

**BIOLOGICAL ASSESSMENT REPORT  
FOR THE  
FIRST PALM SPRINGS COMMERCE CENTER PROJECT  
CITY OF PALM SPRINGS**

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## **1.0 INTRODUCTION**

This report documents the findings of an evaluation of biological resources conducted by BLUE for the proposed First Palm Springs Commerce Center Project. The proposed Project includes the development of five parcels comprising approximately 100-acres within the City of Palm Springs, County of Riverside, California. Offsite improvements within an existing roadway (Karen Avenue) from the southwest corner of the Project, south to the Project frontage on 19<sup>th</sup> Avenue, are required. The Project is within the boundary between the south-facing foothills and the southeast-trending aspect of the Banning Bench and associated alluvial fan upon which most of the City of Palm Springs exists.

The Project comprises approximately 100 acres and lies within USGS Desert Hot Springs, California 7.5 topographic quadrangle; latitude 33°54'46.95"N / longitude 116°33'3.03"W. APN numbers include: 666-320-010 & 666-320-011(10 acres), 666-320-012 (10 acres), 666-320-015 (40 acres), and 666-320-019 (39.39 acres).

The Project BSA is composed of five lots/parcels;

- Parcel 1 & 2 D&E Land Co: APN 666-320-010 & 666-320-010-011 – 10 acres
- Parcel 3 Roger Martin: APN 666-320-012 – 10 acres
- Parcel 4 Fred & Holly Noble: APN 666-320-015 – 40 acres
- Parcel 5 PS Indian Ave 19 LLC: APN 666-320-019 – 39.39 acres

A portion of the Project was previously utilized as a wind power generation farm; however, the wind turbines were removed prior to performance of the onsite biological assessment. Fencing surrounds Parcel 5 that historically supported the wind turbines.

The Project is located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The Project is not located within any CVMSHCP designated Criteria Areas or Subunits. As such, the Project is not subject to Cell Criteria compliance under the CVMSHCP. The Project footprint does not fall within any Public/Quasi- Public (PQP) or other CVMSHCP Conserved Lands.

The Biological Study Area (BSA) includes the Project, plus a surrounding 500-foot buffer area. The BSA is located within the United States Geological Survey (USGS) 7.5-minute Desert Hot Springs Topographic Map.

The Project falls within the Coachella Valley Multispecies Habitat Conservation Plan (CVMSHCP) habitat assessment area for BUOW.

The Project provides suitable foraging, dispersing and breeding habitat for the BUOW; therefore, focused BUOW surveys were completed for the Project plus a surrounding 500-foot buffer. No BUOW or BUOW sign were observed in the survey area during the focused surveys.

The intended use of this document is to disclose and evaluate habitat conditions and determine the potential for occurrence of common and special-status species and their habitats within survey area limits pursuant to the CVMSHCP.

Special-status species refers to any species that has been afforded special protection by federal, state, or local resource agencies (e.g., U.S. Fish and Wildlife Service [USFWS], California Department of Fish and Game [CDFW]) or resource conservation organizations (e.g., California Native Plant Society [CNPS]). The term “special-status

species” excludes those avian species solely identified under Section 10 of the Migratory Bird Treaty Act (MBTA) for federal protection. The MBTA species protected by Section 10 are afforded avoidance and minimization measures per state and federal requirements.

## **2.0 METHODS**

Prior to beginning the general field survey, a literature review was completed to determine locations and types of biological resources having the potential to exist within the region (USFWS Critical Habitat Mapper and File data [USFWS 2019a], USFWS Information for Planning and Conservation (IPaC) [USFWS closed and not accessible], CDFW California Natural Diversity Database (CNDDDB) [CDFW], and CNPS Inventory of Rare and Endangered Plants [CNPS]). CNDDDB and CNPS file data were queried for records of occurrence of special-status species and habitats within the California Topographical quadrangle. The CVMSHCP Transportation and Land Management Agency Geographic Information Services Database, Coachella Valley Conservation Commission (CVCC) website and GIS data bank were also reviewed (County of Riverside, 2023).

