SCH #2014091078 Alta Verde/Linea (TTM 36723)

City of Palm Springs
Case # 5.1342-PD371 / TTM 36723

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1.0 Introduction to the Draft Focused EIR

1.1 Authorization and Purpose

This document is an Environmental Impact Report (EIR) prepared in accordance with the California Environmental Quality Act (CEQA) of 1970 and CEQA Guidelines, as amended. This EIR has been prepared for the City of Palm Springs as the Lead Agency, in consultation with the appropriate local, regional and State agencies.

The purpose of the EIR is to inform the public of any significant environmental impacts of the project, and identify possible ways to minimize the significant effects, and describe reasonable alternatives that support the project's objective. CEQA Guidelines, Section 15382, defines "Significant effect on the environment" as follows:

"A substantial, or potentially substantial adverse change in any of the physical conditions within the areas affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance".

This EIR is a "Focused EIR" that concentrates on the potentially significant impacts of the project on the Biological issue of Sensitive Species. As provided by Section 15150 of the CEQA implementing regulations (the "CEQA Guidelines") (Title 14, California Code of Regulations, Sections 15000-15387), this Focused EIR incorporates by reference, in their entirety and including all appendices, each of the following previously published CEQA documents for this project; the Environmental Impact Report for the Canyon Park Resort and Spa Specific Plan (March 1991); Environmental Assessment for the Amendment to Specific Plan 1 Canyon Park Resort & Spa, Specific Plan 1A, Planned Development District and Development Agreement (November 1993); Addendum to the EIR Prepared for the Canyon Park Resort and Spa Specific Plan (July 2002); ACDA Canyon South Specific Plan (amendment to the Canyon Park Specific Plan #1, July 2003) and the 2003 Biological Resources Report and Impact Analysis for the Monte Sereno Development.

The history of the environmental review for this Property is described in Section 1.3 of this report. This DFEIR is the fourth environmental document prepared for the project area. Pursuant to Section 15132 of the CEQA Guidelines, each of these previously published CEQA documents and their associated appendices are part of the DFEIR for this Project.

1.2 Use of the EIR

It is the intent of this EIR to provide the City of Palm Springs decision makers and general public with the relevant information to use in considering the required approval for this project. The City of Palm Springs will use this EIR for the discretionary approvals of entitlements required to develop the project. This document is the Draft Focused Environmental Impact Report for the Alta Verde Group's development of 7.21 acres on Bogert Trail in the City of Palm Springs. The project that is the subject of this DFEIR is the Alta Verde Group's, Linea Residential Project (the "Project").

This document consists of two parts. Part I is this Introduction, which explains the nature of this document, provides guidance on how to use it, and describes the history of the environmental review process for this Project. Part II is an environmental analysis prepared for the identified areas that require further analysis. Sections 2 through 5 of Part II consider cumulative impacts of the project, and the impact of project alternatives.

To the extent that the proposed project's impacts are less than or similar to impacts already identified as significant and unavoidable, those unavoidable adverse impacts have already been analyzed by the city in subsequent documents such as, the certified Canyon Park Resort and Spa Specific Plan EIR (SCH#91012026).

1.3 History of Environmental Review

The Canyon Resort and Spa Specific Plan #1 ("Specific Plan") was originally approved in 1991. The Specific Plan consists of 750 +/- acres around South Palm Canyon Drive, southerly of Murray Canyon Drive, which includes the 7.21 acre subject Property. The approved Specific Plan proposed a master plan for the development of a guard-gated residential enclave consisting of 350 detached single family units ranging in size from approximately 3,500 to 8,000 square feet in size, 250 on-site employee housing units, and a 400 room destination resort-hotel named, Canyon Park Resort & Spa. Other non-residential amenities were to include an 18-hole championship golf course and clubhouse, a tennis complex, a 54 room health spa, a youth center, and commercial space. The subject Property was designated for residential development in the approved Specific Plan.

The Canyon Park Resort and Spa Specific Plan was the subject of a full environmental impact report ("EIR") in accordance with the California Environmental Quality Act. At the time of the EIR preparation, the original applicant had purchased, leased, or optioned most, but not all, of the 750 +/- acres involved in the Specific Plan planning area. The Environmental Impact Report was prepared analyzing the impacts of

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developing the entire 750 +/- acre area with the amenities planned at the time. The project was intended to continue as an integrated master planned development under the direction of a single developer in phases which would allow for a single EIR rather than analyzing impacts on a project-by-project basis. The EIR for the Canyon Resort and Spa Specific Plan (SCH# 91012026) was certified on July 19, 1991.

In 1994, the Canyon Park Resort and Spa Specific Plan (SP-1) was amended and a subsequent Mitigated Negative-Declaration was prepared and adopted for the SP-1 amendment. However, subsequent to the approvals of the 1994 SP-1 amendment, the original developer abandoned the project. The Agua Caliente Development Authority (ACDA) acquired the former hotel and existing golf course site, and several other parcels were acquired by other entities, Indian allottees, and private owners. The original Specific Plan was amended and renamed as the Canyon South Specific Plan #1A and adopted in July 2003 (Terra Nova Planning & Research). An EIR Addendum was also processed in 2003 as part of the Canyon South SPA and added as an addendum to the FEIR (1991) and MND (1994) previously adopted. The Canyon South SPA outlines the four components to the project area, and the reduction of the project boundary by 20 acres at the northeast corner, it also reflects the current ownership and development patterns in the project area, as well as the reduced density and intensity of land uses of the previously approved SP.

The 2003 EIR Addendum analyzed impacts of a change from single development entity to multiple developers and changes to the project's altered land use. The overall project remained relatively similar to the original plan in that it still proposed hotel, golf course, and residential units. The 2003 Canyon Park SPA #1A would result in the reduction in the overall density by 37 units, the location of 230 single family residential units west of South Palm Canyon Drive; and the removal of any hotel, commercial, and restaurant uses from the west of South Palm Canyon Drive.

The proposed residential project is consistent with approved land uses within the adopted Canyon South Specific Plan and was therefore considered and analyzed in the EIR Addendum. However, since adoption of the EIR Addendum the United States Fish and Wildlife Service (USFWS) designated the Casey's June beetle (CJB) as an endangered species and designated 587 acres of Palm Springs as critical habitat for the CJB. The subject property is an isolated island of land within the designated critical habitat for the CJB. Due to this designation, the City of Palm Springs is preparing this Draft Focused Environmental Impact Report (DFEIR) to analyze the potential impacts associated with the proposed project on CJB and its habitat.

Impacts associated with the following mandatory CEQA topics will be equivalent to or less than those analyzed in the EIR and subsequent Addendum for the Specific Plan:

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- Aesthetics
- Agriculture
- Air Quality
- Cultural Resources
- Geology
- Hazards and Hazardous Materials
- Hydrology
- Land Use
- Noise
- Public Services
- Water/Sewer
- Transportation
- Utilities and Service System
- Mineral Resources
- Population and Housing
- Recreation

Additionally, the project will be consistent with the General Plan designations for the project area and follow all applicable conditions and mitigation measures previously adopted.

1.4 Notice of Preparation

A Notice of Preparation of an EIR for this document was circulated to local and federal agencies from September 26, 2014 to October 27, 2014 (Appendix D). Three comment letters were received during this period:

- Comments were received from Joan Taylor on behalf of the Sierra Club; her letter requested the EIR to analyze the CJB, desert tortoise, burrowing owl and other biological issues.
- 2. The Agua Caliente Band of Cahuilla Indians (ACBCI), Tribal Historic Preservation Office (THPO) requests a cultural resource inventory of the project area by a qualified archaeologist, copies of any cultural resource documents, and an approved Native American Cultural Monitor during any ground disturbing activities.
- 3. An NOP Opening letter from the State Clearinghouse.

The comments raised by the Sierra Club regarding biological resources are addressed in Sections 2.0 and 3.0 of this document. The comments from ACBCI have been addressed in previous environmental documents. Cultural resources, as stated above, have not changed since the approval of the EIR Addendum. The project will be subject to the mitigation measures included in the EIR and EIR Addendum, including monitoring.

2.0 Project Description

2.1 Introduction

The Alta Verde Group's Linea residential project (the Project) involves the development of 7.21 acres of land in the City of Palm Springs for single family residences, as anticipated under the City of Palm Springs General Plan. The proposed land use is consistent with the land use plan originally approved in 1991 as part of the Canyon Park Resort and Spa Specific Plan. The Subject Property has undergone previous environmental analyses under the California Environmental Quality Act (CEQA) as described in Section 1.0 of this document.

Under the CEQA Guidelines (Section 15162), once an environmental impact report for a project has been certified, the Lead Agency need not require additional environmental review unless they find that changes have occurred to the project or to the circumstances surrounding the property, which would result in new impacts not previously analyzed, or which would increase the severity of significant impacts beyond the level previously analyzed. The proposed Project is the same use, at the same density as was previously analyzed in the 1991 EIR, 1994 Mitigated Neg-Dec and 2003 EIR Addendum, the balance of the Specific Plan area has been developing steadily since the last Addendum was prepared for the Specific Plan Amendment No. 1, and overall development potential previously analyzed is still consistent today. Therefore there are no significant changes to the project which would warrant additional environmental review under CEQA.

Since the approval of the EIR, however, in 2011, the United States Fish and Wildlife Service ("USFWS") designated the Casey's June beetle ("CJB") as an endangered species, and established 587 acres of land in the area of the proposed project as critical habitat for the CJB. The subject property is an isolated island of land within the CJB critical habitat, the City of Palm Springs is preparing this Draft Focused Environmental Impact Report (DFEIR) to analyze the potential impacts associated with the proposed project on CJB and its habitat.

2.2 Project Location

The project site totals 7.21 acres of vacant land located in the southern portion of the City of Palm Springs on S. Palm Canyon Drive and Bogert Trail. The property can also be described as Assessor Parcel Number (APN) 512-190-038 and occupies a portion of Section 35, Township 4 South, Range 4 East, San Bernardino Base and Meridian. See Figures 2.1 thru 2.7 for additional location references.

2.3 Project Objectives

In pursuit of development of the project site, specific objectives of the project include:

- Adding to the diversity of the housing opportunities in Palm Springs and thereby assisting in the achievement of the City's sustainable goals through the use of sustainable building design in the highly desirable South Palm Canyon area.
- Creating a high quality residential development of 14 lots which will be complementary to the surrounding community through a Planned Development District.
- Design a community that is sensitive to the view corridors of the Project and surrounding neighbors.
- Constructing and paving roads and adding utility infrastructure to City standards.

2.4 Existing Site Conditions

Single family residences and finished lots border the site to the north, east, and west while Bogert Trail borders the property's southern boundary. South of Bogert Trail has also been developed as individual single family residences. The Project site's land use is designated in the Specific Plan as Estate Residential limiting density to 0-2 dwelling units per acre.

Bogert Trail is a two-lane collector street reaching from Palm Canyon Drive to the west and Andreas Hills Drive to the east. The existing, fully improved, street has a 60 foot right-of-way with existing sidewalks except near the Project site's street frontage. Sidewalk and landscaped parkway along Bogert Trail will be established as part of the improvements to the Project's street frontage.

The Project site and vicinity possess characteristics of habitat types in the Creosote Bush Scrub Series (further details on species and habitat types within the Project site and vicinity are provided in Section 3.0 of this document). Single family residences and finished lots that surround the Project site have removed any previously existing natural vegetation. The site was previously disturbed to borrow fill dirt which created a large excavation basin on the northeastern corner of the site which is referred to as a borrow pit in this document. The previous owner of the 7 acres, excavated dirt from this area in the mid 60's, during the construction of the existing residence adjacent to the project site, in order to elevate his home for flood control protection. The CJB Focused study refers to the excavation as a "debris basin" with reestablished native and invasive

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vegetation and trash. Vehicle tracks were found on the eastern edge of the property, as well as, a variety of trash located throughout the site.

The Project site is located on a fluvial terrace and alluvial fans created by the convergence of multiple drainages originating in the San Jacinto and Santa Rosa Mountains. Consequently, the site gently slopes from south to north with an approximate elevation ranging from 549' to 533' above mean sea level (MSL). There is no evidence of natural drainage through the site and surrounding development, street improvements have eliminated any natural drainage patterns and flows through the property. Palm Canyon Wash, a tributary to the Whitewater River is located approximately 650 feet to the east of the Project site. Palm Canyon Wash is dry for most of the year except during higher intensity storm events when stormwater flows follow the wash. The Monte Sereno development lies between the Palm Canyon Wash and the Project site.

The Project site is located within the Whitewater River Watershed. The Whitewater River Watershed is under the jurisdiction of the California Regional Water Quality Control Board (RWQCB) Colorado River Basin Region (Region 7) of the State Water Resources Control Board (SWRCB). The Whitewater River watershed boundaries to the north and northwest are the rugged mountain ranges of the Colorado Desert, the San Bernardino Mountains, Little San Bernardino Mountains, and Indio Hills. The watershed boundaries to the east and south are the Mecca Hills, the Orocopia Mountains, the Salton Sea, and Santa Rosa Mountains. The western boundary is generally defined by the San Jacinto Mountains.

2.5 Proposed Project

The Canyon South Specific Plan SP-1 does not include a zoning map amendment as it presumes that the entire project would be implemented through the City's Planned Development District protocols consistent with the Specific Plan. Two similar site plans have been considered to evaluate potential impacts from development of the site. Under both site plans, 14 single family residences would be developed on all recorded residential lots.

The preferred Project, involves the subdivision and development of the property into 17 separate numbered and lettered lots, private streets, and the creation of a Planned Development District upon the Project site (TTM 36723). Final development will consist of 14 single family luxury residences that feature sustainable design, which take advantage of the vistas offered by the Property, and help to evolve the "modern" architectural design aesthetic for which Palm Springs is famous. The remaining three lettered lots (A-C) will be built to allow for landscaping features and stormwater discharge. Residential lots will range in size from 15,834 to 24,005 square feet. Lettered

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lot "C" will consist of one 5,516 square foot lot designated for water, sewer, storm drain easement and stormwater retention basin, and lettered lots A & B will have the same 5,516 square footage but are designated lots for landscaping of project frontage along Bogert Trail.

This drainage lot will be engineered to the necessary specifications to accept and dissipate the first flush volume associated with the Project. Storm runoff in excess of the provided retention basin will overflow to the north onto the Monte Sereno grass lined channel/basin. The runoff will then be directed to the nearest storm drain catch basin which accesses the drywell system currently in place as part of the Monte Sereno project. The project will be required to develop and implement a Project Specific Water Quality Management Plan (WQMP) to comply with the most current standards of the Whitewater River Region Water Quality Management Plan for Urban Runoff and the Whitewater River Watershed MS4 Permit.

The Project-specific WQMP establishes a detailed strategy of site design, source controls, treatment controls and on-going maintenance measures to address post construction-runoff quality and quantity. Compliance and implementation protects the receiving waters and avoids project violations to the established water quality standards and waste discharge requirements. As a standard process for new development projects, the WQMP must be submitted and approved prior to the first discretionary project approval or permit.

Creation of a Planned Development District upon the property will allow for customization of the development standards for the property while also allowing the property to remain consistent with the specific plan. The property is designated in the Canyon South Specific Plan as low density residential development, this Specific Plan allows for slightly more building height, as well as flexibility in setbacks.

