city or local jurisdiction within the Coachella Valley region will impose a development mitigation fee for new development projects within its jurisdiction. As of July 1, 2013, the current fees for development are:

- $1,278 for 0 to 8 residential units per acre
- $531 for 8.1 to 14 residential units per acre
- $234 for more than 14 residential units per acre
- $5,706 per acre for commercial/industrial

With payment of the mitigation fee, and compliance with the requirements of CVMSHCP Section 4.2, Conservation Areas; Section 4.4, Avoidance, Minimization, and Mitigation Measures; and Section 4.5, Land Use Adjacency Guidelines, full mitigation compliance with CEQA, NEPA, CESA, and FESA will be granted for covered species.

As illustrated on Figure 4.4.1, the proposed project is within the planning boundary of the CVMSHCP area, but the project site is not within a specific CVMSHCP Conservation Area. The Coachella Valley MSHCP requires focused surveys for certain plant and animal species for project sites located within designated Conservation Areas. For projects located outside of these Conservation Areas, in general there are no specific survey requirements for covered species and the payment of fees has been determined to be the appropriate mitigation. However, the biological resources study area is within the vicinity of the following three CVMSHCP Conservation Areas: the Desert Tortoise and Linkage Conservation Area to the north and east of the site; the Mecca Hills/Orocopia Mountains Conservation Area to the southeast of the site; and the East Indio Hills Conservation Area to the northwest of the site. In addition, the Mecca Hill/Orocopia Mountains Conservation Area and East Indio Hills Conservation Area are located approximately 1 mile (mi) from the project site. The southeast corner of the project site is adjacent to the Desert Tortoise and Linkages Conservation Area.

The purpose of CVMSHCP Land Use Adjacency Guidelines is to avoid or minimize indirect effects from development adjacent to or within the Conservation Areas. In this context, "adjacent" means to share a common boundary with any parcel in a designated Conservation Area. Indirect effects include noise, lighting, drainage, intrusion of people, and the introduction of nonnative plants and nonnative predators such as dogs and cats. The southeast corner of the project site abuts the Desert Tortoise and Linkage Conservation Area. However, the proposed project includes open space uses in areas of the project site near this Conservation Area.

[1] CVMSHCP Section 4.3 describes a Conservation Area as Core, Essential, or Other Conserved Habitat for sensitive plant, invertebrate, amphibian, reptile, bird, and mammal species.

Therefore, because this area is proposed as open space and would not include development adjacent to a designated Conservation Area, the Land Use Adjacency Guidelines would not be applicable to the proposed project.

City of Coachella General Plan Conservation Element (1996).

Policy: The City shall coordinate with the appropriate governmental agencies to identify and locate habitat areas of rare, threatened and endangered wildlife and plant resources.

Policy: The City shall require that project sites and development plans be reviewed by a qualified wildlife biologist and horticulturalist to identify any impacts to habitat areas of rare, threatened and endangered wildlife and plant resources and to recommend appropriate mitigation measures including the salvage and reuse of native vegetation in project landscaping.

Policy: The City shall require appropriate mitigation measures to protect rare, threatened and endangered wildlife and plant resources including designation as Open Space.

4.4.5 Project Design Features

As summarized in Chapter 3.0, Project Description, the proposed Specific Plan includes components that are referred to as Project Design Features. The Project Design Features related to biological resources are:

- The Specific Plan development is proposed to be phased, with the initial Phase 1 grading limited to the area necessary to achieve mass balancing and proper drainage of the overall property, leaving the balance of the site in its current condition until such time the remaining phases begin to develop. This phased development would minimize impacts to biological resources.
- The proposed Specific Plan includes approximately 557 ac of open space, including 175.8 ac of soft-bottomed drainage areas available for mitigation and approximately 344.7 ac of passive and active recreation. Retention basins for drainage and water quality, if required by the Coachella Valley Water District (CVWD), would be vegetated, and the landscaping of active recreational areas would increase plant cover and trees on site, providing habitat for birds and forage for birds of prey.[1] The northern portion of the regional Special Use Park is proposed as natural open space to avoid impacts to a jurisdictional drainage in that location.
- The Specific Plan's Conceptual Drainage Plan (provided in Appendix I and shown on Figure 3.10 in the Project Description) incorporates drainage and water quality features that would maintain water quality within the on-site drainages and preserve/enhance downstream water quality, indirectly protecting the biological resources and functions of the drainage.

[1] The analysis of biological impacts assumes a worst-case scenario, and assumes approval of on-site retention basins for drainage and water quality.

- Specific Plan implementation would result in increased desert vegetative cover on site, including trees and shrubs that could enhance the availability of nesting sites for migratory birds in the project area.

4.4.6 Thresholds of Significance

The following thresholds of significance criteria are based on Appendix G of the *CEQA Guidelines*. Based on these thresholds, implementation of the proposed project would have a significant adverse impact related to biological resources if it would:

Threshold 4.4.1: 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service

Threshold 4.4.2: 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 California Department of Fish and Wildlife

Threshold 4.4.3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means

Threshold 4.4.4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites

Threshold 4.4.5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

Threshold 4.4.6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan

4.4.7 Project Impacts

Threshold 4.4.1: 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 California Department of Fish and Wildlife or U.S. Fish and Wildlife Service

Less than Significant Impact with Mitigation Incorporated.

Special Interest Plant Communities/California Desert Native Plants Act. As illustrated on Figure 4.4.3, Impacts to Desert Dry Wash Woodland, approximately 18.8 ac of Desert Dry Wash Woodland, a plant community of special interest to the CDFW, are present on site. The proposed project would impact approximately 16.6 ac that would be considered CDFW-vegetated streambed, including 6.6 ac of Desert Dry Wash Woodland that adjoins actual streambed. The

additional 12.2 ac of Desert Dry Wash Woodland on site would not be affected. A mitigation plan and CDFW 1602 Agreement would be required prior to commencement of any construction activities within jurisdictional areas, as outlined in Mitigation Measure 4.4.5, which requires that the acreage of impacted desert dry wash woodland would be recreated within the drainage system, such that there is no net loss of vegetation associated with the streambed. The 1602 Agreement would include measures to protect fish and wildlife resources while constructing the project. A streambed alteration agreement reduces all impacts associated with the Desert Dry Wash Woodland. Mitigation 4.4.5 requires development of a mitigation plan that will be reviewed and approved by the appropriate resource agencies to compensate for the loss of riparian habitat by 1) on-site habitat creation or enhancement of riparian habitat, 2) off-site creation or enhancement of riparian habitat, and/or 3) participation in an established mitigation bank program. Habitat enhancement or replacement will be subject to a success criterion equal to a 1:1 or greater vegetative cover currently associated with existing streambeds. Therefore, there will be no net loss of vegetation associated with the streambeds. Implementation of Mitigation Measure 4.4.5 would ensure that project impacts related to Desert Dry Wash Woodland and CDFW jurisdictional waters are reduced to a less than significant level.