In addition to utilizing on-line databases and mapping tools, the Desert Hot Springs topographic map was reviewed to determine the locations of any potential special aquatic resource areas (e.g., wetlands or other Waters of the United States or Waters of the State) under regulatory jurisdiction of the US Army Corps of Engineers (USACE), CDFW, and Regional Water Quality Control Board (RWQCB), and Riparian/Riverine habitats prior to beginning field surveys of the BSA.

Additionally, the United States Department of Agriculture Natural Resources Conservation Service (USDA-NRCS) on-line Web Soil Survey tool (NRCS 2015) was reviewed to determine the types and percent cover of soils within the BSA.

Lands within the BSA that were potentially suspected of being potential special aquatic resource and Riparian/Riverine habitats were then assessed by visual observation during the field survey. Potential special aquatic resource areas and riparian/riverine habitats were further evaluated by determining the presence of definable channels and/or hydrophytic vegetation, riparian habitat, and hydrologic regime.

The general field Biological Survey Area (BSA) includes the entire Property (five parcels), and a surrounding 500-foot buffer area. Reconnaissance level surveys were conducted by BLUE Consulting Group senior biologist Michael Jefferson on February 20th, 2023. Reconnaissance survey activities included a pedestrian-based biological survey to observe, document, and evaluate plant and wildlife resources and determine the potential for occurrence of special-status plant and wildlife species. Approximately 100-foot-wide meandering transects were utilized to provide visual coverage of the BSA.

Vegetation community type descriptions were based on observed dominant vegetation composition and derived from the criteria and definitions of vegetation classification systems (Holland, 1986; Sawyer and Keeler-Wolf, 1995; Sawyer et al., 2009). Plants were identified in the field to the lowest taxonomic level sufficient to determine positive identity and status. Plants of uncertain identity were subsequently identified using taxonomic keys, and scientific and common species names were recorded according to Baldwin (2012).

The presence of a wildlife species was based on direct observation or wildlife sign (e.g., tracks, burrows, nests, scat, or vocalization). Field data compiled for wildlife species included scientific name, common name, and evidence of sign when no direct observations were made. Wildlife of uncertain distinctiveness was documented

and subsequently identified from field guides and related literature (Burt and Grossenheider, 1980; Halfpenny, 2000; Sibley, 2000; Elbroch, 2003; and Stebbins, 2003).

The BSA was also assessed for its potential to support special-status species, based on habitat suitability comparisons with reported occupied habitats.

The following definitions were used to determine the need for subsequent surveys and to assess project-related effects to special-status species:

- Absent (A): No habitat occurs within the survey area and no further surveys are necessary
- Habitat Present (HP): Habitat is present within the survey area
- Present (P): The species was observed within the survey area during the survey
- Critical Habitat (CH): The survey area is located within designated critical habitat

Focused BUOW surveys were completed in accordance with CVM SHCP burrowing owl survey requirements to locate suitable owl habitat and potential nesting substrates. The habitat assessment followed the Burrowing Owl Survey Instructions for the Coachella Valley CVM SHCP Area (County of Riverside 2008), the recommendations of the California Burrowing Owl Consortium, Santa Cruz Predatory Bird Research Group Burrowing Owl Survey Protocol (1993), and the California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (updated, 2012).

For the completed protocol BUOW surveys, the entire Project and a surrounding 500-foot buffer area, were assessed on foot by BLUE senior biologist Michael Jefferson on three additional occasions (April 3<sup>rd</sup>, April 10<sup>th</sup> and April 14<sup>th</sup>, 2023). Per protocol, conditions for the surveys were appropriate, as follows:

1. On April 3, 2023 - beginning at 9:30 and ending at 2:30. Weather conditions during the surveys included 50% clear skies, with temperatures ranging from 66° to 73° Fahrenheit, and winds from 5-7 miles per hour.
2. On April 10, 2023 - beginning at 9:15 and ending at 2:30. Weather conditions during the surveys included 40% clear skies, with temperatures ranging from 69° to 75° Fahrenheit, and winds from 1-5 miles per hour.
3. On April 13, 2023 - beginning at 9:30 and ending at 2:30. Weather conditions during the surveys included 60% clear skies, with temperatures ranging from 64° to 71° Fahrenheit, and winds from 5-7 miles per hour.