Lot Size	Specific Plan Design Standards	PDD Standards
Minimum Lot Size	15,000 s.f.	15,000 s.f.
Minimum Lot Dimensions	120' x 130'	115' width / 120' depth
Minimum Lot Width along	130'	27' frontage
Curves and Cul De Sacs		
Setbacks		
Min. Front Yard @ Garage	20'	18'
Min. Front Yard @ Living	10'	10'
Area and Side Loaded		
Garage		
Min. Interior Side Yard	10'	5'
Min. Corner Side Yard	20'	10'
Min. Rear Yard	15'	10'

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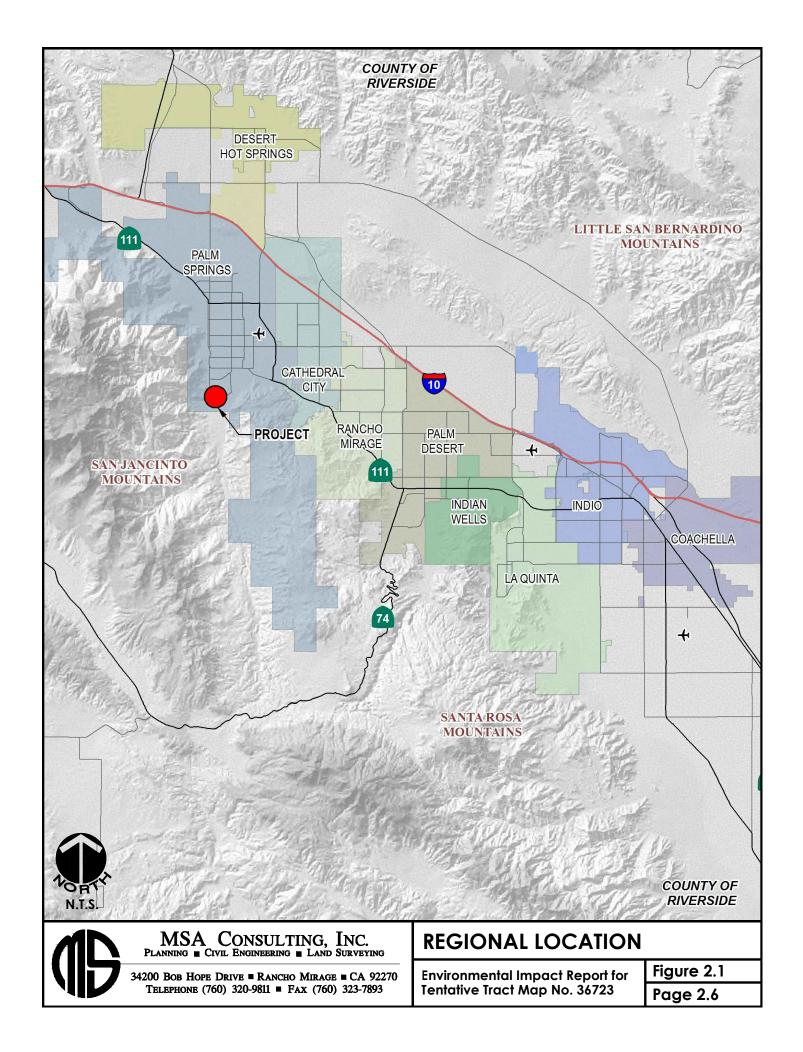
Min. Setback to Adjacent	15'	15' (see exception for
Properties (East, North and		casita)
West)		
Other		
Max. Structure Height	22'	19'-6" from approved
		pad
Max. Lot Coverage	35%	35%
Casita (detached) Allowed	Yes	10' setback throughout
Walls (internal)	6'	Front yard and side yard
		walls – 7' max. height
		/10' min. setback from
		right-of-way.

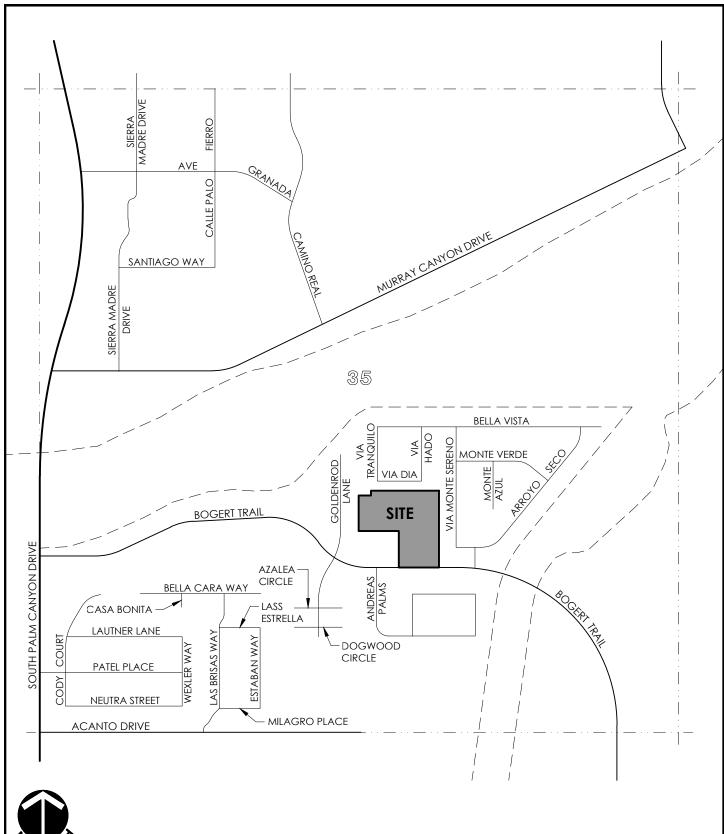
The Project area is consistent with the intended land use found in the approved Canyon South Specific Plan, and fulfills key General Plan objectives for land use. The Project density is consistent with the density in the Specific Plan and the City's Zoning Ordinance.

2.6 Permits and Approvals Required

Potential permits and approvals required for the proposed project are listed below.

- Consultation with Fish and Wildlife for CJB critical habitat
- Planned Development District City of Palm Springs
- Tentative Tract Map City of Palm Springs
- Desert Tortoise and Burrowing Owl Clearance Surveys prior to grading









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VICINITY MAP

Environmental Impact Report for Tentative Tract Map No. 36723

Figure 2.2



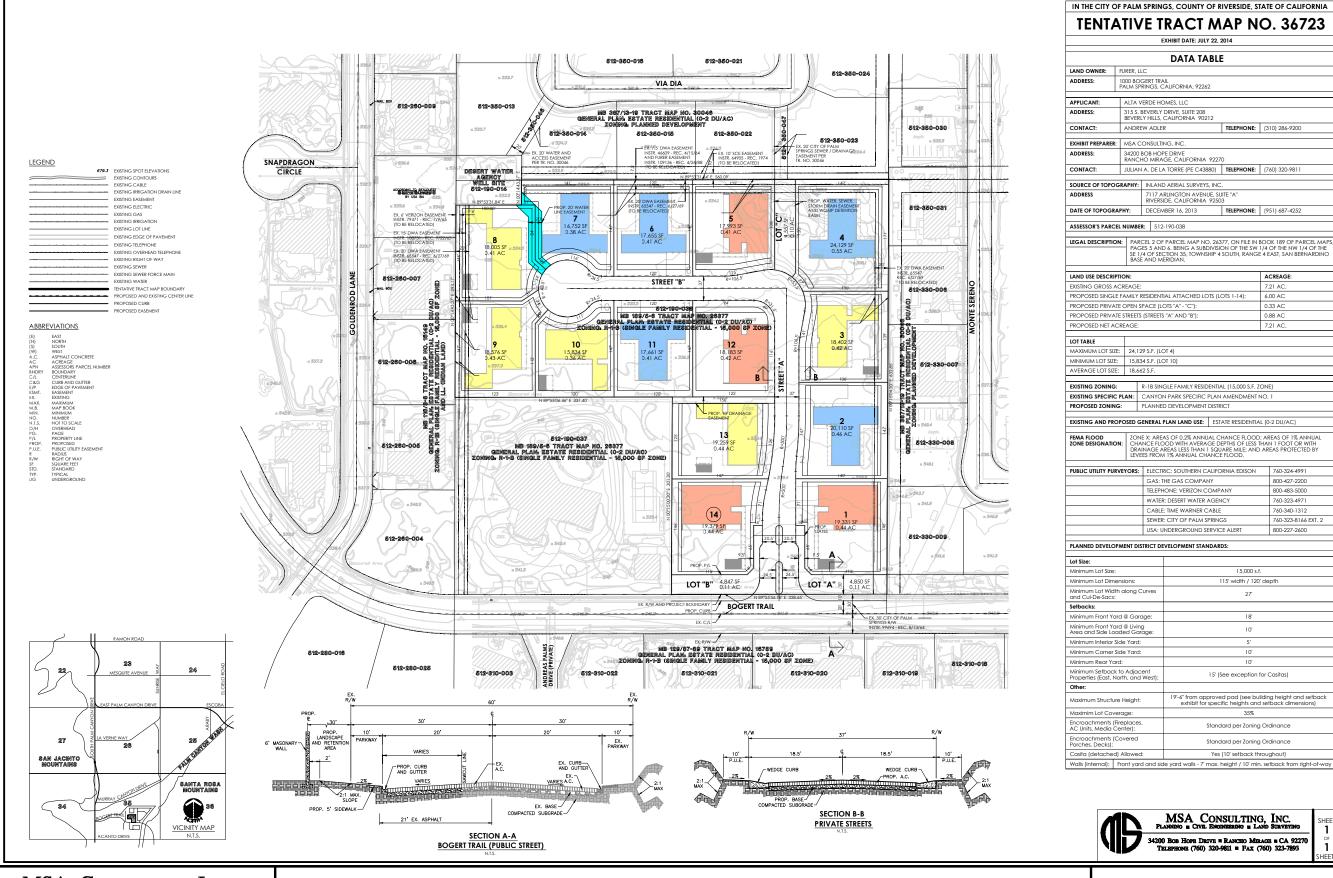


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SITE CONDITIONS

Environmental Impact Report for Tentative Tract Map No. 36723 Figure 2.3 Page 2.8





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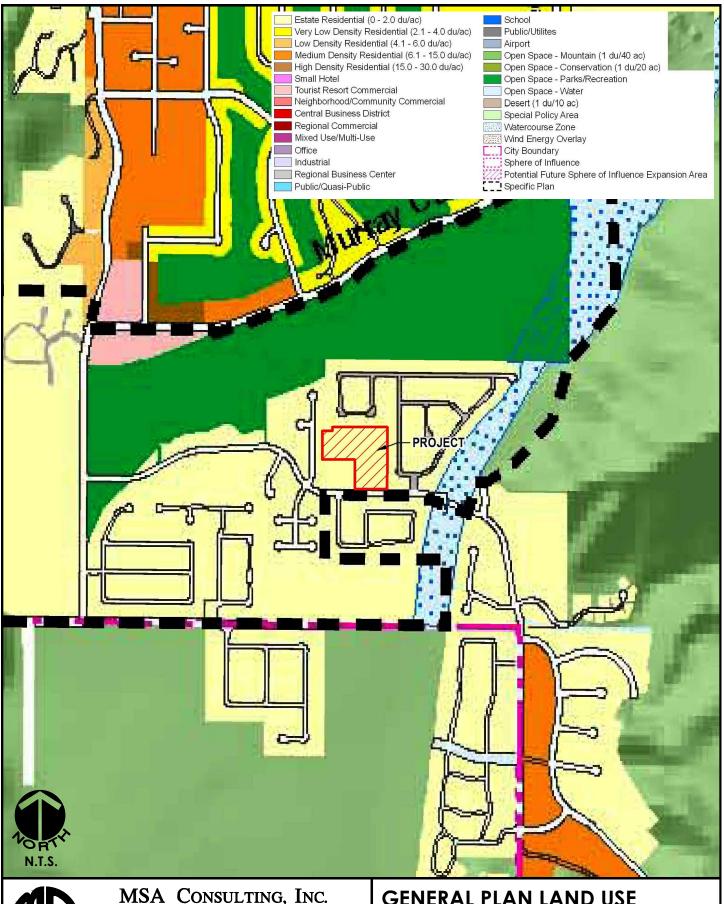
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Environmental Impact Report for Tentative Tract Map No. 36723

Figure 2.4





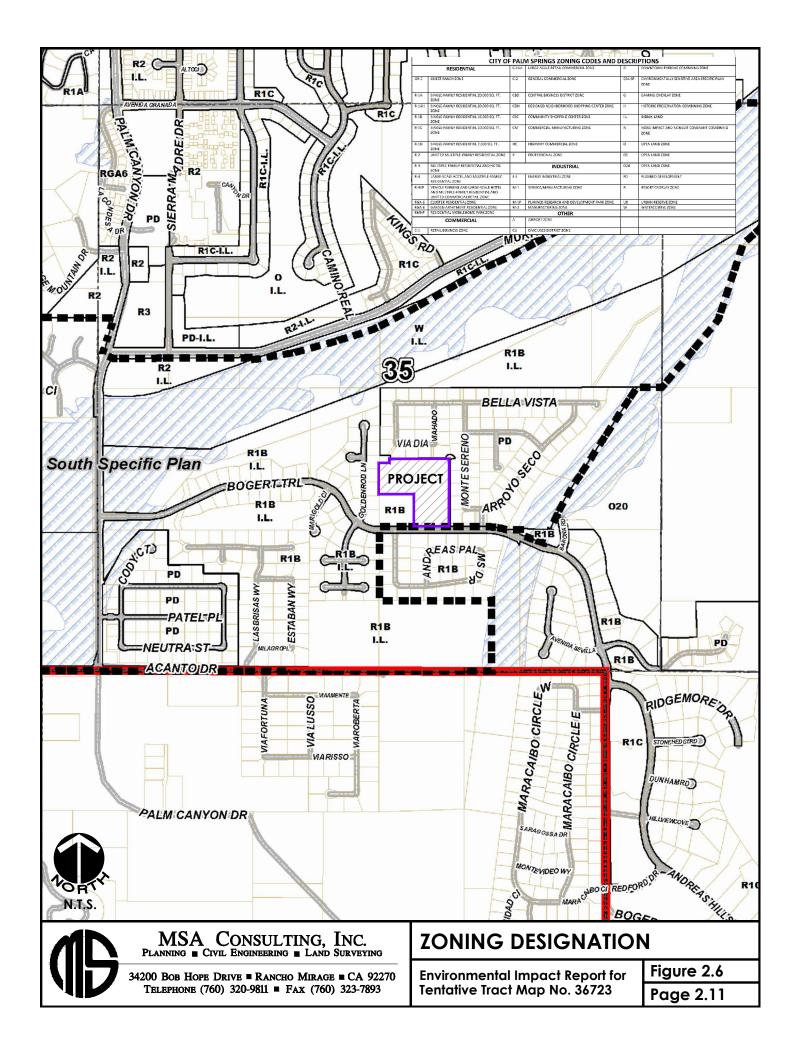
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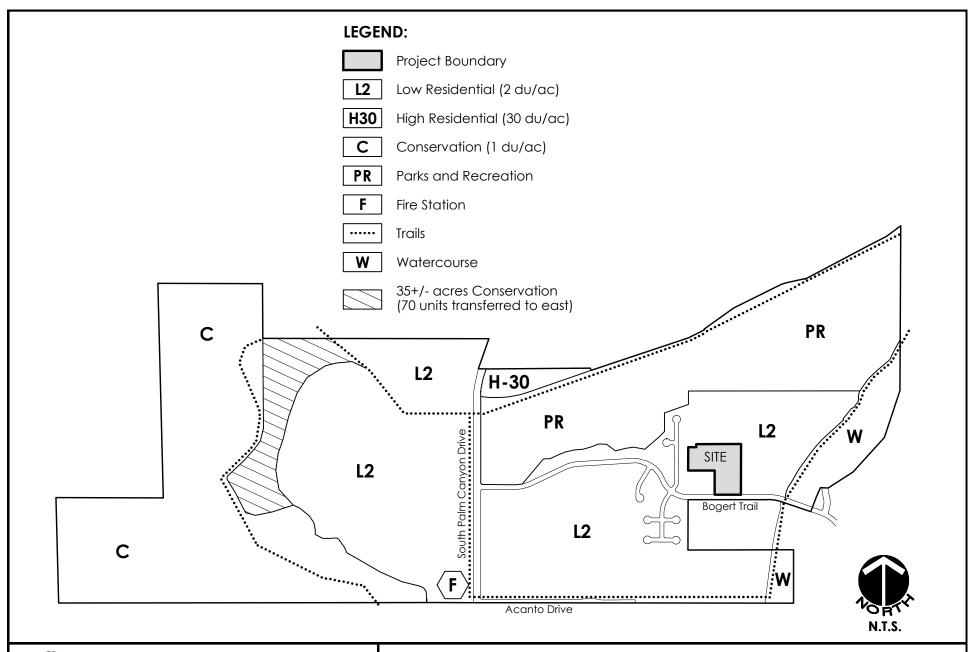
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GENERAL PLAN LAND USE

Environmental Impact Report for Tentative Tract Map No. 36723

Figure 2.5







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LAND USE MAP

Environmental Impact Report for Tentative Tract Map No. 36723

Figure 2.7

3.0 Impacts to Biological Resources

3.1 Introduction

The Project specific biological resource analysis supplements the previous biological resources analyses conducted for the overall project area, the latest of which was approved as part of the 2003 Addendum to the EIR for the Canyon Park Resort and Spa Specific Plan. Focused surveys for sensitive species, including Casey's June beetle (CJB), peninsular bighorn Sheep, and desert tortoise were conducted upon and around the Monte Sereno project prior to that projects development.

For the purposes of this Focused EIR, an updated CJB Study was prepared in April and May of 2014 for the proposed Project site. This section includes discussion from the 2014 CJB survey, a description of Project area habitats, identification of special status species with the potential to occur in the Project area, and a discussion of applicable laws and regulations related to biological resources and agencies responsible for their implementation and carried over from previous analysis. Potential Project-related impacts to Casey's June beetle resources are analyzed and mitigation measures are presented to reduce potentially significant impacts.

3.2 Existing Biological Conditions

3.2-1 Project Area Habitats

The Project site is undeveloped and is located in the existing Canyon Park Specific Plan Area at the foot of the Santa Rosa and San Jacinto Mountains, within the southern portion of the City of Palm Springs corporate boundaries. The Project site's vegetative community has been identified as being a part of the Creosote Bush Series¹. The majority of the remaining areas in the Project vicinity are currently developed or slated for development. The Palm Canyon Wash is the only area within the Project vicinity not slated for development. The Palm Canyon wash is located approximately 600' east of the subject property.