Less than Significant Impact.

Nonlisted Special-Interest Species. A total of 19 special-interest species were identified in the BRA having probability of occurrence on site. These species have no official State or federal protection status; however, some of these species are covered by the CVMSHCP. Eight nonlisted species covered by the CVMSHCP with the potential to occur on site are the Mecca aster, flat-tailed horned lizard, burrowing owl, Crissal thrasher, LeConte's thrasher, southern yellow bat, Palm Springs pocket mouse, and Palm Springs round-tailed ground squirrel. These species are covered by the CVMSHCP incidental take permits and are conserved through the CVMSHCP's preestablished Conservation Areas and mitigation measures. The City would require payment of the CVMSHCP mitigation fees by the project proponent to ensure compliance with the CVMSHCP for nonlisted species covered by the CVMSHCP. As noted, these species are covered under the CVMSHCP, and there is no requirement to conduct protocol surveys. In addition, further compliance measures would be required, as described in the Burrowing Owl and Migratory Birds discussion below, to ensure compliance with California Fish and Game Code and the MBTA.

Furthermore, the other nonlisted species not covered by the CVMSHCP include plant, bat, pocket mouse and badger that occupy the same habitats as the covered species, although their population distribution is not as limited as the covered species. Because these species were not observed during field surveys, on-site habitat is of low quality, and are more widely distributed than those covered by the CVMSHCP, the CVMSHCP would preserve habitat elsewhere (outside of the project site) that would be used by these species. Therefore, impacts to nonlisted species would be less than significant, and no mitigation would be required.

Less than Significant Impact with Mitigation Incorporated.

Threatened and Endangered Species. The project site contains marginally suitable habitat for the Coachella Valley milkvetch and moderately suitable habitat (the entire project site) for the desert tortoise. As stated previously, the Coachella Valley milkvetch is a federally listed endangered species, whereas the desert tortoise is both a federally and State listed threatened species. Both species are covered by the CVMSHCP; therefore, the payment of fees and pre-construction surveys for the desert tortoise are all that is required. Although the desert tortoise has not been found during past or current surveys of the site, desert tortoise habitat is present throughout the entire project site.

Project implementation would develop the project site with a variety of uses and result in a loss of habitat for threatened and endangered species on the project site. Potential impacts to the Coachella Valley milkvetch as a result of project implementation would be mitigated to less than significant levels through compliance with the CVMSHCP through the payment of mitigation fees. Impacts to the desert tortoise and its associated habitat would also be reduced to a level of less than significant through payment of mitigation fees, and compliance with additional CVMSHCP compliance measures, which include preconstruction surveys and notification to USFWS if tortoises are found. In addition, compliance with Mitigation Measure 4.4.1, which requires preconstruction surveys, in the event tortoises are found, requires the project applicant to notify the USFWS prior to the issuance of any grading permit to allow USFWS to salvage the tortoises.

Less than Significant Impact with Mitigation Incorporated.

Burrowing Owl and Migratory Birds. As previously stated, the entire project site contains potential habitat for the burrowing owl, a species protected under the MBTA, California Fish and Game Code, and the CVMSHCP. Although participation, through payment of the CVMSHCP mitigation fee would reduce impacts to the burrowing owl, mitigation is required to ensure compliance with the MBTA and the California Fish and Game Code as it applies to this species. Under the MBTA of 1918 and under Sections 3503, 3503.5, and 3800 of the California Fish and Game Code, burrowing owls, their nests, and their eggs are protected from "take" (meaning destruction, pursuit, possession, etc.). Implementation of Mitigation Measure 4.4.2 requires preconstruction surveys to ensure compliance with State and federal regulations related to the burrowing owl, consistent with survey protocols established by the CDFW. Mitigation Measure 4.4.3 prevents the direct take of a burrowing owl or any raptor and prescribes avoidance measures in the event a burrowing owl is found on site by restricting the removal of on-site vegetation during the general nesting season so that nesting birds would not be disturbed and fledging birds would not be hurt or killed. Surveys are not required outside of the nesting season because birds are not breeding or caring for their young; therefore, the nests are unoccupied. Mitigation Measure 4.4.4 would ensure compliance with California Fish and Game Code and the MBTA and would avoid potential impacts to other nesting birds on site by restricting removal of on-site vegetation during nesting season (February 1–August 31) or if this is not possible pre-construction bird surveys are required to be conducted by a qualified biologist to determine whether there are nesting birds in the vicinity of construction activities. If it is determined nesting birds are present an appropriate buffer shall be determined by the biologist based on the type and location of the construction and the bird species that is present. If the radius of the buffer is less

than 300 ft, the nest would be required to be monitored by a qualified biologist until the young have fledged. These measures would reduce the impacts to nesting birds and allow the young to fledge without disturbance. Therefore, implementation of Mitigation Measures 4.4.2, 4.4.3, and 4.4.4 would reduce potentially significant impacts to the burrowing owl and other migratory birds to a less than significant level.

Threshold 4.4.2: 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 California Department of Fish and Wildlife

Less than Significant Impact with Mitigation Incorporated. The Jurisdictional Delineation (provided as an attachment to the end of Appendix E) found a total of approximately 218.13 ac of CDFW jurisdictional area on the project site. Of the 218.13 ac of CDFW jurisdictional area, approximately 10.0 ac are considered CDFW vegetated streambed and 6.6 ac are adjoining Desert Dry Wash Woodland, which would be considered CDFW jurisdictional vegetation. Figures 4.4.2 and 4.4.3 illustrate the impacts to jurisdictional areas and Desert Dry Wash Woodland (the only sensitive natural community on the site).

Based on the most current design plans, approximately 191.60 ac of jurisdictional area would be impacted (123.49 ac permanent, 68.11 ac temporary) by the proposed project (refer to the La Entrada Specific Plan Impact Analysis Technical Memorandum at the end of Appendix E). A CDFW 1602 Agreement would be required prior to commencement of any construction activities within jurisdictional areas, as specified in Mitigation Measure 4.4.5. Mitigation 4.4.5 requires development of a mitigation plan that will be reviewed and approved by the appropriate resource agencies (e.g., CDFW, RWQCB, and possibly ACOE if the ACOE is to regulate waters on site). The plan must be reviewed and approved prior to issuance of the CDFW 1602 Agreement to compensate for the loss of riparian habitat by (1) on-site habitat creation or enhancement of riparian habitat, (2) off-site creation or enhancement of riparian habitat, and/or (3) participation in an established mitigation bank program. Habitat enhancement or replacement will be subject to a success criterion equal to a 1:1 or greater vegetative cover currently associated with existing streambeds. Therefore, there will be no net loss of vegetation associated with the streambeds. Implementation of Mitigation Measure 4.4.5 would ensure that project impacts related to Desert Dry Wash Woodland and CDFW jurisdictional waters are reduced to a less than significant level. The 1602 Agreement will include measures to protect fish and wildlife resources while constructing the project. Implementation of Mitigation Measure 4.4.5 would ensure that project impacts related to CDFW jurisdictional areas are reduced to a less than significant level.