Transects were spaced no more than 30 meters to ensure 100 percent coverage. Rodent burrows were thoroughly examined for presence of sign (i.e., pellets, white wash, feathers, or prey remains), and suitable perches were inspected for BUOW pellets.

### **3.0 RESULTS**

No sensitive and/or special status habitat types, wildlife species and/or plant species were observed. Plant communities were characterized by utilizing community descriptions from “Preliminary descriptions of the terrestrial natural communities of California” (Holland, 1986), with the exception of those vegetation communities that lack a definitive Holland classification. In those circumstances, the community was classified according to the dominant species or feature in the community. It is important to note that the Project has been subject to historic and current disturbance from prior commercial use, ongoing recreational use, illegal dumping and other human activities including frequent use for dog exercise by a nearby animal shelter. As a result, the vegetation communities identified in the project area do not support ideal habitat conditions for the potentially occurring sensitive species.

#### **3.1 VEGETATION COMMUNITIES/LAND COVER TYPES**

A total of two (2) vegetation community/land cover types was observed onsite; disturbed area and Sonoran creosote scrub (Figure 4). Habitat assessments for riparian resources and vernal pools were conducted and are negative. The Proposed Project is restricted to upland habitat areas. Disturbance along the northern Project boundary in the form of a maintained road and recently installed underground infrastructure (electric) precludes potential offsite flows from entering the property. Finally, no vernal pool habitat is present within the BSA; therefore, no additional analysis or discussion is carried forward in this document.

#### **Communities/Land Cover Types Observed Onsite**

##### **3.1.1 Disturbed**

Disturbed lands make up a small portion within the BSA. The disturbed areas are comprised of actively utilized and maintained dirt roads, previously graded areas and walking paths. These areas are generally bare dirt with the plant community consisting of Russian thistle (*Salsola tragus*), with no herbaceous layer present.

##### **3.1.2 Sonoran Creosote Scrub**

All onsite vegetation is comprised of Sonoran creosote bush scrub. Sonoran creosote bush scrub is the most widespread natural community in the Plan Area and can be found in nearly all the Conservation Areas. The proposed Conservation Areas in the CVMSHCP Reserve System include, to the extent possible, a relatively intact natural community, without significant fragmentation impacts, and the presence of intact Essential Ecological Processes necessary to maintain this community. To the extent they occur, contiguous stands of this natural community were selected when available.

Sonoran creosote bush scrub is desert sand accumulations lacking dune formations and characterized by irregular deposition of sand materials such that sand accumulations are regularly wind-blown off the habitat area. This sand may not be replaced until additional sand is deposited by a major flood event or other movement process. This community occurs primarily at the western end of the Plan Area where wind speeds are consistently at or above 15 mph and sands are routinely blown away. This community occurs in areas where exposure to consistent winds tends to reduce vegetation cover. This community occurs within a Sonoran creosote bush scrub matrix. Perennial shrubs are generally widely scattered and include creosote bush, indigo bush, desert willow (*Chilopsis linearis*), and California croton.

Onsite, the topography is generally flat, with sandy mounds created surrounding the small clusters or individuals of sparsely spaced Sonoran creosote scrub bushes and an understory of non-native grass species with bare dirt/sand separating the mounds.

**3.2 PLANT AND WILDLIFE SPECIES**

Plant and wildlife species observed within the survey area were typical of developed/disturbed areas and disturbed creosote habitats. All plant and wildlife species observed within the survey area are listed in Table 2 and Table 3, respectively.