3.2-2 Creosote Bush Series

The project-specific Casey's June beetle Survey was prepared by James W. Cornett, Ecological Consultants during April and May, 2014, in accordance with USFWS protocols for Casey's June beetle surveys. The site is dominated by golden cholla (Cylindropuntia echinocarpa) and cheesebush (Ambrosia salsola). Creosote bush (Larrea tridentate) is present upon the site and, therefore, has been classified in Sawyer and Wolf's Creosote

-

¹ Cornett, 2014

Bush Series². The Creosote Bush Series is often considered part of the Creosote Bush Scrub which is deemed as a collection of different series³. Also identified upon the site were Smoke tree (Psorothamnus spinosus) and Thurber's sandpaper (Petalonyx thurberi). According to the project-specific CJB Survey Report, this association of plants is nearly identical to that of the Smoke Tree Ranch development which is the center of the remaining CJB habitat⁴.

A. Sonoran Creosote Bush Scrub / Sonoran Mixed Woody and Succulent Scrub: According to the Agua Caliente Tribal Habitat Conservation Plan (THCP), the project site is identified as being part of the Urban and Sonoran Mixed Wood and Succulent Scrub natural plant communities. The Mountain and Canyons Conservation Area (MCCA) and Valley Floor Conservation Area (VFCA) boundary outlines a portion of the site as Sonoran Creosote Bush Scrub. The habitat type is the most widespread vegetation type in the Colorado Desert. The creosote bush scrub community is simple because of low species diversity and the broad spacing of shrubs, often with bare ground in between. Sonoran creosote bush scrub reaches greatest development on coarse, well-drained soils of steep slopes, fans, and valleys with warm micro climates seldom reaching below freezing.

The Sonoran mixed woody and succulent scrub is similar to Sonoran creosote bush scrub but is varied and slightly denser. It is found on alluvial fans and rocky, well drained slopes of the San Jacinto Mountains. Per the THCP, the Sonoran creosote bush scrub and Sonoran mixed woody and succulent scrub are the most dominant plant communities for undeveloped areas and comprising approximately 68 percent of the total undeveloped area on the valley floor.

3.3 **Sensitive Species and Habitats**

3.3-1 Sensitive Status Species

Sensitive or special status plant and wildlife species include those that are:

- Listed, proposed, or candidate species for listing as Threatened or Endangered by the U.S. Fish and Wildlife Service (USFWS) pursuant to the Federal Endangered Species Act of 1973, as amended;
- Designated as Species of Concern by the USFWS;

³ Sawyer. J. 0. and T. Keeler-Wolf, 1995

⁴ Cornett, 2014

- Listed as rare, threatened, or endangered by the California Department of Fish and Wildlife (CDFW) pursuant to the California Endangered Species Act of 1970, as amended;
- Designated as Fully Protected under Sections 3511 (birds), 4700 (mammals), and 5050 (reptiles and amphibians) of the California Fish and Wildlife Code;
- Designated by the CDFW as California Species of Concern;
- On the California Rare Plant Society (CNPS) list 1B or 2;
- Protected by local ordinance; or
- Not currently protected by statute or regulation, but considered rare, threatened, or endangered under CEQA (Section 15380), or a species considered by the scientific community to be sufficiently rare to qualify for such a listing.

Sensitive species have been previously identified as having potential to occur within the Project vicinity, these are, the peninsular big horn sheep (Ovis canadensis cremnobates), the desert tortoise (Goperhus agassizi), and the Casey's June beetle (Dinacoma caseyi). Previous Biological Assessments completed for the site for the 2003 EIR Addendum were directed towards identification of these special status species. At the time of the completion of the 2002 Biological Assessment, it was determined that none of the special status species were present. James W. Cornett, Ecological Consultants, who conducted the CJB survey in 2014 also prepared a supplemental letter describing his observations during the CJB survey (please see Appendix B). The letter indicates that the property does contain suitable habitat for the burrowing owl, but that neither desert tortoise nor bighorn sheep were observed, no sign (scat or other) were found, and neither species occurred on the Project site. The Tribal HCP does not list the project site as critical habitat for the bighorn sheep or desert tortoise, and no new mitigation is required for these two species. The Project does lie in an area designated as critical habitat by the USFWS for the Casey's June beetle. A Focused CJB study was prepared in May 2014 to determine if the CJB was present on site as discussed in this document.

A. Mammals

The endangered peninsular bighorn sheep (*Ovis canadensis nelsoni*) has been recorded in the general vicinity of the Project site (records from the Bighorn Institute, Palm Desert, California). The Focused Peninsular Bighorn Sheep Study prepared in December 2002 (Planning Associates), states that no bighorn sheep were observed or detected during field surveys. This 2002 report concludes that the

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subject property or its vicinity do not represent a historic habitat, corridor, water or food source for the sheep. The supplemental letter prepared by James W. Cornett in 2014 verifies there is no evidence of peninsular bighorn sheep habitat on the subject property.

The San Jacinto Mountains support the northernmost subpopulation of the PBS and represent one of nine PBS recovery regions designated in the USFWS Peninsular Bighorn Sheep Recovery Plan. The current population of approximately 793 animals is distributed in eight known ewe groups from the San Jacinto Mountains to the Mexican border. In the 1970s waterhole counts estimated peninsular bighorn numbers hovered over 200, the population subsequently declined rapidly. Bighorn sheep have been radiocollared and monitored on a regular basis since 1992. The Tribal HCP states that the sheep estimate for the San Jacinto Mountains as of 2007 was 22. While the exact cause of low PBS numbers in the San Jacinto Mountains cannot be known with certainty, habitat loss is considered to be one of the greatest threats, in addition to habitat fragmentation, human disturbance, disease and predation. ⁵

The project area is not listed as being critical habitat by the Tribal HCP or the USFWS. Both agencies cover the peninsular bighorn sheep under their respective plans. The project site does not encroach into hillsides and the entire area has been impacted by urban development. No evidence of sheep was found on the site in 2014. Furthermore, the site is surrounded by existing development, is relatively flat and provides no cover or water sources for sheep, making the site unsuitable as PBS habitat. No new mitigation or recommendations are required within this document.

B. <u>Birds</u>

The Burrowing owl is a ground dwelling species that is well adapted to open, relatively flat expanses. Their preferred habitat is generally typed but not limited to, short, sparse vegetation with few shrubs and well-drained soil. The Tribal HCP indicates that the burrowing owl is a gregarious owl that occupies a wide variety of open habitats. This species has been observed and has the potential to occur within both the Mountains and Canyons Planning Area as well as in the Valley Floor Planning Area. The subject property is found within the Valley Floor Planning Area. Although the burrowing owl is not a listed species by the USFWS under the Federal Endangered Species Act (FESA,) it has been designated as a Tribal Sensitive Species in the THCP and is considered a California Species of Special Concern (CSC) under the California Endangered Species Act (CESA.)

⁵ U.S, Fish and Wildlife Service Recovery Plan for Bighorn Sheep in the Peninsular Ranges, CA, 10/25/00

It is protected by the Migratory Bird Treaty Act, which prohibits harming or disturbing the owl. The THCP indicates that incidental take of the species is allowed if protocol surveys are conducted prior to disturbance of potential owl habitat. The THCP further states that if owls are found during project pre-disturbance surveys, they will be relocated to an area with suitable habitat at a time that does not interfere with the breeding season. If necessary, artificial burrows are to be created as part of the relocation effort. A Pre-Disturbance Survey is required as part of the Species Conservation measures in the THCP. Since the project site may provide potential habitat for the burrowing owl, a burrowing owl pre-construction survey must be completed prior to any earth moving activities in order to assure that impacts to this species are reduced to less than significant levels. The survey must follow the protocol set forth in the California Department of Fish and Wildlife Staff Report on Burrowing Owl Mitigation (March 2012).

C. Reptiles

The Coachella Valley fringe-toed lizard (*Uma inornata*) (CVFTL) is known to occur exclusively within the Coachella Valley. According to the Palm Springs General Plan Update EIR, the fringe-toed lizard is a highly specialized reptile that inhibits the windblown desert regions of the Coachella Valley. It has morphological and behavioral adaptations that are in response to the habitation in conditions associated with a substrate of Aeolian sand. The CVFTL is a covered species under the Tribal HCP. The Lizard species was not expected to be detected on the subject site as it preferred these areas of loose, windblown sand. According to the 2014 supplemental letter prepared by James W. Cornett, no indication of the fringe-toed lizards were found on the project site.

The federally listed desert tortoise (*Gopherhus agassizi*), has previously been detected in the Palm Canyon area. According to the Biological Resources Report & Impact Analysis completed for the Monte Sereno project, two desert tortoises were detected near Palm Canyon Drive in 1990. Following the 1990 discovery, a 1991 survey of the same area revealed no desert tortoise in the survey area. In 2001, surveys were conducted closer to the Project site. During the surveys, probable desert tortoise signs (burrow and scat) were detected near the site. In 2002 AMEC conducted field surveys as part of the EA prepared for the 2003 Specific Plan Amendment, These surveys indicated that no desert tortoise were observed, however, it did recommend that preconstruction surveys be conducted. The 2014 supplemental letter prepared by James W. Cornett indicates that no evidence of this species was observed onsite. The USFWS and CDFW assume that the site is occupied and shall require a "clearance survey" immediately prior to grading or earthwork

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⁶ Dudek, 2001

activities. This Mitigation Measure was also stated within the previous Addendum. No new mitigation is required.

D. Invertebrates

The Casey's June beetle (CJB) (*Dinacoma caseyi*) is an invertebrate insect endemic to the Coachella Valley. CJB is federally protected as an endangered species under the Endangered Species Act. The beetle was granted endangered status on September 22, 2011 by the U.S. Fish and Wildlife Service. The site was designated as part of the Critical Habitat for the CJB in 2011 (Figure 3.1), although it is physically isolated from the remainder of the critical habitat by surrounding development.

CJB distribution has historically been upon the alluvial fan deposits, river wash areas within Palm Springs, and similar habitats within Indian Wells. The current range of CJB is found in southern portions of Palm Springs. The CJB is generally associated with the Carsitas series soil (CdC), but is also present in the Riverwash (RA) soils, and Carsitas cobbly sand (ChC) soils, described by the USDA in the Soil Study of the Coachella Valley Region⁷. These soils offer the loose conditions that CJB requires to form its burrow.

While the CJB occurs frequently within the Palm Canyon Wash, there is evidence that suggests upland habitats are essential to the longevity of the species. During high intensity flood events, flood waters will scour the bottom of the wash creating an unsuitable habitat for the CJB. Areas such as the Smoke Tree Ranch development located approximately 1 mile to the northeast, provide such habitats with the preferred soil type, but are also not subject to the frequent flood events of the Palm Canyon Wash.

Sites with the required characteristics for sustaining a CJB population are located exclusively within the jurisdiction of the City of Palm Springs and the Agua Caliente Band of Cahuilla Indians Reservation land. Land ownership is primarily private and Tribal, although most wash areas are owned by the Riverside County Flood Control and Water Conservation District. Approximately 587 acres of land with the necessary characteristics to support the CJB in the area have been designated as critical habitat (Figure 3.1). The subject Property is part of the 587 acres of designated habitat, however, it is physically separated from the remainder of the designated habitat by existing development (Monte Sereno.) The solitary protected occupied range for the species is approximately 126.8 acres of the Smoke Tree Ranch Development where there is a conservation easement and continuous compliance monitoring enforced by an approved Habitat Conservation Plan.⁸

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⁷ USFWS, 2013

⁸ Ibid, 2013

According to the CJB Focused Study prepared for the project (James W.Cornett, 2014), field surveys were conducted on the evenings of April 7, April 16, April 21, April 28, May 5, May 14, May 23, and May 29, 2014, for a total of 8 trapping nights. Surveys were conducted during favorable conditions for CJB activity⁹.

Light trapping was used when air temperature 1 foot above the ground was in excess of 80 degrees and wind speeds were below 5 mph. The surveys were conducted 2 hours prior to sunset and continued for a 4 hour period. Traps used in the survey consisted of 3 to 4 standard inset black light traps consisting of one 15 watt black light tube suspended above a 5-gallon bucket topped with a funnel and a 2-inch opening into the bucket. Traps were situated throughout the project site to achieve 100% coverage.

During the time of the survey, CJB were active and detected at the Smoke Tree Ranch site and in other areas of the 587 acres of designated critical habitat¹¹. This confirms the CJB's activity in the area despite the drought conditions experienced in the past three years. However, no CJB were discovered upon any portion of the 7.21 acre project site. The survey concludes that there are no CJB that occupy the proposed project site, and that, given the nature of the CJB and the pattern of development in the area; it is not likely the CJB would ever repopulate the site.

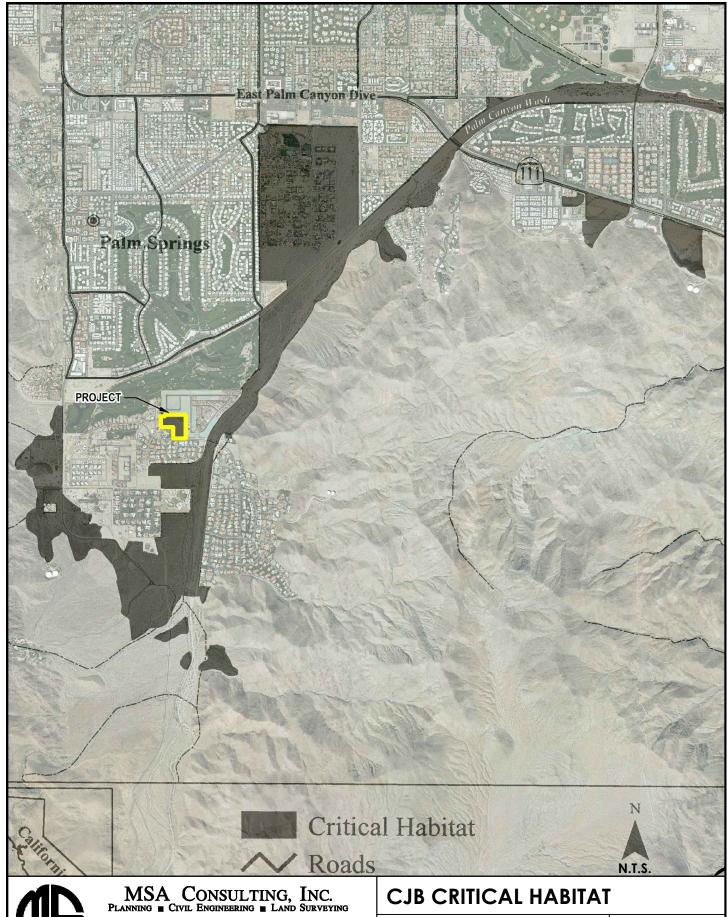
3.3-3 Sensitive Habitats

Sensitive habitats include riparian corridors, wetlands habitats for legally protected species, areas of high biological diversity, areas supporting rare or special-status wildlife habitat, and unusual or regionally restricted habitat types. Specific habitats may also be identified as sensitive in City or County General Plan ordinances. Sensitive habitats are regulated under federal regulations, state regulations such as CDFW or the U.S. Army Corps of Engineers (Corps), or local ordinances or policies such as City or County.

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⁹ Cornett, 2014

¹¹ Ibid





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Environmental Impact Report for Tentative Tract Map No. 36723

Figure 3.1

Page 3.8

As previously discussed, the CJB is known to occur in southern portions of Palm Springs. These areas maintain the vegetation and soil types necessary to support the CJB. The soil types within the Carsitas Series and River Wash areas have been identified as critical habitat for the CJB¹². Those within the Carsitas series have been identified as especially important because they occur upon upland habitat types outside of areas subject to frequent flooding. Commercial and residential developments are the greatest threats to the soils within the Carsitas series. The project site has soil composed of sand and silt and is moderately to severely compacted, it is comparable to locations where known populations of CJB exist as of 2014, however; the 2014 CJB study concludes that no CJB are present on the site.

3.4 Applicable Plans and Regulations

3.4-1 Federal Regulations

A. Migratory Bird Treaty Act of 1918

The U.S. Fish and Wildlife Service have statutory authority of and responsibility for enforcing the Migratory Treaty Act. The Treaty establishes Federal prohibition to pursue, hunt, take, capture or kill, possess, sell, purchase, ship, deliver for transportation, transport, carry at any time, or in any manner, any migratory bird, included in the terms the Convention, for the protection of migratory birds, or any part, or egg of any such bird. This prohibition applies to birds included in the respective international conventions between the U.S., Mexico, Great Britain, Japan and Russia.

B. Endangered Species Act of 1973

The Federal Endangered Species Act (FESA) defines an endangered species as any species or subspecies of fish or wildlife, or plants "in danger of extinction throughout all or a significant portion of its range." A threatened species is defined as any species or subspecies "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Designated endangered and threatened species, as listed through publication of a final rule in the Federal Register, are fully protected from a "take" without an incidental take permit administered by the USFWS under Section 10 of the FESA. A take is defined as the killing, capturing, or harassing of a species. Proposed endangered or threatened species are those for which a proposed regulation has been developed, but a final rule has not been published in the Federal Register. The USFWS recognizes the CJB as an endangered species and designates the project site as critical habitat.