Threshold 4.4.3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means

Less than Significant Impact with Mitigation Incorporated. Based on the Jurisdictional Delineation pages 31–32 (provided as an attachment to the end of Appendix E), it does not appear that the project site includes any ACOE jurisdictional waters. Based on the detailed analysis of on-site

hydrologic conditions, the relevant reaches have an insubstantial or speculative effect on the chemical, physical or biological significant nexus to the Whitewater River, and therefore to the Salton Sea. Based on the proximity to the Salton Sea (16.5 mi), average annual rainfall of approximately 2.98 inches and the general flow dynamics, a significant nexus finding could not be established. No ACOE jurisdictional waters/wetlands were noted on site and ACOE jurisdiction is therefore considered absent because the on-site drainages lack a significant nexus to the Salton Sea. An Approved Determination, per ACOE Regulatory Guidance Letter 08-02 dated June 26, 2008, will be required to verify the preliminary conclusions regarding ACOE jurisdiction on the project site, as required in Mitigation Measure 4.4.6. If the ACOE concurs, then a Permit would not be required, but the RWQCB may require a Report of Waste Discharge under Porter-Cologne and issue Waste Discharge Requirements. If the ACOE does assert jurisdiction, then an Individual Permit would likely be required, and RWQCB regulation would be through CWA Section 401.

Threshold 4.4.4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites

Less than Significant Impact. Habitat fragmentation occurs when a proposed action results in a single, unified habitat area being divided into two or more areas in such a way that the division isolates the two new areas from each other. This isolation results in the inability of wildlife to move freely from one portion of the habitat to another or from one habitat type to another, as in the fragmentation of habitats within and around "checkerboard" residential development. Habitat fragmentation can also occur when a portion of one or more habitats is converted into another habitat, as when annual burning converts scrub habitats to grassland habitats.

The project site is adjacent to and in the vicinity of three CVMSHCP Conservation Areas as shown in CVMSHCP, Section 4.3. All three Conservation Areas contain biological corridors and linkages between the San Jacinto/Santa Rosa Mountains and the San Bernardino Mountains. The Mecca Hill/ Orocopia Mountains Conservation Area and East Indio Hills Conservation Area are approximately 1 mi from the proposed project. The southeast corner of the project site abuts the Desert Tortoise and Linkage Conservation Area. These Conservation Areas are further discussed below.

Desert Tortoise & Linkage Conservation Area. According to CVMSHCP, Section 4.3.1.7, Desert Tortoise and Linkage Conservation Area, the Desert Tortoise and Linkage Conservation Area (approximately 89,900 ac) encompasses most of the land between the Mecca Hills and Orocopia Mountains Wildernesses and Joshua Tree National Park in the eastern portion of the CVMSHCP Plan Area. The Desert Tortoise and Linkage Conservation Area contains habitat for the desert tortoise, Le Conte's thrasher, Coachella Valley round-tailed ground squirrel, and the Palm Springs pocket mouse. This Conservation Area also contains suitable migration habitat for the riparian bird species covered by the CVMSHCP. Hydrological processes in this Conservation Area maintain desert dry wash woodland and desert fan palm oasis woodland. This Conservation Area provides biological corridors focused on large Interstate 10 (I-10) underpasses, linking the Mecca Hills and Orocopia Mountains Wildernesses with Joshua Tree National Park.

The proposed project would not have direct or indirect effects to the Desert Tortoise and Linkage Conservation Area because no development is proposed in or adjacent to this Conservation Area. The project has designated 56 ac of open space adjacent to the Conservation Area providing and adequate buffer between the proposed developed area and the Conservation Area. To be compliant with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) for a project next to a Conservation Area, the only measure required is to implement the Land Use Adjacency Guidelines. The purpose of Land Use Adjacency Guidelines is to avoid or minimize indirect effects from development adjacent to or within the Conservation Areas. Adjacent means sharing a common boundary with any parcel in a Conservation Area. Such indirect effects are commonly referred as edge effects, and may include noise, lighting, drainage, intrusion of people, and the introduction of nonnative plants and nonnative predators such as dogs and cats. Edge effects will also be addressed through reserve management activities such as fencing. The following are Land Use Adjacency Guidelines for development projects adjacent to or within the Conservation Areas to minimize edge effects, and shall be implemented where applicable.

- **Drainage:** Proposed Development adjacent to or within a Conservation Area shall incorporate plans to ensure that the quantity and quality of runoff discharged to the adjacent Conservation Area is not altered in an adverse way when compared with existing conditions. Storm water systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the adjacent Conservation Area.
- **Toxics:** Land uses proposed adjacent to or within a Conservation Area that use chemicals or generate bioproducts such as manure that are potentially toxic or may adversely affect wildlife and plant species, habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in any discharge to the adjacent Conservation Area.
- **Lighting:** For proposed development adjacent to or within a conservation Area, lighting shall be shielded and directed toward the developed area. Landscape shielding or other appropriate methods shall be incorporated in project designs to minimize the effects of lighting adjacent to or within the adjacent Conservation Area.
- **Noise:** Proposed development adjacent to or within a Conservation Area that generates noise in excess of 75 A-weighted decibels (dBA) equivalent continuous sound level (L_{eq}) hourly shall incorporate setbacks, berms, or walls, as appropriate, to minimize the effects of noise on the adjacent Conservation Area.
- **Invasive Species:** Invasive, nonnative plant species shall not be incorporated in the landscape for land uses adjacent to or within a Conservation Area. Landscape treatments within or adjacent to a Conservation Area shall incorporate native plant materials to the maximum extent feasible; recommended native species are listed in Table 4-112 of the CVMSHCP. The plants listed in Table 4-113 of the CVMSHCP shall not be used within or adjacent to a Conservation Area.

Because the proposed project is not going to develop the 56 ac immediately adjacent to the Conservation Area, based on the site's topography and project design, the Land Use Adjacency Guidelines would not be required. The project is only touching the approximate corner of this

Conservation Area (refer to Figure 4.4.1, CVMSHCP Conservation Areas) and the 56 ac of natural open space, which includes hills of slopes in excess of 40 percent (refer to Figure 4.6.4, Slope Analysis) would provide a sufficient barrier to meet the guidelines requirements for drainage, toxics, noise, lighting, and invasive species without actually implementing any of them.