**Table 2: Plant Species Observed within the Survey Area**

Species	Common Name
<i>Salsola tragus*</i>	Russian thistle
<i>Bromus madritensis*</i>	Red Brome
<i>Hordeum murinum*</i>	Barley
<i>Avena fatua*</i>	Oats
<i>Hirschfeldia incana*</i>	Summer Mustard
<i>Larrea tridentata</i>	Creosote Bush
* non-native species	

**Table 3: Wildlife Species Observed within the Survey Area**

Scientific Name	Common Name
<b>Birds</b>	
<b>Corvidae</b>	<b>Jays and Crows</b>
<i>Corvus corax</i>	common raven
<b>Mammals</b>	
<i>Otospermophilus beecheyi</i>	California ground squirrel (burrow)
<i>Sylvilagus</i> sp.	rabbit (sign)

**3.2.1 SPECIAL-STATUS PLANTS**

This section discusses special-status species observed or potentially occurring within the limits of the Survey Area. Legal protection for special-interest species varies widely, from the comprehensive protection extended to listed threatened/endangered species, to no legal interest at present. The CDFW, U.S. Fish and Wildlife Service (USFWS), local agencies, and special-interest groups such as the CNPS, publish watch lists of declining species. Species on watch lists can be included as part of the special-interest species assessment. Species that are candidates for State and/or Federal listing and species on watch lists are included in the special-interest species list. Inclusion of species described in the special-interest species analysis is based on the following criteria:

- Direct observation of the species or its sign in the Survey Area or immediate vicinity during previous biological studies;
- Sighting by other qualified observers;

- Record reported by the CNDDDB, published by the CDFW;
- Presence or location information for specific species provided by private groups (e.g., CNPS); and/or
- Survey Area lies within known distribution of a given species and contains appropriate habitat

The following federally/State listed species, candidates for listing, and California fully protected species were identified as potentially present in the Project vicinity:

1. Coachella Valley milkvetch (*Astragalus lentiginosus* var. *cochellae* [CVMV]): Federally listed endangered
2. Triple-ribbed milk vetch (*Astragalus tricarinatus*): Federally listed endangered
3. Slender-horned spineflower (*Dodecahema leptoceras*): Federally and State-listed endangered.

Due to the historical disturbance and lack of observations during the surveys, the habitat within the Survey Area is considered unsuitable to support potentially occurring special status plants. None were observed and none are expected to occur.

### **3.2.2 SPECIAL-STATUS WILDLIFE**

The following federally/State listed species, candidates for listing, and California fully protected species were identified as potentially present in the Project vicinity:

1. Casey's June beetle (*Dinacoma caseyi*): Federally listed endangered.
2. California red-legged frog (*Rana draytonii*): Federally listed threatened.
3. Sierra Madre yellow-legged frog (*Rana muscosa*): Federally and State-listed endangered.
4. Desert tortoise (*Gopherus agassizii*): Federally and State-listed threatened, and CVCVMShCP covered species.
5. Coachella Valley fringe-toed lizard (*Uma inornata* [CVFTL]): Federally listed threatened, State listed endangered, and CVMSHCP covered species.
6. Golden eagle (*Aquila chrysaetos*): California fully protected species.
7. Least Bell's vireo (*Vireo bellii pusillus*): Federally and State-listed endangered and CVMSHCP covered species.
8. Peninsular Bighorn sheep (*Ovis canadensis nelsonii*) (peninsular Distinct Population Segment): Federally listed endangered and State-listed threatened, California fully protected species, and CVMSHCP covered species.
9. Desert bighorn sheep (*Ovis canadensis nelson*) (excluding peninsular Distinct Population Segment), California fully protected species.

Special status species were determined to be absent during the study and no suitable habitat was observed.

#### **Non-Listed Special-Interest Species**

Of the 31 other non-listed special-interest species identified and discussed, all but one (1) are considered to have a low probability of occurrence. The following non-listed special-interest species have a moderate probability to occur within the Survey Area:

- Burrowing owl (*Athene cunicularia*)

Due to suitable breeding, foraging, and dispersing habitat for BUOW within the BSA, protocol surveys were conducted. Although various rodent burrows were located within the Project and the buffer area, neither BUOW nor BUOW sign were observed.



BUOW was determined to be absent from the BSA during the completed focused surveys.