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¹² USFWS, 2013

C. Section 404 of the Clean Water Act (CWA)

Section 404 requires that a permit be obtained from the U.S. Army Corps of Engineers (Corps) prior to the discharge of dredged or fill materials into any "waters of the United States," including wetlands. Waters of the United States are broadly defined in Corps regulations to include navigable waterways, their tributaries, lakes, ponds, and wetlands. Wetlands are defined as "Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." Drainage channels that are excavated on dry land are considered to be "jurisdictional wetlands" and are not specifically exempt from Section 404 regulations. The Corps is required to consult with USFWS, Environmental Protection Agency (EPA), the Regional Water Quality Control Board (RWQCB), and California Department of Fish and Wildlife (CDFW) in carrying out its discretionary authority under Section 404.

D. <u>Section 208 of the Clean Water Act (CWA)/Areawide Waste Treatment</u> Management Section 208

The basin planning program, Section 303 of the CWA requires the preparation of water quality plans for an entire State with an emphasis on pollutants from point sources. These plans specify the amount of pollutants which may be discharged from point sources while maintaining water quality standards. Section 208 of the Clean Water Act requires the designation of agencies to prepare areawide waste treatment management plans. In 1975, EPA merged the requirements of Sections 303 and 208 and subsequently the areawide waste treatment plans became known as the areawide Water Quality Management Plans (commonly referred to as "208 Plans"). Under section 208 of the Clean Water Act, EPA determined that the Agua Caliente Band of Cahuilla Indians is not required to maintain coverage under a National Pollutant Discharge Elimination System (NPDES.)

However the Tribe is in a land use contract with the City of Palm Springs. The contract includes agreements relating to the operation and maintenance of the City of Palm Springs Municipal Separate Storm Sewer System (MS4.) This storm water management system authorizes the discharge of storm water and urban runoff into receiving waters. Urban Runoff contains pollutants that could adversely affect the quality of Waters of the State and Waters of the United States. The language within the Whitewater River Region MS4 Permit indicates that compliance with the effluent limitations within NPDES CAS617002 constitute compliance with the CWA. Stormwater runoff associated with The Project will be managed in compliance with the City of Palm Springs MS4 Permit. The Project does not propose to influence any

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areas that may be considered "waters of the United states" and therefore will not require a 404 permit.

3.4-2 State Regulations

A. California Endangered Species Act of 1984

California Department of Fish and Wildlife ("CDFW") administers a number of laws and programs designed to protect plant, fish, and wildlife resources. The most significant of these regulations is the California Endangered Species Act (CESA), which regulates the listing and take of State-endangered and State-threatened species. CESA declares that deserving species will be given protection by the state because they are of ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of the State. CESA has established that it is State policy to conserve, protect, restore, and enhance endangered species and their habitats. The definition of take under CESA is the same as described above for FESA. However, The State of California does not extend the protections of its California Endangered Species Act to insects; therefore, this project is not subject to CDFW by virtue of the CJB habitat designation.

3.4-3 Local Regulations

A. Agua Caliente Band of Cahuilla Indians Tribal Habitat Conservation Plan

The Agua Caliente Band of Cahuilla Indians Tribal Habitat Conservation Plan (THCP) was established by the Agua Caliente Band of Cahuilla Indians in 2007 and revised in 2010 to provide the means to protect and contribute to the conservation of Federally listed species or those deemed by the Tribe and USFWS to be sensitive and potentially in need of listing in the future (collectively Covered Species). It provides mechanisms to permit and guide development, and serves as an adaptive tool to allow the Tribe to update and/or revise baseline biological resource information, manage conservation goals and priorities, and complement other existing and planned conservation efforts in the region. The general approach and specific measures set forth in the Plan reflect the Tribe's demonstrated successful traditional strategies for managing land use and natural resources within its jurisdictional territory.

B. Coachella Valley Multi-Species Habitat Conservation Plan

The Coachella Valley Multi-Species Habitat Conservation Plan (CVMSHCP) was established by the Coachella Valley Association of Governments (CVAG) in 2008 to conserve over 240,000 acres of open space and protect 27 plant and animal species. Under the CVMSHCP, the state and federal wildlife agencies transfer their authority under the ESA to local government, thus providing local rather than state and

federal control. The CVMSHCP protects 27 species of plants and animals that are threatened or facing extinction, including the desert tortoise, peninsular bighorn sheep, and desert pupfish. However, The CVMSHCP does not extend protection to the Casey's June beetle. The proposed Project is not within the boundaries of the CVMSHCP.

3.5 Impact Assessment and Mitigation Measures

3.5-1 Significance Criteria

Thresholds of significance were derived from criteria in the CEQA Guidelines. The following questions are relevant to determining whether a project could have a significant impact on the environment from a biological resources perspective. Would the project:

- a) 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?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?
- c) 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?
- d) 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?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

3.5-2 Project Impacts Found To Be Less Than Significant

The 7.21 acre site has been designated as an isolated parcel within the critical habitat for the CJB by the USFWS. Construction and occupation of the Project would disturb and potentially remove any existing CJB populations present upon the site. However, the Project-specific CJB Survey conducted in spring of 2014 (James W. Cornett, Ecological Consultants) concludes that CJB does not occupy the site¹³. Trapping and surveying of potential CJB populations upon the Project site was conducted in accordance with USFWS protocols using standard inset black light traps deployed under favorable conditions for CJB activity. Based on the results of the biological investigation and survey, no CJB were encountered or showed evidence of any occupied habitat on the proposed Project site.

The project proponent coordinated with the U.S. Fish and Wildlife Service regarding the project's responsibilities relating to CJB and the project site. In an email dated October 27, 2014 (Appendix C) the USFWS indicated that because the subject property is privately owned and does not require a Federal permit or funding, it does not need to consider impacts to critical habitat. However, it must comply with the Endangered Species Act and its "take" prohibitions under ESA Section 9, if activities may affect endangered or threatened species. Since surveys conducted in the spring of 2014 did not detect CJB on the site, the Service has determined that the land owner has no further responsibility under the ESA at this time. Based on the CJB survey, and coordination and advice from the USFWS, the impacts to CJB will be less than significant. No mitigation is required.

The proposed Project can be expected to result in the elimination of 7 ½ acres of creosote scrub habitat including the native plant and animal species that currently live on the project site. Creosote scrub habitat is widespread in the low desert regions of California. Therefore, the loss of this habitat on the project site cannot be said to constitute a significant adverse impact to the continued existence of the plant community.

There are no federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) on the proposed site, as well as no riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

There are no blue-line stream courses on the property, as depicted on the United States Geological Survey (USGS) map (Figure 3.2). Riparian areas identified in the vicinity are

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¹³ Cornett, 2014

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There are no blue-line stream courses on the property, as depicted on the United States Geological Survey (USGS) map (Figure 3.2). Riparian areas identified in the vicinity are identified approximately 1.5 miles upstream from the Project. Development will have no impact on these resources, as they are located upstream and at a higher elevation. No impacts are anticipated related to federally protected wetlands or riparian habitat.

The Project site is within the planning area of the Tribal HCP and is located within the Valley Floor Conservation Area. However, the Project-site is not located within a Habitat Conservation area designated by the Tribal HCP. Furthermore, the Project proponent will be required to pay all THCP associated fees prior to the issuance of Building Permits. No impacts are anticipated to an adopted Tribal Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plans.

3.5-3 Potentially Significant Impacts

As previously mentioned in Section 3.5-2, a focused CJB study was prepared in May 2014, detailing the results from an intense live trapping survey for the federally endangered Casey's June beetle, beginning in April and ending in May of 2014. The report finds the site to be suitable habitat for the CJB; however none were observed, detected or trapped on site during the spring of 2014. The soil site is comparable to locations where populations of Casey's June beetle are known to exist. In spite of recent winter drought and assumed depression of beetle numbers and activity, the CJB were active and observed at Smoke Tree Ranch and another site near the eastern limits of the City, also in April 2014.. The report finds the inability to trap beetles at the Project site, as well as lack of recent historical evidence, leads to the conclusion that the Casey's June beetle does not currently occupy the site. It may have at one time in the past but is now extirpated.

The site is just over 7 acres in size and is part of the 587 acres designed as critical habitat for the CJB, The Project area is strongly influenced by events and practices on fully developed lands surrounding it. Such practices and events include block walls that completely encircle the site. Alkaline materials from the cement used to construct the walls, leach into adjacent soils and likely make them unsuitable for beetle larvae. A second example of adverse impacts from adjacent lands is insecticide spraying around home and yard edges. Regular routine spraying of insecticide spraying likely has a significant adverse impact on invertebrate fauna on the site.

The one-time but permanent impact on site fauna was the excavation of dirt from the borrow pit on the northeastern corner of the site in the 1960's. The use of dirt from this site would have eliminated beetle larvae from a portion of the site and if the soil was

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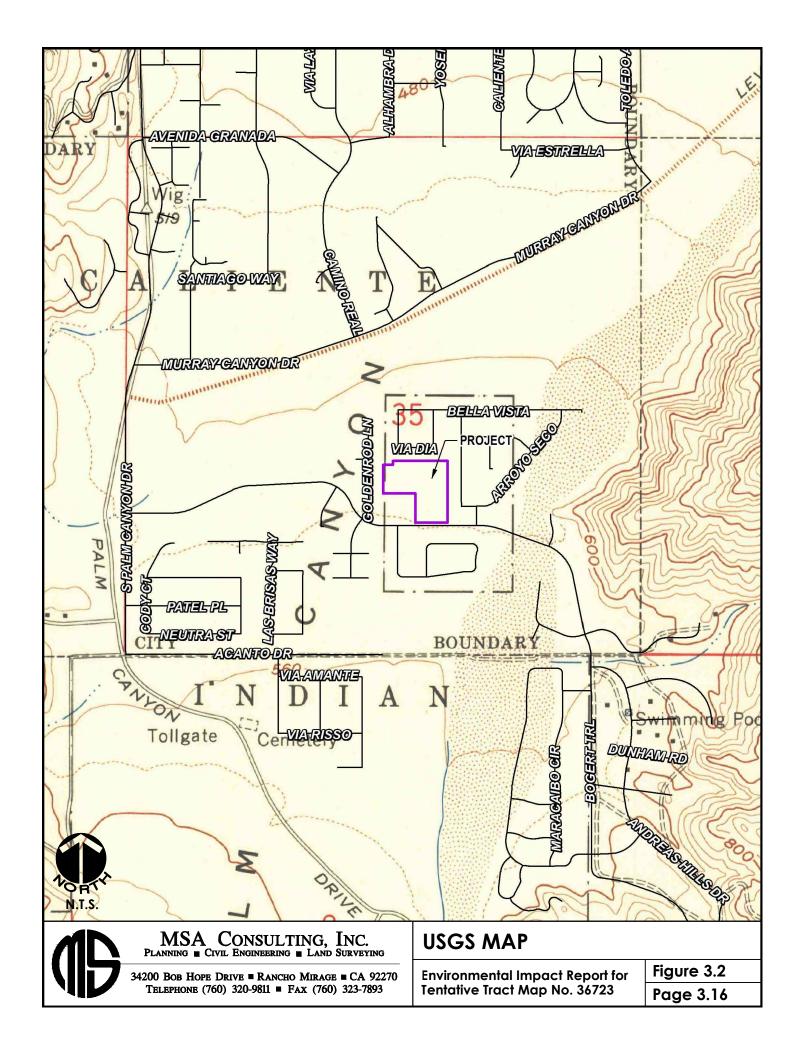
spread out over the remaining acreage, may have adversely impacted beetle larvae from developing areas throughout the site.

Today, it would be almost impossible for the site to be naturally recolonized by beetles from occupied portions of Palm Canyon Wash. Female Casey's June beetles do not fly, and are therefore ground-dwelling and appear to not move far from where they emerge from soil. Even if they did reach the walls encircling the site, because of their ground-dwelling habits it would be unlikely to scale the walls. Male beetles fly but rarely more than one meter above the ground which would be too low to clear the walls.

Based on the results of the CJB Focused study, no Casey's June beetle were encountered or showed any evidence of occupied habitat on the proposed project site. The excavation activities represent a permanent change to the site and may have adversely affected any beetle or larvae previously on the project site. Furthermore, the report concludes that it is unlikely that any CJB would be physically able to re-populate the site due to site constraints and soil conditions.

Focused CJB surveys are required by the USFWS and City of Palm Springs because the beetle is listed as an endangered species by the USFWS and the Project site lies within the official Critical Habitat designated by USFWS. The site is physically isolated from the remainder of the designated critical habitat for the CJB. The USFWS estimates that 97% of the beetle's former habitat has been eliminated due to residential and commercial land development and associated infrastructure projects. 587 acres in Palm Springs have been designated for critical habitat by the USFWS.

The project site is designated as critical habitat for the CJB; field results of the CJB Focused Study have determined that the Casey's June beetle does not currently occupy the site. The Endangered Species Act (ESA) under ESA Section 9 prohibits the take of endangered species. Since no CJB were found on site, the project will not result in take. As described above, critical habitat is a Federal designation to alert other Federal Agencies that any project they fund or permit must consider impacts to critical habitat. A private landowner who does not need a Federal permit or funding need not consider impacts to critical habitat. The U.S. Fish and Wildlife Service has concluded that the landowner has no further responsibility under the ESA for this species at this time (refer to Appendix C for correspondence from Service). Development on the property is expected to result in less than significant impacts to the habitat and CJB.



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Per previous environmental analysis, the desert tortoise or the burrowing owl were not detected on the subject Property (2002 AMEC Biological Survey). The desert tortoise has primarily been observed on upper bajadas surrounding the valley floor. The USFWS has the right to conduct or require tortoise clearance surveys prior to site development. These clearance surveys are intended to protect the species based on the possibility that a desert tortoise may wander onto the site and be injured or killed during construction activities.

The burrowing owl was not identified within the developable Project area. The habitat is considered suitable. The species commonly enlarges rodent burrows and utilizes them for nesting. The federal Migratory Bird Act prohibits harming the owl. At present time the Service approves of the mitigation provided in the "Staff Report on Burrowing Owl Mitigation" prepared by the California Department of Fish and Wildlife on March 7, 2012.

Mitigation is required to reduce potential impacts to less than significant levels. These Mitigation Measures are provided in the following section.

3.5-4 Standard Conditions (SC) and Mitigation Measures (MM)

Mitigation Measures Previously Adopted

SC 3.5-1: Preconstruction surveys for desert tortoise shall be conducted no more than 36 hours prior to the initiation if any ground disturbing activity in the area. Should desert tortoise be identified, the project proponent shall secure permits from the California Department of Fish and Wildlife and/or the U.S. Fish and Wildlife Service, as required.

Standard Conditions (SC)

SC 3.5-2: The Project proponent shall pay the associated THCP Fees for each home in the development prior to issuance of Building Permits. The fee amount will be aligned with the fees that are enforced at the time in which development occurs.

Mitigation Measures (MM)

MM 3.5-1: The Project shall utilize plant species native to the Coachella Valley in the public/common landscaped areas. The use of native plant species helps maintain a food and cover base for indigenous animal species, particularly birds that cannot utilize some exotic plants for cover or food. In the event that non-native plant species are

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incorporated, these plants shall be non-invasive, highly adapted to the desert environment and placed only in private landscaped areas.

MM 3.5-2: A protocol survey for the burrowing owl shall be conducted prior to any ground disturbing activity. Protocol surveys and any subsequent action, such as relocation of any owls, shall be conducted in compliance with the "Staff Report on Burrowing Owl Mitigation" prepared by the California Department of Fish and Wildlife on March 7, 2012.

3.5-5 Level of Significance after Mitigation

Upon the execution of these recommended mitigation measures, it is not anticipated that the project will have any new significant adverse impacts upon Biological Resources.

3.6 Resources

<u>Distribution and Abundance of the endangered Casey's June Beetle (Dinacoma caseyi)</u> on a 7.21-Acre Bogert Trail Site Located in Palm Springs, California, James W. Cornett, Ecological Consultants. May, 2014.

Final Biological Survey of the Proposed Monte Sereno Development, Palm Springs, California with Special Reference to the Occurrence of Peninsular Range Bighorn Sheep (Ovis canadensis nelsoni) a Federal Endangered Species, The Planning Associates, Inc., November, 2001.

<u>Preliminary Descriptions of the Terrestrial Natural Communities of California</u>, Robert F. Holland. October 1986. http://www.cal-ipc.org/ip/inventory/pdf/HollandReport.pdf

<u>Tribal Habitat Conservation Plan for the Agua Caliente Indian Reservation,</u> Helix Environmental Planning Inc., August, 2010.

<u>A Manual of California Vegetation.Sawyer,</u> J. O. and T. Keeler-Wolf. 1995. California Native Plant Society, Sacramento, California.

<u>Recovery Outline for Casey's June beetle (Dinacoma caseyi)</u>, U.S. Fish and Wildlife Service., March 2013.

http://ecos.fws.gov/docs/recovery_plan/CJB_Recovery_Outline_FINAL.pdf

<u>Monte Sereno Biological Resources Report & Impact Analysis,.</u> Dudek & Associates Inc. December, 2001.