Mecca Hills/Orocopia Mountains Conservation Area. According to CVMSHCP Section 4.3.1.8, the Mecca Hills/Orocopia Mountains Conservation Area (approximately 112,780 ac) consists predominantly of the Bureau of Land Management (BLM) Mecca Hills Wilderness Area and the Orocopia Mountains Wilderness Area. The area also includes nonwilderness lands south of the designated wilderness areas. A portion of the BLM Chuckwalla Bench Area of Critical Environmental Concern (ACEC) also occurs in this area. This Conservation Area contains habitat for the Mecca aster and Orocopia sage. The desert tortoise habitat in this Conservation Area, a portion of which has been designated Critical Habitat for the species, is contiguous with the habitat in the Desert Tortoise and Linkage Conservation Area. These areas together constitute habitat for the species. The Conservation Area contains suitable migration and breeding habitat for the riparian bird species covered by the CVMSHCP, as well as other habitat for Mecca aster, Le Conte's thrasher, Coachella Valley round-tailed ground squirrel, Palm Springs pocket mouse, and southern yellow bat. Conserved natural communities occurring in this area are Sonoran creosote bush scrub, desert dry wash woodland, and desert fan palm oasis woodland. Hydrological processes in this area maintain desert dry wash woodland and desert fan palm oasis woodland. This Conservation Area provides a linkage between the Dos Palmas Conservation Area to the south and the Desert Tortoise and Linkage Conservation Area and Joshua Tree National Park to the north. This area also links the Plan Area with protected BLM lands to the east in the Chuckwalla Bench ACEC located approximately 5 mi southeast of the project site.

East Indio Hills Conservation Area. According to the CVMSHCP, Section 4.3.1.5, East Indio Hills Conservation Area, the East Indio Hills Conservation Area (approximately 4,060 ac) includes the portion of the Indio Hills east of the Indio Hills Palms Conservation Area and the alluvial fan area between the toe of slope on the south side of the hills and the flood control berm north of the Coachella Canal. This Conservation Area is bounded on the northwest by the Indio Hills Palms Conservation Area. The portion of this Conservation Area east of Dillon Road is also in the BLM Northern and Eastern Colorado Desert (NECO) Plan Area. In conjunction with contiguous habitat in the Thousand Palms Conservation Area and core habitat in the Indio Hills Palms Conservation Area, this Conservation Area provides core habitat for the Mecca aster. This Conservation Area contains Other Conserved Habitat for Coachella Valley giant sand-treader cricket, Coachella Valley fringe-toed lizard, desert tortoise, flat-tailed horned lizard, crissal thrasher, Le Conte's thrasher, Coachella Valley roundtailed ground squirrel, and Palm Springs pocket mouse. The Conservation Area contains suitable migration and breeding habitat for the riparian bird species covered by the CVMSHCP. Conserved natural communities occurring in this area are active desert dunes, stabilized shielded desert sand fields, stabilized and partially stabilized desert sand fields, mesquite hummocks, Sonoran creosote bush scrub, Sonoran mixed woody and succulent scrub, and desert saltbush scrub. The Indio Hills are part of the watershed for the mesquite hummocks. This area has potential habitat connectivity with the Thousand Palms Conservation Area through the Indio Hills Palms Conservation Area located approximately one mi to the northwest of the project site.

Implementation of the proposed project would not interfere with these Conservation Areas. Additionally, the project would not have indirect effects to the Desert Tortoise and Linkage Conservation Area, because development is not proposed adjacent to this Conservation Area. Therefore, the Land Use Adjacency Guidelines established in Section 4.5 of the CVMSHCP would not be applicable to the proposed project.

Threshold 4.4.5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance

Less than Significant Impact. The City does not currently have a tree preservation policy or ordinance preventing or restricting the removal of trees on site. The City's General Plan Conservation Element identifies three policies protecting biological resources (Table 4.4.A).

Table 4.4.A: Compliance of Proposed Project with City's General Plan Policy for Biological Resources

Coachella General Plan Policy	Project Compliance
Policy: The City shall coordinate with the appropriate governmental agencies to identify and locate habitat areas of rare, threatened, and endangered wildlife and plant resources.	**In Compliance:** This policy was written prior to implementation of the CVMSHCP. The City is signatory for the CVMSHCP and has prepared a Biological Resources Assessment and CVMSHCP Consistency Analysis for the La Entrada Specific Plan, which identifies habitat areas of rare, threatened, and endangered wildlife and plant species.
Policy: The City shall require that project sites and development plans be reviewed by a qualified wildlife biologist and horticulturalist to identify any impacts to habitat areas of rare, threatened, and endangered wildlife and plant resources and to recommend appropriate mitigation measures including the salvage and reuse of native vegetation in project landscaping.	**In Compliance:** This policy was written prior to implementation of the CVMSHCP. As indicated above, the City is a signatory for the CVMSHCP and has prepared a Biological Resources Assessment and CVMSHCP Consistency Analysis for the La Entrada Specific Plan, which identifies impacts to habitat areas of rare, threatened, and endangered wildlife and plant species and recommends appropriate mitigation measures. Landscaping Project Design Features include native plant species that could enhance the availability of nesting sites for migratory birds in the project area.
Policy: The City shall require appropriate mitigation measures to protect rare, threatened, and endangered wildlife and plant resources including designation as Open Space.	**In Compliance:** The City, as a signatory to the CVMSHCP, is requiring appropriate mitigation measures for compliance with the CVMSHCP as provided in Mitigation Measures 4.4.1 through 4.4.7 to ensure impacts to wildlife and plant species are mitigated to less than significant.

CVMSHCP = Coachella Valley Multiple Species Habitat Conservation Plan

Through participation in the CVMSHCP and through implementation of Mitigation Measures 4.4.1 through 4.4.7, impacts related to potential conflicts with the City's local policies or ordinances protecting biological resources would be less than significant, and no mitigation is required. Measures 4.4.1 through 4.4.6 require surveys and other preconstruction activities and specific activities during construction to avoid or minimize project impacts on the desert tortoise, burrowing owl, nesting birds, and water resources.

Threshold 4.4.6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

Less than Significant Impact. As stated previously, the proposed project is within the planning boundary of the CVMSHCP; however, the project site is not within a specific Conservation Area. The proposed project is within close proximity to three CVMSHCP Conservation Areas. Therefore, the proposed project would avoid direct impacts to these Conservation Areas because the proposed project is not located within a Conservation Area. In addition, the proposed project would not have indirect effects to the Desert Tortoise and Linkage Conservation Area, located adjacent to the southeast corner of the proposed project site because development is not proposed adjacent to this Conservation Area. This area is designated in the Specific Plan as 56 ac of open space which would buffer future development on-site from the Conservation Area, Therefore, impacts related to potential conflicts with an adopted HCP would be less than significant.