Nesting Birds (MBTA)

Nesting bird species, including special-interest species identified in Appendix B, with potential to occur (i.e., burrowing owl,) are protected by California Fish and Game Code Sections 3503, 3503.5, and 3800, and by the Migratory Bird Treaty Act (MBTA) (16 USC 703–711). These laws regulate the take, possession, or destruction of the nest or eggs of any migratory bird or bird of prey. However, the USFWS has recently determined that the MBTA should apply only to “...affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs” and will not be applied to incidental take of migratory birds pursuant to otherwise lawful activities.

**3.2.3 COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (CVMSHCP)**

The Coachella Valley is a broad, low elevation, northwest-southeast trending valley comprising the westernmost limits of the Sonoran Desert. It is located in the eastern portion of Riverside County, approximately 100 miles east of Los Angeles. Riverside County as a whole cover over 4,700,000 acres (7,310 square miles), making it California's fourth largest county and roughly equal in size to Connecticut. The Plan Area encompasses approximately 1.2 million acres. Of this, approximately 69,000 acres are Indian Reservation Lands, which are not included in the Plan, leaving a total of approximately 1.1 million acres addressed by the Plan.

The Planning Agreement listed 23 natural communities known to occur in the Plan Area. Through the planning process a total of 46 natural communities were identified in the Plan Area. Of these, 27 natural communities provide Habitat for the Covered Species and are the focal point for establishment of Conservation Areas. The MSHCP Reserve System will be established from lands within 21 Conservation Areas. Because some Take Authorization is provided under the Plan for Development in Conservation Areas, the actual MSHCP Reserve System will be somewhat smaller than the total acres in the Conservation Areas.

The Project BSA is located within outside of any CVMSHCP designated Criteria Cells or Cell Groups (Riverside County Parcel Report, 2023; attached). The Project is not subject to Cell Criteria compliance under the CVMSHCP. The Project BSA does not include any CVMSHCP Conserved Lands or PQP lands. Public and private development projects that are carried out within the plan area, but outside of the Criteria Areas and Public/Quasi-Public Lands (e.g., such as this Project), are permitted under the CVMSHCP subject to compliance with CVMSHCP policies that apply outside Criteria Areas.

The Project BSA does not occur within any Amphibian, Mammalian, or Special Linkage Areas identified by CVMSHCP Section 6.3.2 Additional Surveys Needs and Procedures. Applicable CVMSHCP policy areas include burrowing owl, Criteria Area Species, and Narrow Endemic Plant Species.

**Table 5: Riverside County Integrated Project**

APN	Amphibian Species	Burrowing Owl	Criteria Area Species	Mammalian Species	Narrow Endemic Plant Species	Special Linkage Area
All parcels	No	Yes	No	No	No	No

As stated, a burrowing owl assessment and subsequent protocol burrowing owl surveys were completed according to the Burrowing Owl Survey Instructions for the Western Riverside County Multiple Species Habitat

Conservation Plan Area (County of Riverside 2006). No burrowing owls, or owl sign, were located during the surveys.

A habitat assessment for nine potential Criteria Area Species was completed. There is no potential for occurrence. Species include: Coulter's goldfields (*Lasthenia glabrata* ssp. *coulteri*), Davidson's saltscare (*Atriplex serenana* var. *davidsonii*), little mouestail (*Myosurus minimus* var. *apus*), mud nama (*Nama stenocarpum*), Parish's brittle scale (*Atriplex parishii*), round-leaved filaree (*Erodium macrophyllum*), San Jacinto Valley crowscale (*Atriplex coronata* var. *notatior*), smooth tarplant (*Centromadia pungens* ssp. *laevis*), and thread-leaved brodiaea (*Brodiaea filifolia*).

A habitat assessment for five Narrow Endemic Plant Species was completed and there is no potential for occurrence. Species include: San Diego ambrosia (*Ambrosia pumila*), many-stemmed dudleya (*Dudleya multicaulis*), spreading navarretia (*Navarretia fossalis*), California Orcutt grass (*Orcuttia californica*), and Wrights trichocoronis (*Trichocoronis wrightii* var. *wrightii*).

### **3.2.4 RIPARIAN/RIVERINE**

Section 6.1.2 of the CVMSHCP defines Riparian/Riverine areas as "lands which contain Habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year."