<u>Canyon South Specific Plan (Amendment to Canyon Park Specific Plan, #1),</u> Terra Nova Planning & Research, Inc. July 2003.

<u>Canyon South Draft Environmental Assessment for Reconstruction and Expansion of the Canyon South Golf Course</u>, Terra Nova Planning & Research, Inc. October 2002

4.0 Other CEQA Considerations

4.1 Introduction

The California Environmental Quality Act (CEQA) requires the consideration of potential direct and indirect physical changes in the environment which may be caused by a project before a local jurisdiction takes action on such project, CEQA Guidelines, Section 15130 (d)). Among these potential effects are cumulative and growth-inducing impacts. Cumulative effects refer to two or more individual effects which, when considered together, are considerable or compound or increase other environmental effects. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects (CEQA Guidelines, Section 15355). Growth-inducing impacts are those that result when a proposed project directly or indirectly fosters economic or population growth, or the construction of additional housing. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment (CEQA Guidelines, Section 15126.2(d)).

4.2 Cumulative Impacts

The cumulative growth analysis for the proposed Project includes those projects that have occurred, or are planned in the foreseeable future in the Palm Canyon area of the City of Palm Springs. Growth in this area, when combined with the proposed Project could have adverse effects to other resources in the area. However, the proposed Project site is surrounded by existing development. The remaining developable land in the vicinity is located upon Agua Caliente Tribal lands. Development upon Tribal land is required to comply with any conditions set by the Tribe and is subject to compliance with the Tribal Habitat Conservation Plan. Considering the City's zoning designation and general plan land use upon the Project site, the proposed 14 units would be the maximum developable amount upon the property.

The original EIR considered the growth inducing potential for the entire Specific Plan area, which included development of residential uses on the subject Property, at the proposed densities. The growth pattern in the Project vicinity has followed the anticipated growth plan in the Specific Plan with the exception that no resort hotel has been built within the Specific Plan area as of yet. There have been no changes in the Project that would require additional analysis for growth inducing impacts under the CEQA guidelines. The Focused EIR has been completed because of the listing of the CJB as an endangered species in 2011, and the designation of critical habitat for the CJB. This Focused EIR, therefore, provides a cumulative analysis for potential impacts to biological resources and their related issues. Regardless of the absolute number of

potential home sites, either cumulative development scenario (i.e. under Tribal or City development regulations) in the Palm Canyon area would result in less-than-significant effects on biological resources, or measures will be imposed by the appropriate agencies that would reduce project-related effects to less than cumulatively considerable, as described below.

As previously discussed, the designated CJB Critical Habitat encompasses 587 acres. Project implementation would occupy 7.21 acres within such habitat, which is isolated and largely surrounded by development. The project-specific CJB survey performed in the spring of 2014 did not reveal the presence of CJB or evidence of its habitat occupation. Therefore, the development of 7.21 acres represents a 1.22 percent loss of the entire 587-acre habitat area. In the absence of CJB populations on the Project property, the individual impacts to CJB and the designated habitat are expected to be less than significant. Cumulative impacts are not expected to result from the Project for the reason that the proposed development would not accelerate or be conducive to consequent removal of any additional CJB habitat due to the site's isolated condition and the existence of more suitable habitat in the area.

4.2-1 Biological Resources

The Palm Canyon area supports various different types of desert scrub habitat that suit sensitive species such as the desert tortoise, peninsular bighorn sheep, and the CJB. Development in the Palm Canyon area would have the potential to reduce the biodiversity of the area and result in environmental impacts, the extent and magnitude of which would vary according to specific project location. However, the urban development that has occurred in recent decades has occupied well-defined areas that now accommodate important residential uses and activities within the City. The Project site is a vacant property surrounded by residential development to the north, south, east and west. As a result, the project does not extend development beyond the current growth envelope.

The project-specific CJB survey of the project site determined that there are no existing CJB upon the site. Natural re-population of the property is not likely or anticipated¹. Although the development of the property is designated critical habitat for CJB, it has been demonstrated that the species does not occur. As an isolated site, and given the lack of occupation by the species, the loss of 7 acres, or 1.2% of the total critical habitat for the species will not represent a cumulatively significant impact. The Project's development would not disturb existing populations, or reduce the likelihood of new populations being established, and therefore would not have a significant effect on the CJB. The mitigation provided in this document regarding desert tortoise and burrowing

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¹ Cornett, 2014

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owl assure that no member of either species would be harmed by the development of the proposed project. Therefore, the proposed project would have a less-than-significant cumulative impact.

4.3 Growth Inducing Effects

CEQA requires that local jurisdictions consider whether the proposed project would enable substantial additional development to occur. Improvements to access and extension of sewer services are commonly cited as examples that would permit new development to occur. However, extension of utilities to serve the site would be limited to serve only the project's dwellings. The extension of utilities onsite would include the connection to existing utilities in the area and are not expected to require any further improvements.

The 14 dwelling units proposed by the project are not considered substantial relative to the population estimates for the City of Palm Springs. The Riverside County Center for Demographic Research estimates that the City of Palm Springs has a population of approximately 45,907 as of 2012. The U.S. Census estimates the City's average household size to be 1.95 which would result in a population growth of approximately 27 persons resulting from the proposed project. Upon full occupancy of the proposed project, the increase in population resulting from the additional 14 units would represent only a 0.06% in growth to the total population of the City. The density and population of these homes would be similar to those of the surrounding neighborhoods.

The property is surrounded by existing development or land designated for residential development. The effect of additional development in the area has been analyzed in the City of Palm Springs General Plan and in the original 1991 EIR for the Canyon Park and Canyon South Specific Plan and all subsequent Mitigated Negative Declarations and Addenda, including the effect of residential development on the Project site at the density proposed. Therefore, the proposed Project would not induce an amount of growth that would be substantial in relation to the surrounding development, nor would it induce growth beyond that which has already been anticipated and analyzed in the original EIR and the City's General Plan. Therefore no new mitigation related to growth inducing impacts is needed.

5.0 Alternatives

5.1 Introduction

The California Environmental Quality Act (CEQA; Public Resources Code, Section 21000 et seg.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) require that an Environmental Impact Report (EIR) "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives" (CEQA Guidelines Section 15126.6(a). If a project alternative would substantially lessen the significant environmental effects of a proposed project, the lead agency should not approve the proposed project unless it determines that specific technological, economic, social, or other considerations make the project alternative infeasible (Public Resources Code Section 21002, CEQA Guidelines Section 15091(a)(3)). The EIR must also identify alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and should briefly explain the reasons underlying the lead agency's determination (CEQA Guidelines Section 15126.6(c)). One alternative that must be analyzed is the "No Project" Alternative.

This EIR analyzes two alternatives, the No Project Alternative and a 100% Stormwater Retention Project Alternative.

5.2 No Project Alternative

Under the No Project Alternative, the existing site would remain in its current condition with no development under existing zoning and general plan designations occurring upon the site. The No Project Alternative would not construct any project streets or dwellings and no ground disturbing activities would take place.

The existing trash and debris would remain in the borrow pit area on the northeast corner of the property. The site was previously disturbed to construct the existing adjacent residence, chain-link fence, and block wall. The site would also remain designated as critical habitat for the Casey's June beetle.

5.2-1 Biological Resources

This alternative scenario indicates no change in the existing impacts on biological resources. The vacant site was previously disturbed that resulted in a borrow pit area on the northeast corner of the site and remains subject to illegal dumping. The site would remain designated as critical habitat for the Casey's June beetle

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irrespective of the project although no CJB currently exist on the site. Existing surrounding development, roads, walls, and fences in the project vicinity would serve to inhibit any CJB reintroduction to the site. No impact to CJB is anticipated from the implementation of the No Project Alternative.

Similarly, this Alternative would have no impact on either desert tortoise or burrowing owl. However, the biological data do not support the presence of desert tortoise on the property, and although habitat is suitable for burrowing owl, the species was not identified on the property in 2014. (Refer to Appendix B for supplemental letter from James W. Cornett)

However, as compared to the proposed Project this alternative can be considered to have an indirect negative impact on the Tribal HCP as the conservation plan relies on development fees to maintain conservation efforts, and the No Project Alternative would result in no fees generated for conservation purposes. While the No Project Alternative would result in the preservation of 7.21 acres of CJB Critical Habitat, where no Casey's June beetles were observed, detected or trapped according to the project-specific study, this portion of land would remain surrounded by development and physically isolated from the remainder of the critical habitat, thereby making the reintroduction of the CJB nearly impossible.





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NO PROJECT ALT

Environmental Impact Report for Tentative Tract Map No. 36723

Figure 5.1

Page 5-3

5.3 100% Stormwater Retention Project Alternative

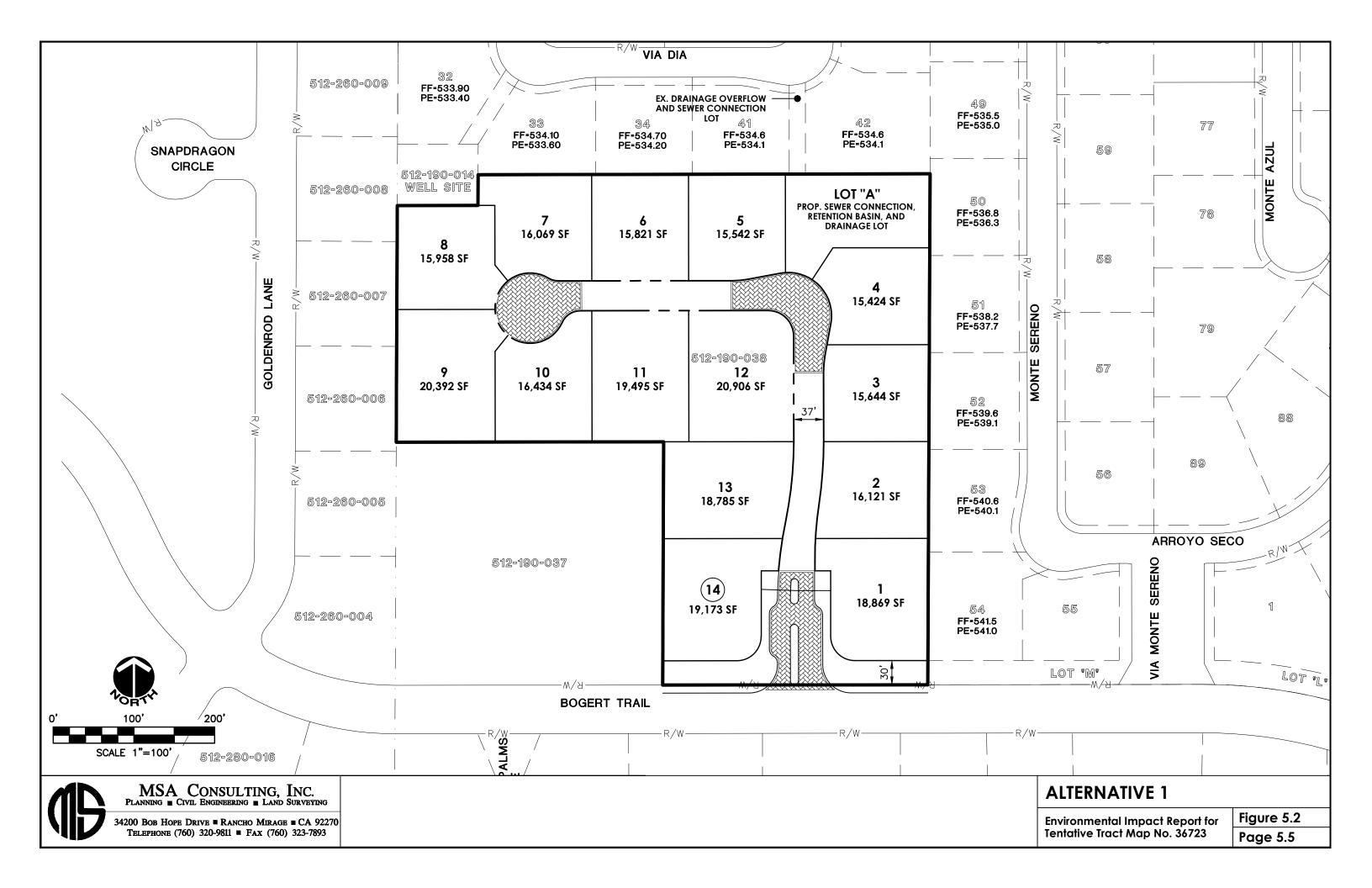
The 100% Stormwater Retention Project Alternative involves the subdivision and development of the Property into 17 separate lots. This proposed alternative would include 14 single family residences and 3 lettered lots. The 14 residential lots would range in size from 15,424 to 20,906 square feet. Lettered lots will consist of one 0.41 acre (17,983 square foot) lettered lot designated for sewer connection, stormwater retention/drainage, and two lettered lots designated for landscaping of project frontage along Bogert Trail. The retention, drainage, and sewer connection lot will contain a retention basin which will retain and dissipate the stormwater volume associated with the project's 100-year storm and the contributing off-site flows. The 100-year storm event represents the base flood that has a 1 percent (1 in 100) chance of being equaled or exceeded in any 1 year period. Unlike the Preferred Alternative, this project would not drain onto the adjacent Monte Sereno property.

Under this and the preferred alternative, the development will be accessed by a single private interior road with primary access on Bogert Trail that follows the property's central axis before reaching its terminus at a cul-de-sac feature on the western part of the property. Access from Bogert Trail will be controlled by gated entry in both alternatives.

Based on the local development standards, each lot will contain a maximum of 35 percent building coverage. The Project R-1-B zoning designation will require all buildable lots to be a minimum of 15,000 square feet and maximum lot coverage of 35%. The Project proposes to build 4,500 to 5,000 square foot homes upon each residential lot.

5.3-1 Biological Resources

The 100% Stormwater Retention Project Alternative would result in similar impacts to biological resources when compared with the proposed project, in part because both alternatives would develop the entire property and implement similar site designs. Under both alternatives, similar mitigation measures to minimize impacts to biological resources would be implemented. Moreover, a Project-Specific Water Quality Management Plan (WQMP) would be required from both options. The WQMP strategy for both alternatives would meet the regional water quality objectives and prevent hydro modification impacts to the downstream water systems; therefore, less than significant impacts are expected to result from the implementation of the proposed project alternative as well as the preferred alternative.



6.0 Summary of Project Impacts by Relevant CEQA Topic

6.1 Introduction

This section summarizes the information and analyses presented in the main body of this Draft Environmental Impact Report (EIR.) Section 15123 of the California Environmental Quality Act (CEQA) Guidelines requires an EIR to include a brief summary of the Proposed Project, and its impacts in language as clear and simple as reasonably practical. The Guidelines also state that the length of this summary should normally not exceed 15 pages. In accordance with the CEQA Guidelines this summary presents general information on the Proposed Project, the potential environmental effects and measures identified to mitigate these effects. Note: "SC" denotes Standard Condition. "MM" denotes Mitigation Measure.