Although the impacts of the project related to conflicts with the CVMSHCP are less than significant, as a signatory to the CVMSHCP, the City of Coachella will require the project applicant to pay the local development mitigation fee (LDMP) adopted pursuant to the Mitigation Fee Act, Government Code Section 66000 et seq. prior to the issuance of certificates of occupancy for the commercial/ industrial and residential uses on the project site as described in Mitigation Measure 4.4.7.

4.4.8 Mitigation Measures

The following mitigation measures are prescribed for the proposed project.

Mitigation Measure 4.4.1 **Desert Tortoise Salvage or Surveys.** The project applicant will retain a qualified biologist to conduct preconstruction surveys for the desert tortoise. If desert tortoise are found, the project applicant shall notify the United States Fish and Wildlife Service (USFWS) 45 days prior to the issuance of any grading permit to allow the USFWS to salvage adult tortoises. If the USFWS is not able to salvage desert tortoise, the project applicant will salvage desert tortoise per current USFWS desert tortoise clearance survey protocol. Construction on the project site would not occur until the tortoises are salvaged.

Mitigation Measure 4.4.2 **Burrowing Owl Preconstruction Surveys.** The project applicant shall retain a qualified biologist to conduct preconstruction surveys for burrowing owls no less than 14 days prior to any ground-disturbing activities. The preconstruction surveys shall be approved

by the City of Coachella Director of Development Services and conducted in accordance with current survey protocols provided in the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (March 7, 2012).

Mitigation Measure 4.4.3 **Burrowing Owl Avoidance Measures.** In the event a burrowing owl is found to be present on site during the preconstruction survey, the project applicant shall ensure the following applicable avoidance measures, derived from the guidelines of the Staff Report on Burrowing Owl Mitigation (March 7, 2012), are implemented:

- Avoid disturbing occupied burrows during the breeding nesting period, from February 1 through August 31. If burrows are occupied by breeding pairs, an avoidance buffer should be established by a qualified biologist. The size of such buffers is generally a minimum of 300 feet, but may increase or decrease depending on surrounding topography, nature of disturbance and location and type of construction. The size of the buffer area will be determined by a qualified biologist. Continued monitoring will be required to confirm that the specified buffer is adequate to permit continued breeding activity.
- Avoid impacting burrows occupied during the nonbreeding season by migratory or nonmigratory resident burrowing owls
- Avoid direct destruction of occupied burrows through chaining (dragging a heavy chain over an area to remove shrubs) or disking
- Develop and implement a worker awareness program to increase the on-site worker's recognition of and commitment to burrowing owl protection
- Place visible markers near burrows to ensure that equipment and other machinery does not collapse occupied burrows
- Do not fumigate, use treated bait, or other means of poisoning nuisance animals in areas where burrowing owls are known or suspected to occur

If an occupied burrow is present within the approved development area, the project applicant shall ensure that a clearance mitigation plan is prepared in accordance with the Staff Report and is approved by the CDFW prior to implementation. This plan will specify the procedures for confirmation and exclusion of nonbreeding owls from occupied burrows, followed by subsequent burrow destruction. There shall also be provisions for maintenance and monitoring to ensure that owls do not return prior to construction. Breeding owls shall be avoided until the breeding cycle is complete.

Mitigation Measure 4.4.4 **Preconstruction Nesting Bird Survey.** The project site should be cleared of vegetation outside the general bird nesting season (February 1 through August 31) to minimize potential conflicts with the Migratory Bird Treaty Act (MBTA). In the event that vegetation is not removed outside the bird nesting season, a preconstruction nesting bird survey shall be conducted by a qualified biologist 3 days prior to vegetation removal. If nesting birds protected by the MBTA are found, the biologist shall prescribe avoidance measures to be approved by the City of Coachella Director of Development Services, such as a construction buffer, until the nesting activity is concluded. The specific details of these measures depend on such factors as the species, nesting stage, topography, and type of adjacent work. Any specified buffer less than 300 feet will require continued monitoring until nesting is complete to verify its adequacy for preventing nest failure due to construction disturbance.

Mitigation Measure 4.4.5 **CDFW Section 1602 Streambed Alteration Authorization.** Prior to the issuance of any grading permits, the City of Coachella Director of Development Services shall verify that the project applicant has obtained authorization from the CDFW under Section 1602 of the California Fish and Game Code for the alteration of a streambed. In order to obtain these authorizations, the project applicant shall:

- Notify CDFW of the intent to alter the streambed. Issuance of a Streambed Alteration Agreement may require compensatory mitigation, as described below;
- Develop and implement a mitigation plan subject to review and approval by the CDFW, Regional Water Quality Control Board (RWQCB), and United States Army Corps of Engineers (ACOE) if ACOE jurisdiction is determined to compensate for the loss of the riparian habitat. Mitigation will require one or more of the following options: (1) on-site creation or enhancement of riparian habitat; (2) off-site creation or enhancement of riparian habitat; and/or (3) participation in an established off-site mitigation bank program or in-lieu fee program. If the mitigation plan includes habitat replacement, it shall identify a success criterion of percent cover of wetland or riparian vegetation equal to or greater than the vegetative cover currently associated with the existing streambeds (16.6 acres). The following specifies the required components of a jurisdictional habitat restoration and monitoring plan.

  Prior to the initiation of any construction-related activities, the applicant shall submit a detailed restoration program and restoration site plans for RWQCB and CDFW approval. Mitigation would occur at no less than 1:1 or greater as

negotiated with the regulatory agencies. Mitigation opportunities may include restoration, enhancement, or creation of jurisdictional areas. It is currently anticipated that some of the existing dry washes in the project area will be realigned and/or consolidated such that there will be no net loss of total soft-bottom streambed area. Similarly, the acreage of impacted vegetated streambed and adjacent desert dry wash woodland (currently measured at 16.6 ac) will be recreated within the ultimate drainage system, such that there is no net loss of vegetation associated with the streambeds. Refer to Figure 4.4.4 for the conceptual locations of the recreated habitat.

The Riparian Habitat Restoration, Maintenance and Monitoring Plan shall contain the following items:

- **Responsibilities and Qualifications of the Personnel to Implement and Supervise the Plan.** The responsibilities of the applicant, Specialists, and Maintenance Personnel that would supervise and implement the plan shall be specified.
- **Site Preparation and Planting Implementation.** Site preparation shall include: (1) protection of existing native species; (2) trash and weed removal; (3) native species salvage and reuse (i.e., duff); (4) soil treatments (i.e., imprinting, decompacting); (5) temporary irrigation installation (if required); (6) erosion-control measures; (7) seed mix application; and (8) container species planting.
- **Schedule.** A schedule shall be developed that includes planting in late fall and early winter, between October 1 and January 30.
- **Maintenance Plan/Guidelines.** The Maintenance Plan shall include: (1) weed control; (2) herbivory control; (3) trash removal; (4) irrigation system maintenance (if required); (5) maintenance training; and (6) replacement planting.
- **Monitoring Plan.** The Monitoring Plan shall include: (1) qualitative monitoring (i.e., photographs and general observations); (2) quantitative monitoring (i.e., randomly placed transects); (3) performance criteria, as approved by the above-listed resource agencies; (4) monthly reports for the first year and reports every other month thereafter; and (5) annual reports, which shall be submitted to the resource agencies on a yearly basis for 5 years. The applicant shall monitor and maintain the project site for 5 years to ensure successful establishment of habitat within the restored and created areas.