Riparian/Riverine areas as defined by the CVMSHCP are not present within the survey area and will not be impacted by the Project.

### **3.2.5 VERNAL POOL AND FAIRY SHRIMP**

Vernal pools, vernal swales, alkali scalds or flats, or other seasonal wet habitats were not identified within the BSA during field surveys conducted by a qualified biologist.

The BSA lacks suitable habitat for fairy shrimp species or other vernal pool species, including plants.

### **3.3 AQUATIC RESOURCES**

The BSA does not contain any special aquatic resource area such as wetlands or other Waters of the United States or Waters of the State under regulatory jurisdiction of the USACE, CDFW, or RWQCB.

### **4.0 REGULATORY BACKGROUND**

#### (1) Federal Regulations

In a case where a property owner seeks permission from a Federal agency for an action which could affect a Federally-listed plant and animal species, the property owner and agency are required to consult with USFWS to obtain appropriate permits. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants.

#### (a) Federal Clean Water Act, Section 404

Section 404 of the Clean Water Act (CWA) regulates the discharge of dredged material, placement of fill material, or excavation within "waters of the U.S." and authorizes the Secretary of the Army, through the Chief of Engineers, to issue permits for such actions. "Waters of the U.S." are defined by the CWA as "rivers, creeks, streams, and

lakes extending to their headwaters and any associated wetlands.” Wetlands are defined by the CWA as “areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions.” The permit review process entails an assessment of potentially adverse impacts to USACE jurisdictional “waters of the U.S.” and wetlands. In response to the permit application, the USACE will also require conditions amounting to mitigation measures. Where a Federally-listed species may be affected, they will also require an Endangered Species Act Section 7 consultation with the USFWS. Through this process, potentially significant adverse impacts within the Federal jurisdictional limits could be mitigated to a level that is less than significant.

(b) Federal Clean Water Act, Section 401

The mission of the California Regional Water Quality Control Board (RWQCB) is to develop and enforce water quality objectives and implement plans that will best protect the beneficial uses of the State’s waters, recognizing local differences in climate, topography, geology, and hydrology. The California RWQCB is responsible for implementing compliance not only with State codes such as the California Water Code, but also Federal acts such as Section 401 of the CWA which requires that: Any applicant for a Federal permit for activities that involve a discharge to waters of the State shall provide the Federal permitting agency a certification from the State in which the discharge is proposed that states that the discharge will comply with the applicable provisions under the Federal Clean Water Act. On April 6, 2022 United States Supreme Court decision that stayed a Northern District of California Court decision that both remanded and vacated EPA Trump-era rules regarding water quality certification of projects under Clean Water Act Section 401. The California District Court in 2021 in Clean Water Act Rulemaking, 2021 WL 4924844 (2021), vacated the Trump-era Clean Water Act 401 Certification Rule. Before the USACE will issue a CWA Section 404 permit, applicants must apply for and receive a Section 401 water quality certification from the RWQCB. A complete application for 401 Certification will include a detailed Water Quality Management Plan that addresses the key water quality features of the project to ensure the integrity of water quality in the area during and post-construction. Under separate authorities granted by State law (i.e., the Porter-Cologne Water Quality Control Act), a RWQCB may choose to regulate discharges of dredge or fill materials by issuing or waiving (with or without conditions) Waste Discharge Requirements (WDRs), a type of State discharge permit, instead of taking a water quality certification action. Processing of a WDR is similar to that of a Section 401 certification; however, the RWQCB has slightly more discretion to add conditions to a project under Porter-Cologne than under the Federal CWA.

(c) Migratory Bird Treaty Act

As previously discussed, under provisions of the Migratory Bird Treaty Act, which prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service, and Section 9(a)(1)(B) of the FESA, unless properly permitted, it is unlawful to “take” any listed species.