Table 6.1-1
Summary Table of Project Impacts, Mitigation Measures and Residual Impact

Environmental Topic	Mitigation Measures	Level of Significance After Mitigation
3.0 Biological Resou	rces	
The area of the proposed project has previously been identified as having potential to harbor Desert tortoise.	SC 3.5-1: Preconstruction surveys for desert tortoise shall be conducted no more than 36 hours prior to the initiation if any ground disturbing activity in the area. Should desert tortoise be identified, the project proponent shall secure permits from the Californian Department of Fish and Game and/or the U.S. Fish and Wildlife Service, as required.	Less than significant
The project occurs within the reservation of the ACBCI. The Tribe has adopted a Conservation Plan to protect a number of sensitive species. The project is within the Valley Floor area of the Plan. This area requires that a fee be	SC 3.5-2: The project proponent shall pay the associated THCP for each phase of development prior to issuance of Building Permits. The fee amount will be based on the density or disturbed surface area per the City's authorization and aligned with the fees that are enforced at the time in which development occurs.	Less than significant

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paid to ensure the preservation of habitat for covered species.		
The project area occurs in an area where common desert species occur. The use of indigenous species in project landscaping will help preserve habitat for these species.	MM 3.5-1: The project shall utilize plant species native to the Coachella Valley in the public/common landscaped areas. The use of native plant species helps maintain a food and cover base for indigenous animal species, particularly birds that cannot utilize some exotic plants for cover or food. In the event that non-native plant species are incorporated, these plants shall be non-invasive, highly adapted to the desert environment and placed only in private landscaped areas.	Less than significant
The site contains suitable habitat for Burrowing owl, a species protected by the MBTA, and a Species of Concern under CDFW Code.	MM 3.5-2: A protocol survey for the Burrowing Owl shall be conducted prior to any ground disturbing activity. Protocol surveys and any subsequent action, such as relocation of any owls, shall be conducted in compliance with the "Staff Report on Burrowing Owl Mitigation" prepared by the California Department of Fish and Wildlife on March 7, 2012.	Less than significant

7.0 List of Preparers, Organizations, and Persons Consulted

• Project Proponent

Alta Verde Group, LLC Andrew Adler 315 S Beverly Drive, Suite 208 Beverly Hills, CA 90212

• Project Representative

Emily Perri Hemphill, Esq. P.O. Box 1008 Rancho Mirage, CA 92270

• Environmental Consultants

Michelle Witherspoon, QSD, CPESC, LEED AP Marvin D. Roos, Director of Design Development Jesus Herrera-Cortes, Environmental Planner Nicole Vann, Planner MSA Consulting, Inc. 34200 Bob Hope Drive Rancho Mirage, CA 92270

• Engineering Consultant

Julian De La Torre, P. E. MSA Consulting, Inc. 34200 Bob Hope Drive Rancho Mirage, CA 92270

• Biological Consultant

James W. Cornett Ecological Consultants P.O. Box 846 Palm Springs, CA 92263

• City of Palm Springs

Planning Department 3200 E. Tahquitz Canyon Way Palm Springs, CA 92262

Utilities/Service Systems

Desert Water Agency Southern California Edison

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The Gas Company Verizon Time Warner Cable Palm Springs Disposal Service

• Public Agencies

Riverside County
Riverside County Flood Control
Palm Springs Unified School District
Palm Springs Fire Department
Palm Springs Police Department
California Office of Planning and Research
South Coast Air Quality Management District
Regional Water Control Board

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8.0 Appendices

Appendix A

Biological Resources Report

Distribution and Abundance of the endangered

Casey's June Beetle

(Dinacoma caseyi)

on a 7.21-Acre Bogert Trail Site

Located in

Palm Springs, California

Prepared For:

Andrew Adler
Alta Verde Homes, LLC
C/O Emily Hemphill

Attorney at Law P.O. Box 1008 Rancho Mirage, CA 92270

Field Study and Report Completed By:

James W. Cornett Ecological Consultants

Federal Fish & Wildlife Permit #TE64509A-0 P.O. Box 846 Palm Springs, California 92263

May 31, 2014

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I. SURVEY SUMMARY

An intensive live-trapping survey for the federally endangered Casey's June beetle (*Dinacoma caseyi*) was undertaken on a 7.21-acre site designated as Critical Habitat by the U.S. Fish & Wildlife Service. Surveys began on April 7 and terminated on May 29, 2014.

Casey's June beetle was not found within the project boundaries. Over the study time period Casey's June beetles were active at Smoke Tree Ranch as well as a critical-habitat site located near the eastern limits of the city of Palm Springs. Since Casey's June beetles have been active during the spring of 2014, in spite of continued drought, I consider my findings on the Bogert Trail site to be conclusive and do not recommend additional surveys.

¥

II. INTRODUCTION

Casey's June beetle (*Dinacoma caseyi*) has one of the most limited distributions of any species in the Coachella Valley. Over the past century, an already restricted historical range has been dramatically reduced as a result of habitat loss. The U.S. Fish & Wildlife Service estimates 97% of the beetle's former habitat has been eliminated due to residential and commercial land development and associated infrastructure projects. At the present time, population remnants of Casey's June beetle occur on not more than 610 acres.

As a result of population decline and imminent risk of extinction, the U.S. Fish & Wildlife Service listed Casey's June beetle as an *endangered* species effective October 24, 2011. At that time, the Service designated 587 acres as critical habitat for the beetle. The designated critical habitat lies within the south end of the city limits of Palm Springs, Riverside County, California.

Included within the designated critical habitat is an isolated parcel (Riverside County Assessor Parcel Number 512-190-038-5) which is the focus of the Casey's June beetle survey described in this report. The parcel is located in the southeastern quarter of Section 35, Township 4 South, Range 4 East (San Bernardino Baseline and Meridian) as shown on the 7.5-minute Palm Springs quadrangle. The site is bounded on the south by Bogert Trail. Figures 1, 2 and 3 show the precise site location.

² Ibid.

¹ Fish & Wildlife Service. 2011. Endangered and Threatened Wildlife and Plants: Determination of Endangered Status for Casey's June Beetle and Designation of Critical Habitat. Federal Register Volume 76, Number 184, September 22, 2011, Rules and Regulations, pages 58954-58998.

Figure 1. Area Location



Figure 2. Topographic Map Location

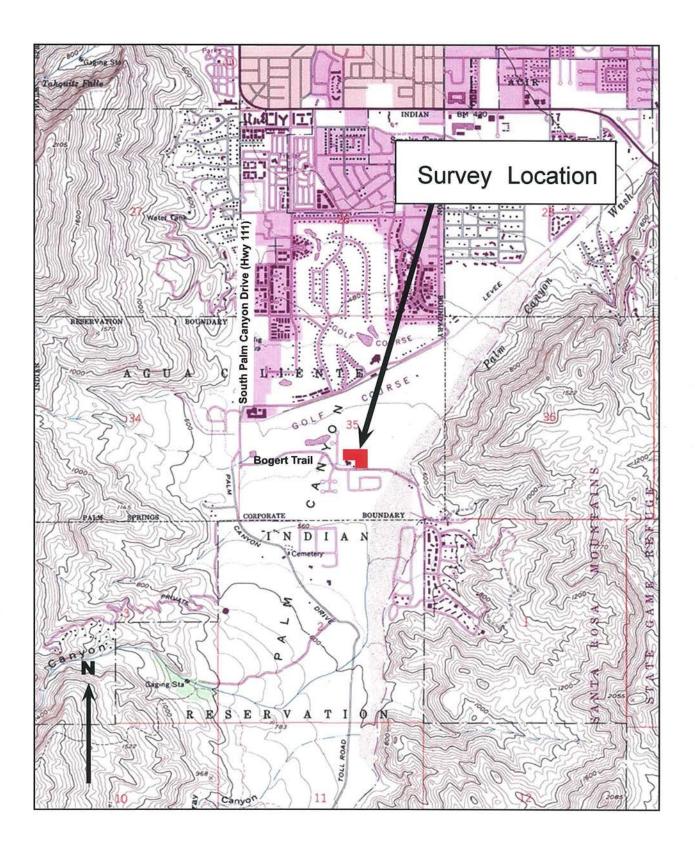


Figure 3. Bogert Trail Location (in red)



III. ORIGIN AND PURPOSE OF CURRENT STUDY

In February of 2014, James W. Cornett - Ecological Consultants was retained by Andrew Adler, of Alta Verde Homes, LLC, through Emily Hemphill, Attorney at Law of Rancho Mirage, California, to conduct a focused survey for Casey's June beetle on a parcel totaling 7.21 acres (Riverside County Assessor Parcel Number 512-190-038-5).

Focused Casey's June beetle surveys are required by the U.S. Fish & Wildlife Service and city of Palm Springs because the parcel (the site) lies within the official Critical Habitat designation as depicted in the Service's listing of the beetle and as described in the Federal Register.³

The purpose of the present study was to determine if Casey's June beetle was present on site, where it occurred within site boundaries, its relative abundance and, if present, existing threats to the population.

³ Ibid.

IV. SITE DESCRIPTION

Climate

The City of Palm Springs lies within the confines of a geographical region known as the Colorado Desert, a subdivision of the Sonoran Desert as defined by Jaeger. ⁴ As is typical of this subdivision, annual rainfall averages approximately five to six inches. ⁵ Most precipitation falls during winter and spring with occasional summer thundershowers accounting for approximately one-third the annual total. Winter days are mild, averaging 71 degrees Fahrenheit. Winter nights occasionally drop to near freezing. The month of July brings the hottest temperatures with daytime highs averaging 108 degrees F.

Currently, the site, Palm Springs and the Coachella Valley are in the third year of a drought with winter precipitation being less than half the long-term average. This has resulted in a sharp decline in the number of spring ephemerals, decline in fruit production of all plants and the loss of vegetative structures and even death of a significant percentage of native perennials.

Physical Features

The site is flat without relief with the exception of a shallow debris basin located in the northeastern corner of the property. Elevation ranges from 549 feet above sea level in the southeastern corner of the site to 533 feet at the bottom of the debris basin. Soils are composed of sand and silt and are moderately to severely compacted. The soil is comparable to locations where known populations of Casey's June beetles exist as of 2014.

Vegetation

The dominant plants on site are golden cholla (*Cylindropuntia echinocarpa*) and cheesebush (*Ambrosia salsola*). There is no description of such an association of plants in Sawyer and Wolf (1995). Creosote bush (*Larrea tridentata*), however, is present and, as a result, the plant association could be placed in Sawyer and Wolf's Creosote Bush Series. Smoke tree (*Psorothamnus spinosus*) and Thurber's sandpaper plant (*Petalonyx thurberi*) are also conspicuous perennials. Site images are presented in Figures 4-7 on page 11.

⁵ Western Regional Climate Center (2014). RAWS USA Climate Archive. Retrieved from http://www.wrcc.dri.edu/.U.S. Weather Bureau, 2013.

⁴Jaeger, E. C. 1957. *The North American Deserts*. Stanford University Press, Stanford, California.

⁶ Sawyer. J. O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society, Sacramento, California.

The association of plants described on the current site is nearly identical to the one found at Smoke Tree Ranch, essentially the center of existing Casey's June beetle habitat.⁷

Site Impacts

The site is adversely impacted by a variety of human-related activities. Residences and paved roadways surround the site and deliver an unknown quantity and assortment of pollutants—via runoff, physical broadcasting and air movement—onto the site.

A variety of trash is deposited on the site. I estimate that approximately 5% of the ground area is covered with refuse.

Vehicle tracks were found along the eastern edge of the site.

A chain-link fence surrounds the southeastern third of the site.

Domestic cats were observed on site on two occasions.

The greatest impact has been the excavation of a debris basin covering approximately half of the northeastern third of the site. Based upon the re-establishment of native vegetation, it appears the basin was created several decades ago. I was unable to determine the disposition of the alluvium excavated from the basin.

⁷ Cornett, J. W. 2004. Distribution and Abundance of Casey's June Beetle (*Dinacoma caseyi*). Smoke Tree Ranch, Palm Springs.

Figures 4-7. Project Site Images

Figure 4. View across site to northeast.

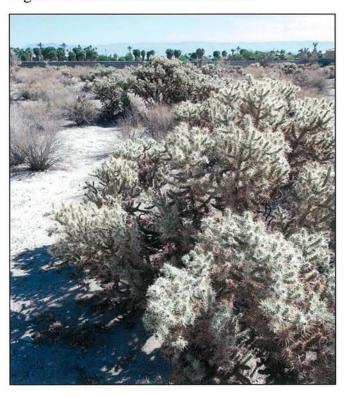
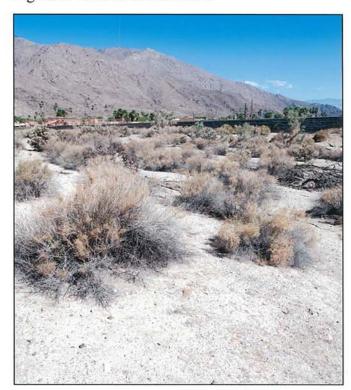


Figure 5. View of debris basin.



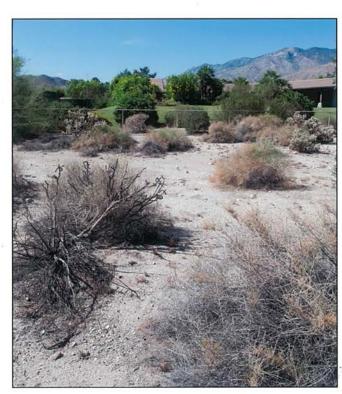


Figure 6. View across site to southwest.

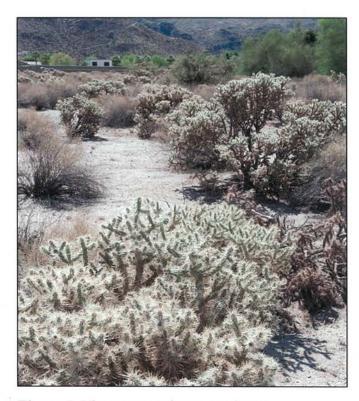


Figure 7. View across site to southeast

Bogert Trail Casey's June Beetle Study, page 11

V. RESEARCH METHODS

Black light trapping for Casey's June beetle was conducted once or more each week beginning the first suitable trapping evening in April, 2014, and continuing through May 29, 2014. Specifically, trapping was conducted on the evenings of April 7, April 16, April 21, April 28, May 5, May 14, May 23 and May 29, 2014, for a total of 8 trapping nights (see Table 1 and field notes for details).

Light trapping was initiated on evenings when air temperature 1 foot above the ground exceeded 80 degrees F and wind speed was less than 5 miles per hour. Wind speed and temperature were recorded at the beginning, middle and end of each trapping session. Trapping commenced approximately 2 hours before sunset and continued for at least 4 hours. Traps were checked at least once each hour after sunset.

Three or four standard insect black light collection traps were used each evening to attract and capture Casey's June beetles. Each trap had one 15 watt black light tube suspended above a 5 gallon bucket topped with a 10-inch funnel with a 2-inch opening inside the bucket. Buckets were placed upon a six by four-foot white cloth. Traps were placed across the entire site over the trapping period for 100% coverage (see Figure 8 on page 15 for exact placement). Traps were placed for maximum visibility though screened from roadways by shrubs to avoid vandalism and theft and potential loss of specimens. A total of twenty-nine locations were sampled during the two-month trapping period.

In addition to black-light live trapping, incidental attention was directed towards the discovery of adult beetle exit holes on the surface as well as the discovery of flightless females.

Placement of traps, removal of specimens, identification of beetles and report preparation were completed by James W. Cornett.

VI. RESULTS

No Casey's June beetles were observed, detected or trapped on site in the spring of 2014. This finding confirms findings made by Michael Brandman Associates in 2002.⁸

In spite of three years of winter drought, and assumed depression of beetle numbers and/or activity, Casey's June beetles were active in the spring of 2014. Tracy Conrad of Smoke Tree Ranch observed the species at lights in April (personal communication). I also successfully trapped Casey's June beetles at another site near the eastern limits of the city of Palm Springs, also in April of 2014.

Therefore, the inability to trap beetles at the Bogert Trail site, as well as lack of recent historical evidence, leads to the conclusion that Casey's June beetle does not currently occupy the site. It may have occupied the site in the past but is now extirpated.

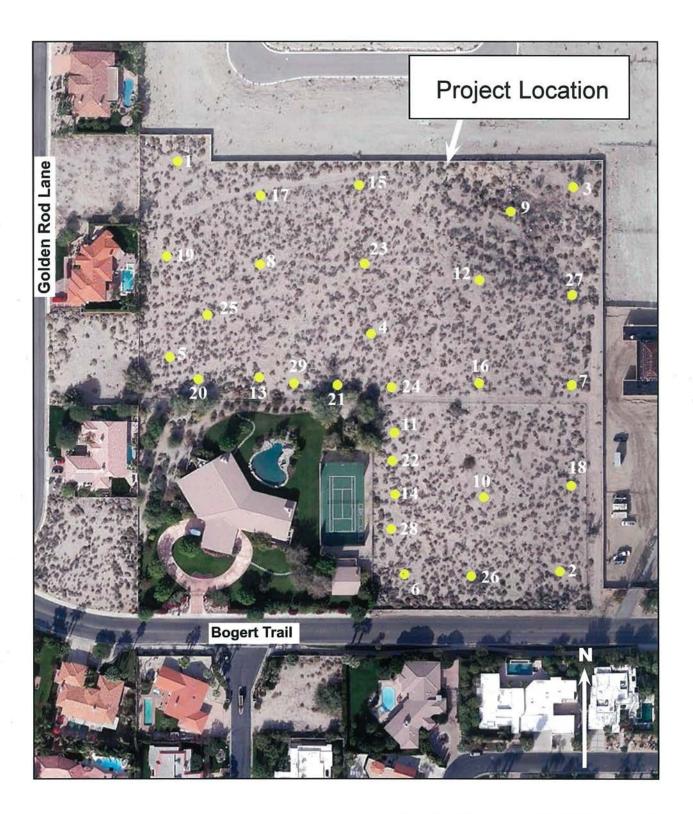
⁸ Agua Caliente Caliente Tribal Habitat Conservation Plan

Table 1. Dates, locations* and results of trapping efforts on Bogert Trail Site in spring, 2014.