- **Long-Term Preservation.** Long-term preservation of the site shall also be outlined in the conceptual Restoration Plan to ensure that the mitigation site is not impacted by future development.

Mitigation Measure 4.4.6 **United States Army Corps of Engineers and Regional Water Quality Control Board Permits.** Prior to the issuance of any grading permits, the City of Coachella Director of Development Services shall verify that the project applicant has obtained an Approved Determination, in accordance with the ACOE Regulatory Guidance Letter 08-02 dated June 26, 2008, to verify the preliminary results of ACOE jurisdiction as determined in the Delineation of State and Federal Jurisdictional Waters (RBF Consulting, April 2013). In that case, the applicant shall also demonstrate that Waste Discharge Requirements have been obtained through the RWQCB, or that a Report of Waste Discharge is not required. In the event the ACOE does assert jurisdiction, then the City of Coachella Director of Development Services shall verify that the project applicant has obtained an Individual Permit, and RWQCB certification through Section 401, if required.

Mitigation Measure 4.4.7 **Coachella Valley Multiple Species Habitat Conservation Plan Fee Payment.** As a signatory to the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the City of Coachella will require the project applicant to pay the local development mitigation fee (LDMP) adopted pursuant to the Mitigation Fee Act, Government Code Section 66000 et seq. prior to the issuance of certificates of occupancy for the commercial/industrial and residential uses on the project site at the following rates (Coachella Valley Conservation Commission, http://www.scmshcp.org, website accessed July 1, 2103):

- **Commercial/Industrial:** $5,706 per acre
- **Residential (0–8 units/acre):** $1,278 per unit
- **Residential (8.1 to 14.0 units/acre):** $531 per unit
- **Residential (>14.1 units/acre):** $234 per unit

The project applicant will be required to provide documentation to the City confirming the payment of the LDMF for each certificate of occupancy. Because the rates are adjusted annually, the fees applicable to any particular certificate of occupancy would be paid at the rates in effect at the time the certificate of occupancy is requested from the City of Coachella.

4.4.9 Cumulative Impacts

According to Section 15130 of the *CEQA Guidelines*, cumulative impacts refer to incremental impacts of an individual project when viewed in connection with the effects of past projects, current projects, and probable future projects. Cumulative impacts could potentially include increased edge effects and increased wildlife mortality; however, it is likely that any current and future development may threaten wildlife in the project area. The City of Coachella and surrounding Cities and the County of Riverside are signatories of the CVMSHCP, which protects 240,000 ac of open space and 27 species. The CVMSHCP was prepared to balance environmental protection and economic development objectives in the CVMSHCP area and to simplify compliance with endangered species-related laws. The CVMSHCP 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 CVMSHCP will, to the maximum extent practicable, minimize and mitigate the impacts of the taking and provide for conservation of the covered species. The objective of the CVMSHCP is to provide certain Essential Ecological Processes, particularly the fluvial sand deposition and Aeolian transport areas, which are necessary to support occupied habitat by covered species in the dunes and other blowsand habitats. Without the CVMSHCP, there would not be a coordinated system of Biological Corridors and Linkages provided to connect Conservation Areas and the ability to provide Linkages through project-by-project mitigation may be precluded over time through continued development in the Coachella Valley. The CVMSHCP 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, a Monitoring Program, and Adaptive Management. The Conservation Areas contained approximately 496,400 ac of Existing Conservation Lands as of 1996. By November 2006, this had increased to approximately 557,100 ac. A minimum of 129,690 ac in the Conservation Areas will be conserved as Additional Conservation Lands, to be acquired or otherwise conserved through State and federal acquisitions and Permittee contributions.

The CVMSHCP includes certain requirements for Covered Activities in the Conservation Areas to avoid, minimize, and mitigate impacts to bighorn sheep habitat, biological corridors, burrowing owl, covered riparian bird species, crissal thrasher, desert tortoise, fluvial sand transport, Le Conte's thrasher, mesquite hummocks and mesquite bosque natural communities, triple-ribbed milkvetch, Palm Springs pocket mouse, and Little San Bernardino Mountains linanthus. These measures do not apply to single-family homes and any non-commercial accessory uses and structures including, but not limited to, second units on an existing legal lot.

Because the proposed project and the cumulative projects in the Coachella Valley would comply with the CVMSHCP, and the CVMSHCP and its associated EIR/EIS[1] have analyzed cumulative impacts within the region of the proposed project under CEQA, NEPA, CESA, and FESA, cumulative impacts to biological resources associated with the proposed project have been previously considered and analyzed. It was determined in the EIR/EIS that cumulative impacts to biological resources would be less than significant through the implementation of the CVMSHCP. The EIR/EIS for the CVMSHCP states:

[1] Final Recirculated Coachella Valley MSHCP Environmental Impact Report/Statement, prepared by Coachella Valley Association of Governments, September 2007.

The CVMSHCP incorporates private land acquisitions, creates large blocks capable of sustaining ecological systems, landform diversity, all trophic levels and populations large enough to be viable in the face of fluctuations caused by extremes in desert environment. The Proposed Action/Preferred Alternative is expected to result in and contribute cumulative impacts, both positive and negative. The beneficial cumulative impacts include the establishment of large, unfragmented habitat blocks, and the ecological processes that would provide for the proposed Covered Species long-term survival and recovery. The CVMSHCP proposes species-specific Avoidance, Minimization, and Mitigation Measures, and Land Use Adjacency Guidelines to avoid or minimize impacts from development in or adjacent to Conservation Areas. While the proposed CVMSHCP also allows Take, land outside of the Conservation Areas is constrained by physical conditions, isolation and a lack of cost-effective infrastructure, which could limit even very low densities of development and thereby reduce the potential Take that might occur in these areas. Nonetheless, development outside Conservation Areas facilitated by the CVMSHCP could put incremental pressure on the lands within the Reserve System.