(2) State of California Regulations

As previously discussed, Article 3, Sections 2080 through 2085, of the CESA addresses the taking of threatened or endangered species. Exceptions authorized by the State to allow “take” require permits or memoranda of understanding and can be authorized for “endangered species, threatened species, or candidate species for scientific, educational, or management purposes.” Sections 1901 and 1913 of the California Fish and Game Code provide that notification is required by an initiator prior to disturbance.

(a) State of California Fish and Game Code 1602

Section 1602 of the California Fish and Game Code requires any entity (e.g., person, state or local government agency, or public utility) who proposes a project that will substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake to notify the CDFW of the proposed project. In the course of this notification process, the CDFW will review the proposed project as it affects streambed habitats within the project area. The CDFW may then place conditions in the Section 1602 Streambed Alteration Agreement to avoid, minimize, and mitigate any potentially significant adverse impacts within CDFW jurisdictional limits.

(b) State of California Fish and Game Code 3503

Sections 3503, 3503.5, and 3513 of the California Fish and Game Code as they pertain to nesting birds. Section 3503: "It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto." Section 3503.5: "It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Section 3513: "It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act."

(3) California Native Plant Society

As previously discussed, the CNPS has compiled an inventory comprised of the information focusing on geographic distribution and qualitative characterization of rare, threatened, or endangered vascular plant species of California which classifies plant species into categories of rarity. Informally listed species are not protected per se, but warrant consideration in the preparation of biological assessments.

## **5.0 CONCLUSIONS**

The literature review and field assessment data confirm that no sensitive/protected habitat and/or special-status species currently utilize the BSA. The BSA lacks suitable habitat that would typically support special-status species or receive state or federal Endangered Species Act (ESA) protections. Consequently, there is no reasonable presumption of adverse impact to any special status species or their habitats as a result of Project implementation.

No potentially significant biological impacts are proposed within the BSA (on and offsite).

No compensatory mitigation is recommended at this time.

Suitable habitat for burrowing owl was observed within the BSA. No direct observations or burrowing owl sign (feathers, pellets, fecal material, prey remains, etc.) were made during the assessment and completed protocol surveys. The potentially suitable burrows were present on site due to small mammal activity (e.g. ground squirrel); however, no ground squirrels (an important indicator species) were observed on site.

Although no burrowing owls were observed, they could potentially inhabit the survey area in the future. Per CVMSHCP Section 6.3.2, this Project BSA is within a mandatory Burrow Survey Area and is obligated to survey for burrowing owls during the environmental review process as indicated in the CVMSHCP "Additional Survey Needs and Procedures." As such, a pre-construction protocol survey for burrowing owls following the Burrowing Owl Survey Instructions for the Coachella Valley Multiple Species Habitat Conservation Plan Area (County of Riverside

2006) will be required within at least 30-days of any ground disturbance.

No Narrow Endemic Plant Species/Criteria Area plant species were observed during the habitat assessment. Given the Project's exposure to recurring surface disturbances associated with vegetation management, these species are not expected to occur on site. The BSA supports no riparian/riverine/vernal pool habitats or species associated with these habitat types were observed on site.