Site #	Date	# CJB	Latitude (N)	Longitude (W)
1	April 7	0	33° 46′ 39.84″	116° 32' 12.36"
2	April 7	0	33° 46′ 34.12″	116° 32' 05.90"
3	April 7	0	33° 46′ 39.50″	116° 32' 05.66"
4	April 7	0	33° 46′ 37.43″	116° 32' 09.07"
5	April 16	0	33° 46' 37.10"	116° 32' 12.47"
6	April 16	0	33° 46' 34.08"	116° 32' 08.51"
7	April 16	0	33° 46' 36.71"	116° 32' 05.71"
8	April 16	0	33° 46′ 38.41″	116° 32' 10.95"
9	April 20	0	33° 46′ 39.17″	116° 32' 06.71"
10	April 20	0	33° 46' 35.15"	116° 32' 07.17"
11	April 20	0	33° 46′ 36.06″	116° 32' 08.67"
12	April 20	0	33° 46′ 38.19″	116° 32' 07.25"
13	April 28	0	33° 46′ 36.82″	116° 32' 10.97"
14	April 28	0	33° 46′ 35.19″	116° 32' 08.67"
15	April 28	0	33° 46' 39.52"	116° 32' 09.29"
16	April 28	0	33° 46′ 36.74″	116° 32' 07.25"
17	May 5	0	33° 46′ 39.37″	116° 32' 10.95"
18	May 5	0	33° 46' 35.32"	116° 32' 05.71"
19	May 5	0	33° 46′ 38.51″	116° 32' 12.54"
20	May 14	0	33° 46' 36.79"	116° 32' 11.99"
21	May 14	0	33° 46' 36.72"	116° 32' 09.66"
22	May 14	0	33° 46' 35.66"	116° 32' 08.72"
23	May 14	0	33° 46′ 38.42″	116° 32' 09.19"
24	May 23	0	33° 46′ 36.69″	116° 32' 08.74"
25	May 23	0	33° 46' 37.70"	116° 32' 11.84"
26	May 23	0	33° 46′ 34.06″	116° 32' 07.40"
27	May 29	0	33° 46' 37.98"	116° 32' 05.70"
28	May 29	0	33° 46' 34.71"	116° 32' 08.74"
29	May 29	0	33° 46′ 36.74″	116° 32' 10.37"

^{*} Locations are accurate to within ten feet.

Figure 8. Trap numbers and locations on Bogert Trail site.



VII. DISCUSSION

The current site was found to contain suitable habitat for Casey's June beetle. Soil characteristics seemed appropriate. Vegetation was nearly identical to that found in relatively undisturbed portions of Smoke Tree Ranch where Casey's June beetles are routinely found each spring. Why was the beetle not found at the Bogert Trail site?

The site under investigation is small, just over seven acres in size, and is strongly influenced by events and practices on fully developed lands surrounding it. Such practices and events include block walls that completely encircle the site. Alkaline materials from the cement used to construct walls leach into adjacent soils and likely make them unsuitable for beetle larvae. A second example of adverse impacts from adjacent lands is insecticide spraying around home and yard edges, an almost universal practice in residential areas along the southern edge of Palm Springs. Regular and routine insecticide spraying likely has a significant adverse impact on invertebrate fauna on the site. These, and no doubt other adjacent-land effects, continue today.

A one-time but permanent impact on site fauna was the construction of a debris basin in the northeastern corner of the site. The construction of the basin would certainly have eliminated beetle larvae from a portion of the site and, if excavated soil was spread out over the remaining acreage, may have adversely impacted beetle larvae developing areas beyond the debris basin.

Today, it would be almost impossible for the site to be naturally recolonized by beetles from occupied portions of Palm Canyon Wash. Female Casey's June beetles do not fly, are therefore ground-dwelling and appear to not move far from where they emerge from soil. Even if they did reach the walls, because of their ground-dwelling habits it would be unlikely for females to scale the walls that surround the site. Male beetles fly but rarely more than one meter off the ground, too low to clear the walls (Cornett, unpublished data). If Casey's June beetles were once resident on the site but were extirpated, it would be nearly impossible for the species to reach the site today.

Appendix Field Records

Casey's June Beetle Data Sheet

(Date) Month Month Day Tear 20/4
Time first trap set 5:30PM p.m. Daylight savings time? (YES) NO
Temperature 1-ft above ground at start 89 F Wind speed
Midpoint Temperature Storm Wind Speed Wind Speed
Location of Trap #1 33° 46' 39.84"; 116° 32.12,36 W
Number of CJB in Trap #1 and times
Location of Trap #2 34./2 105.90"
Number of CJB in Trap #2 and times
Location of Trap #3 39,50" j 05.66"
Number of CJB in Trap #3 and times
Location of Trap #4 37.43"; 09.07
Number of CJB in Trap #4 and times
Air tamp at and 80 Wind Spand O End time 0,50 PM

Casey's June Beetle Data Sheet

(Date) Month <u>Apr./</u> Day <u>/6</u> Year <u>20/4</u>
Time first trap set 5.145 P.M. p.m. Daylight savings time? (YES) NO
Temperature 1-ft above ground at start $9/F$ Wind speed $1/F$
Midpoint Temperature 87 Wind Speed / mph
Location of Trap #1 33° 46 37,10" Number of CJB in Trap #1 and times
Location of Trap #2 33° 46′ 34.08″ 1/1/6° 32′ 08.51″ W Number of CJB in Trap #2 and times
Location of Trap #3 33 46 36,71 6/16 32 5,71 W Number of CJB in Trap #3 and times
Location of Trap #4 33°46′38,41″d/'1/6°32′/0,95″h
Air temp at end 82 Wind Speed $3m^2$ End time $12MM$.

Casey's June Beetle Data Sheet

(Date) Month April Day 20 Year 2014
Time first trap set 5.30 p.m. Daylight savings time? (YES) NO
Temperature 1-ft above ground at start 87 Wind speed
Midpoint Temperature 83° Wind Speed 100
Location of Trap #1 33 46 39.17 W 3/16 32 06.7/ " Number of CJB in Trap #1 and times
Location of Trap #2 $33^{\circ}46^{\prime}3515^{\circ}N^{\prime}116^{\circ}32^{\prime}7.17^{\prime\prime}N^{\prime}$ Number of CJB in Trap #2 and times
Location of Trap #3 33° 46′ 36.06″ N; //6°32′08.67″ W
Number of CJB in Trap #3 and times
Location of Trap #4 33° 46′ 38./9″; //6° 32′ 7.25″ W Number of CJB in Trap #4 and times
Air temp at end $80^{\circ}F$ Wind Speed $100^{\circ}h$ End time $100^{\circ}h$

(Date) Month April Day 28 Year 20/4
Time first trap set 527M p.m. Daylight savings time? (YES) NO
Temperature 1-ft above ground at start $86F$ Wind speed $2mph$
Midpoint Temperature $82^{\circ}F$ Wind Speed 0
Location of Trap #1 33°46′36,82″N°, 1/6°32′10.97″W
Number of CJB in Trap #1 and times
Location of Trap #2 35,/9"; 08.67"
Number of CJB in Trap #2 and times
Location of Trap #3 39,52"; 09.29"
Number of CJB in Trap #3 and times
Location of Trap #4 36.74"; 7.25"
Number of CJB in Trap #4 and times
Air temp at end 79° F Wind Speed 0 End time 10° Sp. M.

(Date) Month May Day 5 Year 20/4
Time first trap set 5'40 P.M. p.m. Daylight savings time? (YES) NO
Temperature 1-ft above ground at start 89° Wind speed 400
Midpoint Temperature 86 Wind Speed 2 MOA
Location of Trap #1 33°46′39,37 N; 1/6°32′10,95″ Number of CJB in Trap #1 and times
Location of Trap #2 33°46′ 35.32″; 1/6°32′ 05.71″
Number of CJB in Trap #2 and times
Location of Trap #3 33°46′38.51″; 116°32′12.54″ Number of CJB in Trap #3 and times
Location of Trap #4
Number of CJB in Trap #4 and times
Air temp at end 84 Wind Speed () End time (1) 1000

May say
(Date) Month Day / Year Volume
Time first trap set 6.05 PM p.m. Daylight savings time? YES NO
Temperature 1-ft above ground at start $94F$ Wind speed $3ph$
Midpoint Temperature $92^{\circ}F$ Wind Speed 0
Location of Trap #1 33° 46′ 39.37″ W; 1/6° 32′10.95″ W
Number of CJB in Trap #1 and times
Location of Trap #2 $33^{\circ}46'36.72''$; $1/6''32'9.66''$ W
Number of CJB in Trap #2 and times
Location of Trap #3 $33^{\circ}46'35.66''$, $1/16^{\circ}32'8.72''$
Number of CJB in Trap #3 and times
Location of Trap #4 33° 46′ 38,42″ 1/16° 32″ 9,19″
Number of CJB in Trap #4 and times
Air temp at end 88% Wind Speed 100% End time 9.55%

(Date) Month May Day 23 Year 20/4
Time first trap set
Temperature 1-ft above ground at start 85 Wind speed $3mpq$
Midpoint Temperature Strip Wind Speed
Location of Trap #1 33°46 36,69" N 1 1/6 32 8,74 %
Number of CJB in Trap #1 and times
Location of Trap #2 37.70"; 11.84"
Number of CJB in Trap #2 and times
Location of Trap #33346 34.06" 7.40"
Number of CJB in Trap #3 and times
Location of Trap #4
Number of CJB in Trap #4 and times
Air temp at end $82P$ Wind Speed End time $9.50PM$

(Date) Month May Day 29 Year $20/4$					
Time first trap set 5.550 . p.m. Daylight savings time? (YES) NO					
Temperature 1-ft above ground at start 99^{oF} Wind speed $4mph$					
Midpoint Temperature 96 F Wind Speed 3mph					
Location of Trap #1 33° 46' 37.98" ; 1/6° 32' 5,70" W					
Number of CJB in Trap #1 and times					
Location of Trap #2 33° 46′ 34,7/ N / 1/6° 32′ 8,74′ WWW Number of CJB in Trap #2 and times					
Location of Trap #3 33° 46′ 36,74″ / 1/6°32′ 10.37 W					
Number of CJB in Trap #3 and times					
Location of Trap #4					
Number of CJB in Trap #4 and times					
Air temp at end $93^{\circ}F$ Wind Speed 100° End time 100°					

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DRAFT FOCUSED ENVIRONMENTAL IMPACT REPORT

Alta Verde/Linea, Palm Springs CA Biological Resources

Appendix B

Biological Supplemental Letter (James W. Cornett)

Emily Hemphill Attorney at Law EPHemphill@aol.com P.O. Box 1008 Rancho Mirage, CA 92270 October 29, 2014

Subject: Biological issues regarding 7.21-Acre Bogert Trail Site

Dear Ms. Hemphill:

It has come to my attention there may be some unresolved biological issues regarding the development of the 7.21-acre site located along the northern edge of Bogert Trail, city of Palm Springs, Riverside County, California. Those issues involve the burrowing owl (*Athene cunicularia*), protected under the Migratory Bird Treaty Act; Peninsular population of bighorn sheep (*Ovis canadensis*), listed as Endangered by the U.S. Fish & Wildlife Service (USFWS); desert tortoise (*Gopherus agassizii*), listed as Threatened by the USFWS; and Coachella Valley fringe-toed lizard (*Uma inornata*), also listed as Threatened by the USFWS.

As you recall, I was on the project site in April and May of 2014 conducting protocol-level surveys for the federally endangered Casey's June beetle (authorized by Federal Fish & Wildlife Permit #TE64509A-0). Specifically, I was on the project site April 7, 16, 21 and 28, as well as May 5, 14, 23 and 29, 2014. On those dates I was within the site boundaries from the late afternoon well into the evening hours (approximately 5:00 to 11:00 p.m.). In addition, I was on the project site for approximately four hours on the mornings of May 29 and 30 photographing the site for the Casey's June beetle report I was completing at the time. Cumulatively, these activities required that I traverse the entire site numerous times.

On none of my visits did I observe burrowing owls nor did I encounter evidence of their presence (burrows, scat, owl pellets, feathers, etc.). I have conducted hundreds of protocol-level surveys for the burrowing owl and am extremely familiar with the species. Although I was not conducting protocol-level surveys on the dates mentioned above, the site is small (only 7.21 acres) and I consider it extremely unlikely that even one burrowing owl was present, let alone resident, within site boundaries during the period in which I was present. The site is suitable for the owl, with friable soil and rodent burrows that an owl can enlarge. Nonetheless, I feel extremely confident is saying the burrowing owl was not present from April 7 through May 30, 2014.

The desert tortoise is known to occur within the city limits of Palm Springs and surrounding areas. As with the burrowing owl, I am intimately familiar with the species and have conducted hundreds of protocol-level surveys for the desert tortoise. I observed no tortoises or evidence of their presence during the period from April 7 to May 30, 2014. Furthermore, I consider the habitat of the project site unsuitable for this species. The project site is completely surrounded by

paved roadways and residential developments. Naturally occurring desert tortoises have never been found in small pockets of disturbed and extremely isolated habitat surrounded by residential developments. In my opinion, no desert tortoises are present and the site cannot be considered potential habitat for this species.

A very similar situation exists with regard to Peninsular bighorn sheep. As any field biologist would expect with regard to the project site, no bighorn were observed and no evidence of their presence was detected. I have conducted focused bighorn sheep surveys on hundreds of occasions and have never found, nor would I ever expect, bighorn to be present on what is essentially a vacant lot. Furthermore, I cannot conceive how one of these large animals would even reach the site. The nearest occupied bighorn habitat is nearly a mile away. To reach the site a bighorn would need to dodge vehicles as it wandered down Bogert Trail and then jump a fence to enter the unsuitable habitat of the project site. Any adverse impacts to Peninsular bighorn sheep as a result of the development of the project site are incomprehensible.

The Coachella Valley fringe-toed lizard has never occurred on, or near, the project site even prior to residential development in the area. The lizard requires loose, windblown sand in which to bury itself when predators approach. Based upon current compacted conditions of site soil and the presence of a climax creosote bush/golden cholla community (which indicates long-term soil stability) the site has always been unsuitable for this species during both historical and probably prehistorical times as well. It goes without saying that no observations or detection of this species occurred during my site visits.

This concludes my comments on unresolved biological issues with regard to the 7.21-acre Bogert Trail project site. Feel free to share this letter with interested parties and to contact me should you have any questions ore require additional information.

Sincerely

James W Cornett

jwc/tb

DRAFT FOCUSED ENVIRONMENTAL IMPACT REPORT

Alta Verde/Linea, Palm Springs CA Biological Resources

Appendix C

U.S. Fish and Wildlife Service Correspondence

Vann, Nicole

To: Vann, Nicole

Subject: FW: 2172 RE: Re: CJB Surveys on Bogert Trail Property

Nicole Vann

Planner MSA Consulting, Inc.

From: ephemphill [mailto:ephemphill@aol.com]
Sent: Monday, October 27, 2014 9:11 AM

To: Nicole Criste; Andrew Adler; Roos, Marv; Witherspoon, Michelle; Edward Robertson; Douglas C. Holland

Subject: Fwd: Re: CJB Surveys on Bogert Trail Property

See below for U SFWS sign off

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message ------From: "McBride, Jenness"

Date:10/27/2014 8:36 AM (GMT-08:00)

To: <u>EPHEMPHILL@aol.com</u>
Cc: <u>aadler@altaverdegroup.com</u>

Subject: Re: CJB Surveys on Bogert Trail Property

Hi Emily,

Thank you for sending me the survey results for the 7.2-acre Bogert Trail site.

The property is designated as critical habitat for the endangered Casey's June beetle (CJB). However, the designation of critical habitat does not affect land ownership or establish a refuge, preserve, or other conservation area, and it does not allow the government or public to access private lands. We recognize that critical habitat is a confusing issue for landowners. Critical habitat is mostly a Federal "zoning" designation to alert other Federal agencies that any project they fund or permit must consider impacts to critical habitat (whether or not it is occupied by CJB). For example, if a project requires a Corps of Engineers permit, the Corps would have to evaluate impacts to any CJB that occur on the project site, and to the designated critical habitat as well.

For this site, then, a private landowner who doesn't need a Federal permit or funding does not need to consider impacts to critical habitat. However, everyone must comply with the Endangered Species Act and its "take" prohibitions under ESA section 9, if activities occurring on their properties may affect endangered or threatened species. "Take" refers to any action that would harm or kill a listed species, including harm to its habitat, whether or not it is designated as "critical". For CJB, which spends most of its time underground, any soil disturbance likely would harm the beetles, resulting in take that would not be lawful without an ESA permit from the Service.

For this property, the surveys conducted this past spring did not detect CJB on the site. Therefore, the Service considers that the landowner has no further responsibility under the ESA at this time. Thank you for contacting the Service, and best regards,

Jenness

Jenness McBride Chief, Coachella and Imperial Valleys Division U.S. Fish and Wildlife Service Palm Springs Fish and Wildlife Office 777 East Tahquitz Canyon Way, Suite 208 Palm Springs, California 92262 760-322-2070, ext. 203

On Fri, Oct 3, 2014 at 11:51 AM, < <u>EPHEMPHILL@aol.com</u>> wrote:

Jenness--Thank you for returning my call this morning. As we discussed, I am attaching the CJB survey completed per USFWS protocols by Jim Cornett. As expected, the survey was negative, showing no traces of CJB on the site. As we discussed, this is an isolated 7.2 acres surrounded by development.

So that I may demonstrate that we have consulted with you, please provide written confirmation that with the survey results, we have satisfied your requirements and no further action with USFWS is required at this time.

Thank you for your help.