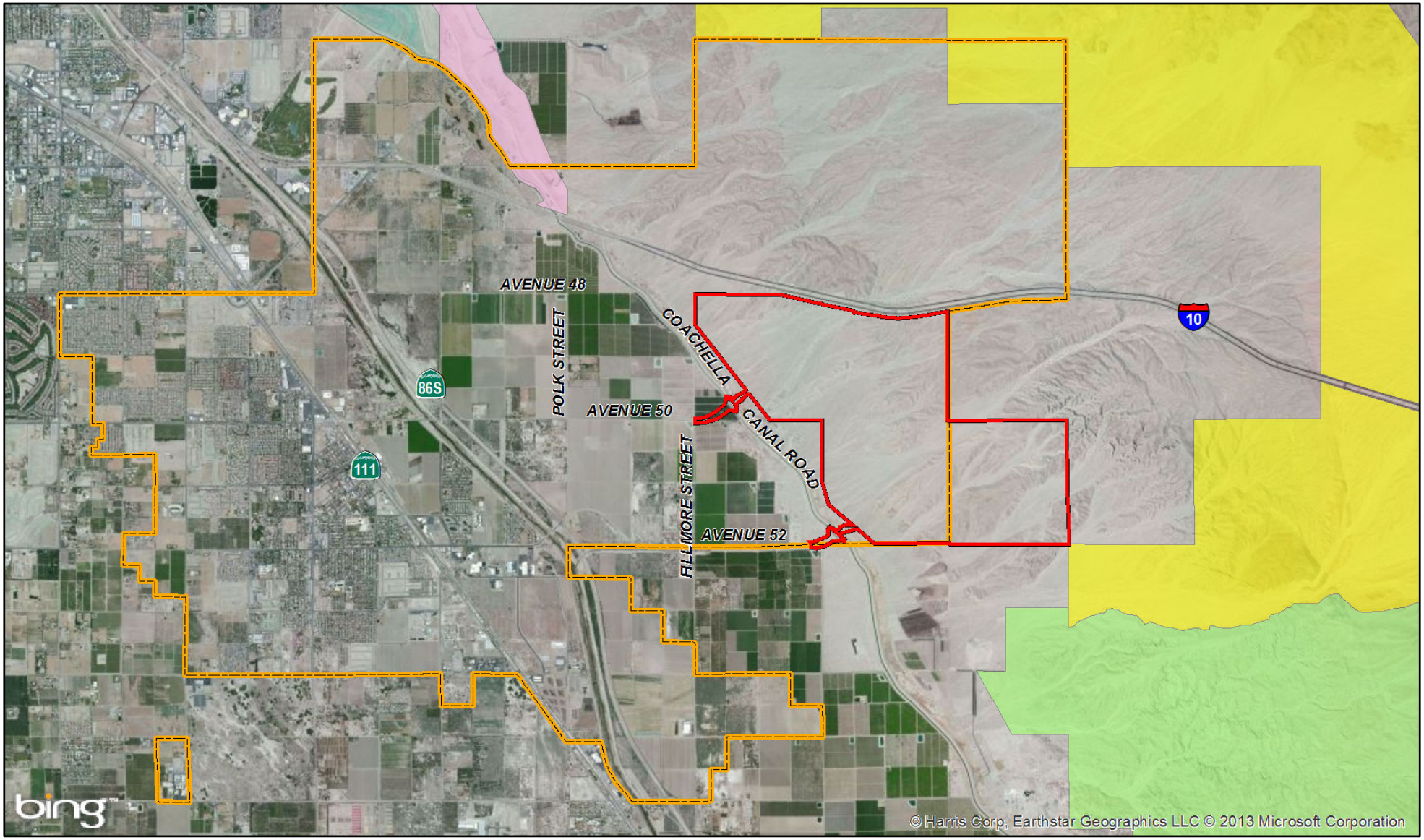
The CVMSHCP also includes comprehensive Monitoring and Management Programs. The primary purpose of the Monitoring and Management Programs is to determine whether the proposed Plan is achieving its Conservation Goals and Objectives to ensure that the Covered Species and natural communities are protected in perpetuity; specify the primary components of MSHCP Reserve System management; and determine how effective Adaptive Management strategies are to address changes in habitat condition, natural communities, and/or species status. The Management and Monitoring Programs focus on identifying changes in identified natural communities and Covered Species condition (numbers, distribution, etc.) and what factors may be causing the identified changes.

The Monitoring Program would provide scientifically reliable data on the status of Covered Species; spatial and temporal dynamics (amplitude and magnitude) of ecosystem components for the covered plant and animal species and natural communities; the threats to these species and natural communities; and the results of research and the management of covered species. The Management Program would incorporate Adaptive Management, which includes an integrated multidisciplinary approach to addressing management practices, evaluating management actions, and assessing threats using appropriate experimental approaches at species, community, and landscape levels.

The proposed project and any other future public or private projects are subject to CVMSHCP compliance including the payment of fees, which helps cover the cost of acquiring habitat and implementing the CVMSHCP and, therefore, any cumulative impacts on biological resources are less than significant.

4.4.10 Significant Unavoidable Adverse Impacts

Upon implementation of Mitigation Measures 4.4.1 through 4.4.7, the proposed project would not result in significant unavoidable adverse impacts related to biological resources.



LSA

FIGURE 4.4.1

LEGEND

Project Boundary

Coachella City Limits

CVMSHCP Conservation Areas

Desert Tortoise and Linkage Conservation Area

East Indio Hills Conservation Area

Mecca Hills/Orocopia Mountains Conservation Area

0 2900 5800

FEET

La Entrada Specific Plan

CVMSHCP Conservation Areas

SOURCE: Bing (c. 2010); Coachella Valley Association of Governments, 2004; Riverside County, 2011.