Spam Filter identified this as CLEAN. Give feedback: This is SPAM · More

DRAFT FOCUSED ENVIRONMENTAL IMPACT REPORT

Alta Verde/Linea, Palm Springs CA Biological Resources

Appendix D

Notice of Preparation and Comment Letters Received



Notice of Preparation of a Draft Focused Environmental Impact Report

ALTA VERDE LINEA HOMES (CASE 5.1342-PD371 / TTM36723)

DATE:

September 22, 2014

LEAD AGENCY:

City of Palm Springs, 3200 East Tahquitz Canyon Way

Palm Springs, CA 92262

PROJECT TITLE:

Alta Verde Linea Homes (A 14-Lot SFR Development)

PROJECT APPLICANT: Alta Verde Homes, LLC

PROJECT LOCATION:

1000 Bogert Trail, Palm Springs, Riverside County, CA 92262

In accordance with the California Environmental Quality Act (CEQA), the City of Palm Springs as the Lead Agency and will prepare a Draft Focused Environmental Impact Report (EIR) for the project identified above. The purpose of this Notice of Preparation (NOP) is a request for responsible agencies, trustee agencies, other interested agencies, organizations, and members of the general public to provide input on the proposed Draft EIR for the Alta Verde, Linea project. Your responses to the NOP will inform the City of Palm Springs (the Lead Agency) of your environmental concerns, your ideas about the effects of the project, and ways the project might be revised or mitigated to reduce or avoid significant effects and to solicit comments on the environmental analysis to be contained in the EIR.

The project's description, location, and potential environmental impacts are described in the NOP and will be in the Draft Focused EIR as well. If the proposed project has no bearing on you or your organization no action on your part is necessary.

The Alta Verde Group's Linea residential project (the Project) involves the development of 7.21 acres of land in the City of Palm Springs for single family residences, as anticipated under the City of Palm Springs General Plan. The proposed use was originally approved in 1991 as a part of the Canyon Park Resort and Spa Specific Plan. The Subject Property has undergone previous environmental analyses under the California Environmental Quality Act (CEQA).

The Specific Plan did not include a zoning map amendment as it contemplates that the entire project would be implemented through the City's Planned Development District protocols consistent with the Specific Plan. It does provide, however, that a property owner who does not wish to develop pursuant to the Specific Plan may proceed with development consistent with the underlying zoning for the property. The underlying zoning for the Property is R-1-B (Single Family Residential with 15,000 square foot minimum lot size) under the City of Palm Springs Zoning Ordinance.

The project, involves the subdivision and development of the property into 14 Single Family homes and private streets. The 14 residential lots will range in size from 15,834 to 24,005 square feet. The Project site's land use is designated in the Specific Plan as Estate Residential limiting density to 0-2 dwelling units per acre.



The three common lots are for landscaping and drainage systems. The 14 single family luxury residences will feature sustainable design; taking advantage of the vistas offered by the property. The homes propose "modern" architectural design aesthetic for which Palm Springs is famous. The proposed Planned Development District will allow for customization of development standards for the property while also allowing the property to remain consistent with the specific plan.

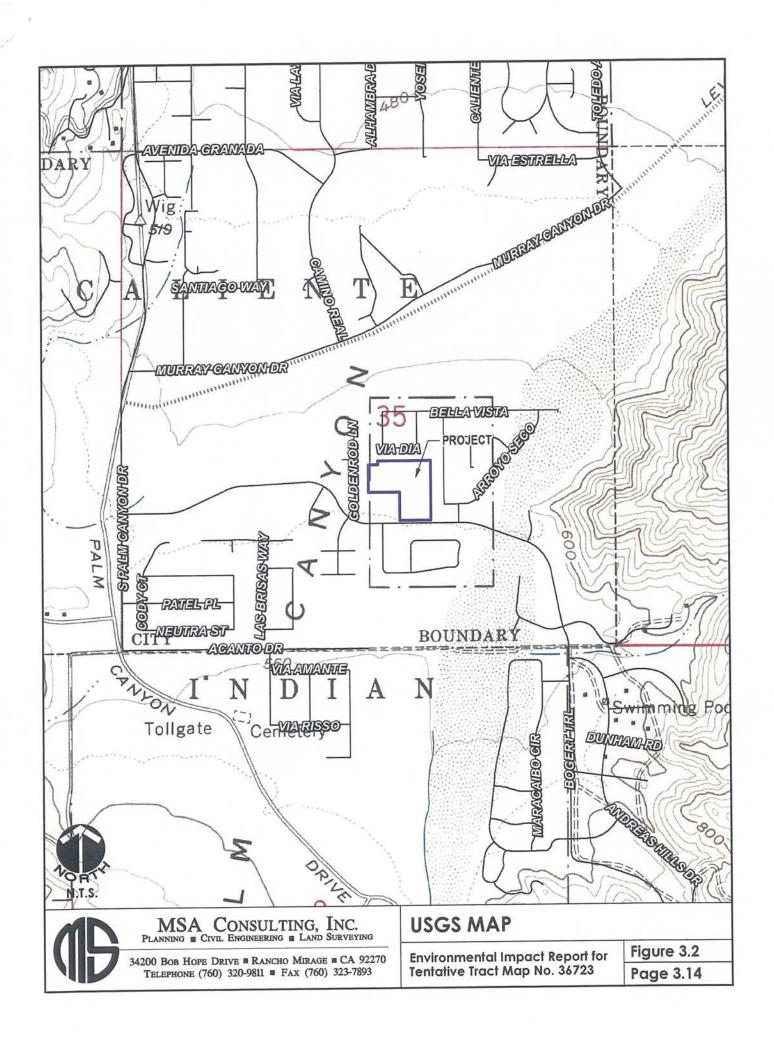
Based on the results of the biological investigation and survey, no Casey's June beetle were encountered or showed substantial evidence of occupied habitat on the proposed project site. Furthermore, the report concludes that it is unlikely that any CJB would be physically able to re-populate the site due to site constraints and soil conditions. The site is physically isolated from the remainder of the designated critical habitat for the CJB. For these reasons, development on the property is expected to result in less than significant impacts to the CJB.

The Desert tortoise was not detected on the subject Property. The species has primarily been observed on upper bajadas surrounding the valley floor. The USFWS has the right to conduct or require tortoise clearance surveys prior to site development. These clearance surveys are intended to protect the species based on the possibility that a desert tortoise may wander onto the site and be injured or killed during construction activities. No further recommendations are provided due to the minimal probability that the Desert tortoise resides in the Project area. Considering the conditions of the Project-site and vicinity, it is unlikely that the desert tortoise may wander onto the property.

The burrowing owl was not identified within the developable Project area. The habitat is considered suitable. The species commonly enlarges rodent burrows and utilizes them for nesting. The federal Migratory Bird Act prohibits harming the owl. At present time the Service approves of the mitigation provided in the "Staff Report on Burrowing Owl Mitigation" prepared by the California Department of Fish and Wildlife on March 7, 2012.

Pursuant to implementation procedures, notice is given to responsible and interested agencies that the City of Palm Springs Planning Department plans to oversee the preparation on an Environmental Impact Report for the above-described project. The purpose of this notice is to solicit guidance from your agency as to the scope and content of the environmental information to be included in the EIR. Information in that regard should be submitted to this office as soon as possible, but not later than thirty (30) days after receiving this notice.

Please send your responses to Edward O. Robertson, Principal Planner, at the address indicated above. Do not hesitate to contact me at 760-323-8245, should you have any question regarding this NOP.





STATE OF CALIFORNIA Governor's Office of Planning and Research State Clearinghouse and Planning Unit



Notice of Preparation

RECEIVED

September 26, 2014

SEP 3 0 2014

PLANNING SERVICES
DEPARTMENT

To: Reviewing Agencies

Re:

Alta Verde LineA Homes (Case 5.1342-PD371/TTM36723

SCH# 2014091078

Attached for your review and comment is the Notice of Preparation (NOP) for the Alta Verde LineA Homes (Case 5.1342-PD371/TTM36723 draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Edward O. Robertson City of Palm Springs 3200 E. Tahquitz Canyon Way Palm Springs, CA 92262

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely

Scott Morgan

Director, State Clearinghouse

Attachments cc: Lead Agency

Document Details Report State Clearinghouse Data Base

SCH# 2014091078

Project Title Alta Verde LineA Homes (Case 5.1342-PD371/TTM36723

Lead Agency Palm Springs, City of

> NOP Notice of Preparation Type

The Alta Verde Group's Linea residential project involves the development of 7.21 acres of land in the Description

> City of Palm Springs for single family residences, as anticipated under the City of Palm Springs General Plan. The proposed use was originally approved in 1991 as a part of the Canyon Park Resort and Spa Specific Plan. The Subject Property has undergone previous environmental analyses under

the California Environmental Quality Act (CEQA).

The Specific Plan did not include a zoning map amendment as it contemplates that the entire project would be implemented through the City's Planned Development District protocols consistent with the

Specific Plan.

Lead Agency Contact

Edward O. Robertson Name Agency City of Palm Springs

(760) 323-8245 Phone

email

3200 E. Tahquitz Canyon Way Address

> Palm Springs City

Fax

State CA Zip 92262

Project Location

County Riverside

Palm Springs City

Region

Cross Streets

Lat / Long

Parcel No.

Base Section Township Range

Proximity to:

Highways

Airports

Railways

Waterways

Schools

Land Use

Specific Plan as Estate Residential limiting density to 0-2 dwelling units per acre.

Z: R-1-B (Single Family Residential with 15,000 sf min. lot size) under the City of Palm Springs Zoning

Ordinance

Project Issues

Reviewing Agencies

Resources Agency; Department of Conservation; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 6; Native American Heritage Commission; Caltrans, District 8; Air Resources Board; Regional Water Quality

Control Board, Region 7

Date Received 09/26/2014

Start of Review 09/26/2014

End of Review 10/27/2014

Note: Blanks in data fields result from insufficient information provided by lead agency.

2014091078

Last Updated 8/27/2014

1.4	OF DISTIBUTION LIST		County: KIVENSIO	ic sch#	
	OURCES AGENCY Resources Agency Nadell Gayou	Fish & Wildlife Region 1E Laurie Harnsberger	Native American Heritage Comm. Debbie Treadway	Caltrans, District 8 Dan Kopulsky	Regional Water Quality Control Board (RWQCB)
	Dept. of Boating & Waterways Nicole Wong	Fish & Wildlife Region 2 Jeff Drongesen Fish & Wildlife Region 3	Public Utilities Commission Leo Wong	Caltrans, District 9 Gayle Rosander Caltrans, District 10	RWQCB 1 Cathleen Hudson North Coast Region (1)
	California Coastal Commission Elizabeth A. Fuchs	Charles Armor Fish & Wildlife Region 4 Julie Vance	Santa Monica Bay Restoration Guangyu Wang	Tom Dumas Caltrans, District 11 Jacob Armstrong	RWQCB 2 Environmental Document Coordinator
	Colorado River Board Lisa Johansen	Fish & Wildlife Region 5 Leslie Newton-Reed Habitat Conservation	State Lands Commission Jennifer Deleong	Caltrans, District 12 Maureen El Harake	San Francisco Bay Region (2) RWQCB 3 Central Coast Region (3)
,	Dept. of Conservation Elizabeth Carpenter California Energy	Program Fish & Wildlife Region 6 Tiffany Ellis	Tahoe Regional Planning Agency (TRPA) Cherry Jacques	<u>Cal EPA</u>	RWQCB 4 Teresa Rodgers Los Angeles Region (4)
	Commission Eric Knight Cal Fire	Habitat Conservation Program Fish & Wildlife Region 6 I/M	usiness, Trans & Housing Caltrans - Division of	Air Resources Board All Other Projects Cathi Slaminski	RWQCB 5S Central Valley Region (5)
	Dan Foster Central Valley Flood	Heidi Sickler Inyo/Mono, Habitat Conservation Program	Aeronautics Philip Crimmins Caltrans - Planning	Transportation Projects Nesamani Kalandiyur	RWQCB 5F Central Valley Region (5) Fresno Branch Office
	Protection Board James Herota Office of Historic	Dept. of Fish & Wildlife M George Isaac Marine Region	Terri Pencovic California Highway Patrol	Industrial/Energy Projects Mike Tollstrup State Water Resources Control	RWQCB 5R Central Valley Region (5) Redding Branch Office
	Preservation Ron Parsons Dept of Parks & Recreation	Other Departments	Suzann Ikeuchi Office of Special Projects Housing & Community	Board Regional Programs Unit Division of Financial Assistance	RWQCB 6 Lahontan Region (6)
	Environmental Stewardship Section	Food & Agriculture Sandra Schubert Dept. of Food and	Development CEQA Coordinator Housing Policy Division	State Water Resources Control Board Jeffery Werth	RWQCB 6V Lahontan Region (6) Victorville Branch Office
	California Department of Resources, Recycling & Recovery Sue O'Leary	Services	ept. of Transportation	Division of Drinking Water State Water Resources Control	RWQCB 7 Colorado River Basin Region (7)
	S.F. Bay Conservation & Dev't. Comm.	Public School Construction Dept. of General Services Anna Garbeff	Caltrans, District 1 Rex Jackman	Board Student Intern, 401 Water Quality Certification Unit Division of Water Quality	RWQCB 8 Santa Ana Region (8) RWQCB 9
	Steve McAdam Dept. of Water Resources	Environmental Services Section	Caltrans, District 2 Marcelino Gonzalez Caltrans, District 3	State Water Resouces Control Board	San Diego Region (9)
	Resources Agency Nadell Gayou	Delta Stewardship Council Kevan Samsam	Eric Federicks – South Susan Zanchi - North	Phil Crader Division of Water Rights Dept. of Toxic Substances	Other
,	Fish and Game Depart. of Fish & Wildlife Scott Flint	Independent Commissions,Boards	Caltrans, District 4 Erik Alm Caltrans, District 5	Control CEQA Tracking Center	COS OUIGI
	Environmental Services Division	Delta Protection Commission Michael Machado	David Murray Caltrans, District 6	Department of Pesticide Regulation CEQA Coordinator	
•	Fish & Wildlife Region 1 Donald Koch	OES (Office of Emergency Services) Dennis Castrillo	Michael Navarro Caltrans, District 7 Dianna Watson		Conservancy
		Doming Castimo			Last Undated 8/27/2014

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-004-2014-047

October 02, 2014

[VIA EMAIL TO:Edward.Robertson@palmspringsca.gov] City of Palm Springs Mr. Edward Robertson P.O Box 2743 Palm Springs, CA 92263-2743

Re: Case 5.1342-PD371/TTM 36723

Dear Mr. Edward Robertson,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the Case 5.1342-PD371-TTM36723 project. A records check of the ACBCI cultural registry revealed that the project area is within the boundaries of the ACBCI Reservation. The ACBCI THPO requests the following:

*A cultural resources inventory of the project area by a qualified archaeologist prior to any development activities in this area.

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

*Copies of any cultural resource documentation (report and site records) generated in connection with this project.

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6829. You may also email me at keskew@aguacaliente.net.

Cordially,

Katie Ehm?

AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



Katie Eskew Archaeologist Tribal Historic Preservation Office AGUA CALIENTE BAND OF CAHUILLA INDIANS

> 5401 DINAH SHORE DRIVE, PALM SPRINGS, CA 92264 760/699/6800 F 760/699/6624 WWW.AGUACALIENTE NEN.GOV

Hard delivered

From: Joan Taylor <palmcanyon@mac.com>

Subject: Response to the NOP, Alta Verde Linea Homes

Date: October 20, 2014 12:35:02 PM PDT

To: Edward.robertson@palmspringsca.gov

RECEIVED

OCT 21 2014

PLANNING SERVICES
DEPARTMENT



Did you ask MSA to send the reports? I have gotten nothing. It is extremely difficult to respond to an NOP without seeing the Initial Study and Environmental Checklist discussion as well as referenced reports, all of which I requested and you agreed to ask MSA for. But on its face, given the location of the project and the fact that it is critical habitat, there is compelling evidence that the project may have significant adverse impacts to Casey's June Beetle.

Please accept this email as Sierra Club's response to the NOP that the EIR should analyze the issue of impacts to Casey's June Beetle fully and not dismissively as does the NOP. The desert tortoise, burrowing owl, and other biological issues should be analyzed as well.

Also, because of potential impacts to an endangered species, the City should consult with the US Fish & Wildlife Service prior to permitting any ground disturbing activities. Please confirm by email that the City is doing so.

Finally, please reiterate to MSA my request to receive the biological background documents asap. As we discussed, I believe they have my physical address if they insist on sending paper. Otherwise, I prefer digital files.

Thank you for your courtesy and cooperation.

Joan Taylor, Conservation Chair Tahquitz Group, Sierra Club

Begin forwarded message:

From: Joan Taylor com> Date: October 8, 2014 11:55:32 AM PDT
To: Edward.robertson@palmspringsca.gov
Subject: NOP, Alta Verde Linea Homes

Thanks very much for returning my call. Confirming our conversation, since the City evidently does not have them, I requested that MSA send me digital files of the background documents, the biological report(s), the EA, etc. at the above email address as soon as possible.

Thanks for your cooperation herein.

Joan Taylor, Conservation Chair Tahquitz Group, Sierra Club