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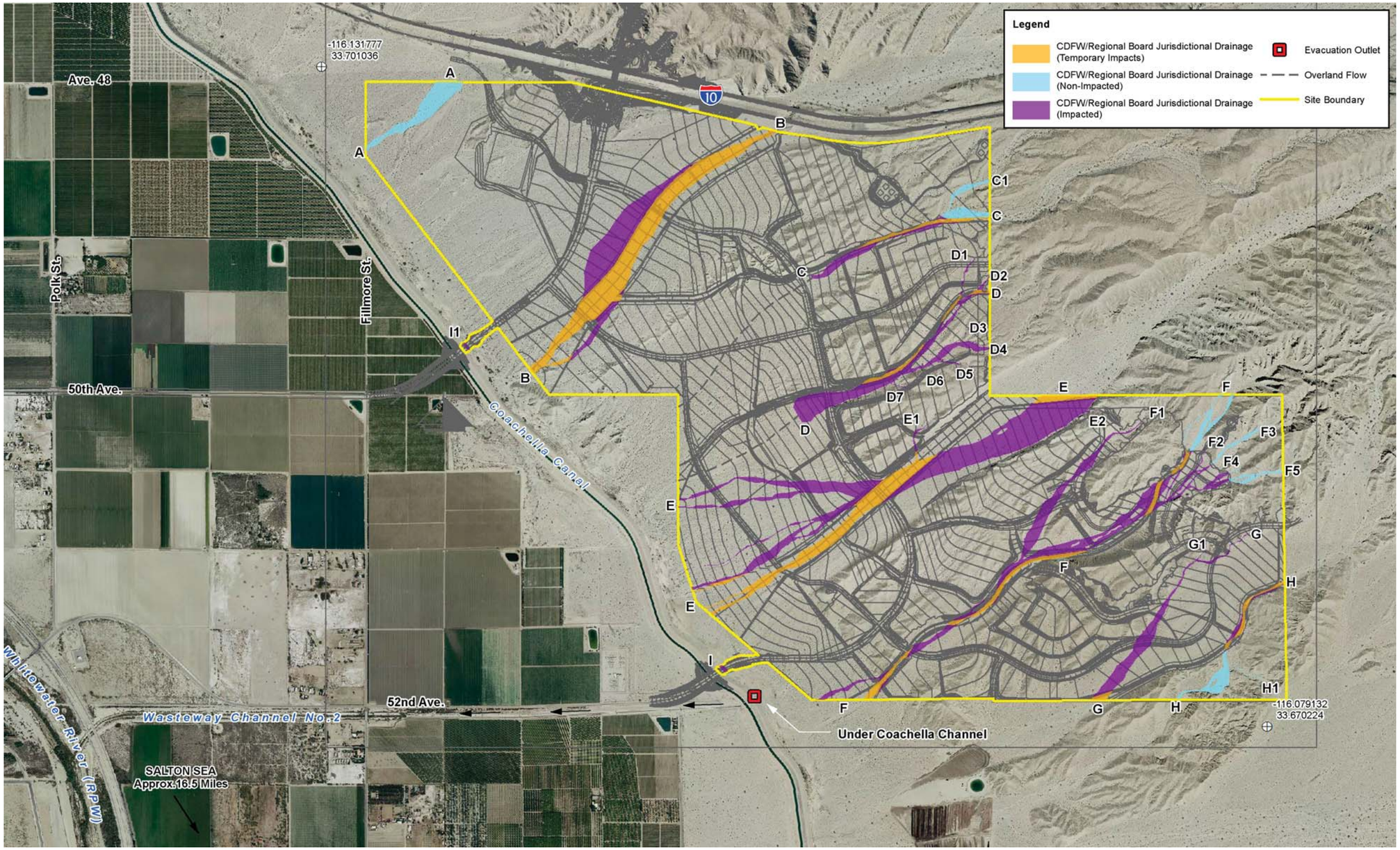

LSA

FIGURE 4.4.2

N

0 900 1800
FEET

SOURCE: RBF La Entrada Specific Plan

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La Entrada Specific Plan
CDFW & Regional Board Impact Map

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LSA

FIGURE 4.4.3

LEGEND

Desert Dry Wash Woodland

N

0 1200 2400

FEET

SOURCE: RBF La Entrada Specific Plan

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La Entrada Specific Plan

Impacts to Desert Dry Wash Woodland

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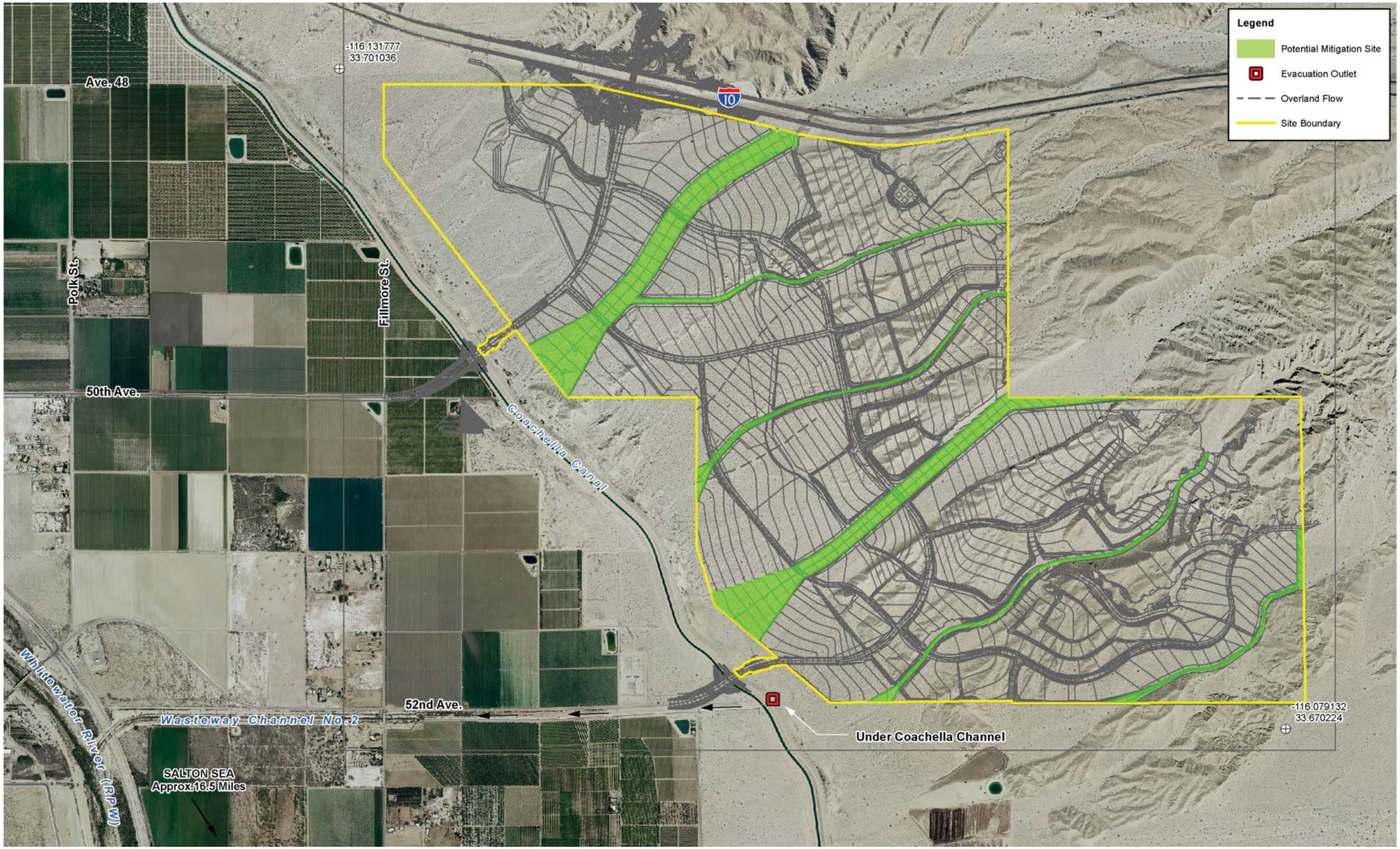

LSA

FIGURE 4.4.4

N

0 900 1800
FEET

SOURCE: RBF La Entrada Specific Plan

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La Entrada Specific Plan

Potential Onsite Streambed Mitigation Areas

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