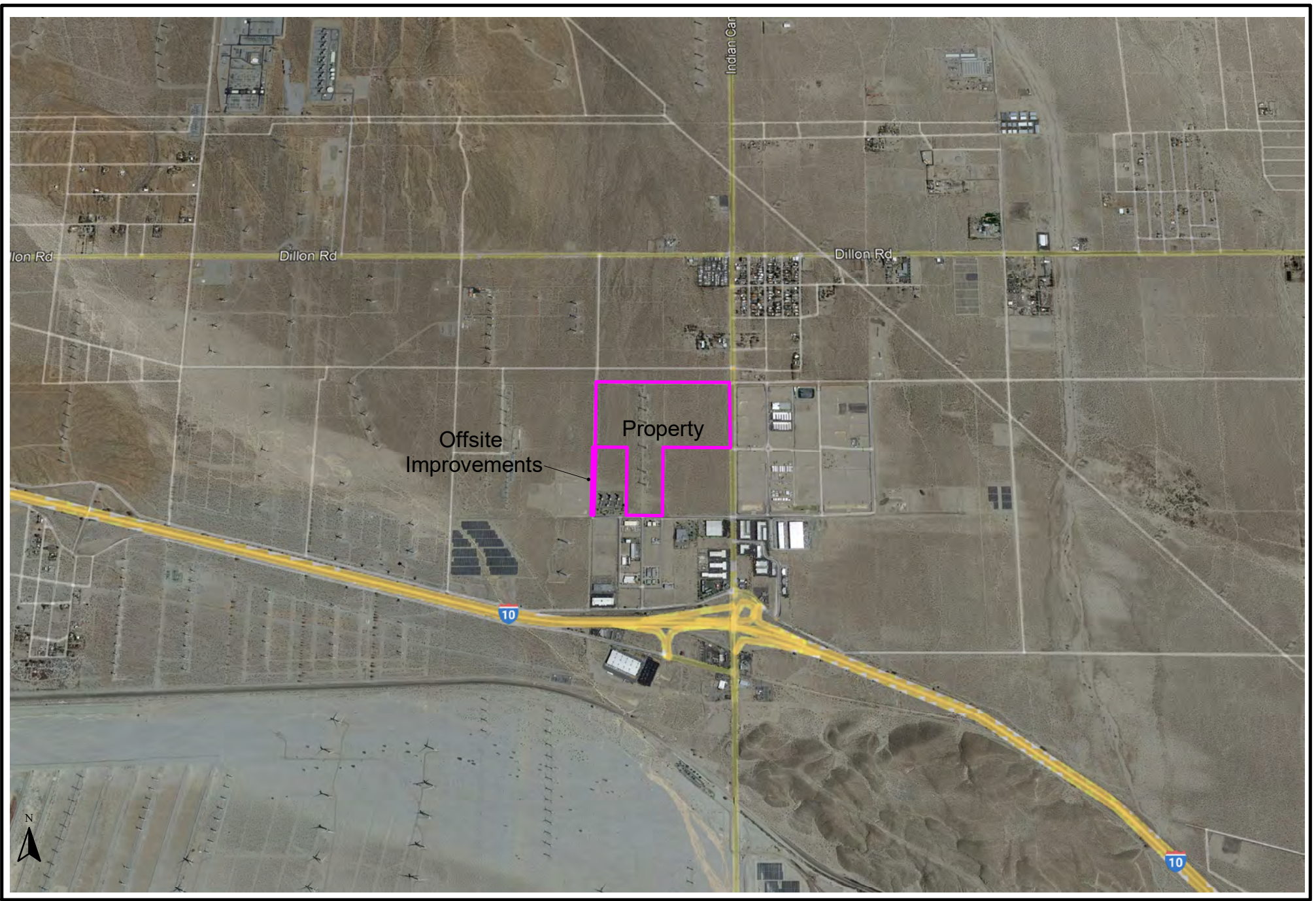
No special aquatic resource areas were discovered within the BSA and none are expected to be impacted by the Project.

To comply with the Migratory Bird Treaty Act and relevant sections of California Fish and Game Code (e.g., Sections 3503, 3503.4, 3544, 3505, et seq.), vegetation clearing should take place outside of the typical avian nesting season (i.e., generally February 1st -August 31<sup>st</sup> although the nesting season may be extended due to weather and drought conditions), to the maximum extent practical.

The services performed by BLUE and documented in this report have been conducted in a manner consistent with the level of care and skill ordinarily exercised by other professional consultants under similar circumstances. No other representations are either expressed or implied, and no warranty or guarantee is included in this report. Opinions relating to presence, absence, or potential for occurrence of biological resources are based on limited data and actual conditions may vary from those encountered at the times and locations where the data were obtained despite due professional care. The services provided have been performed in accordance with the negotiated scope of work. Any reliance on this report by any other party shall be at such party's sole risk unless that party has written authorization from BLUE to use this work product.

## 6.0 REFERENCES

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- Holland, R.F., 1986. Preliminary Descriptions of the Terrestrial Natural Communities of California (California Department of Fish and Game. The Resources Agency, ed.), p. 156. Sacramento, CA.
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Offsite  
Improvements

Property

 Property/Project Footprint

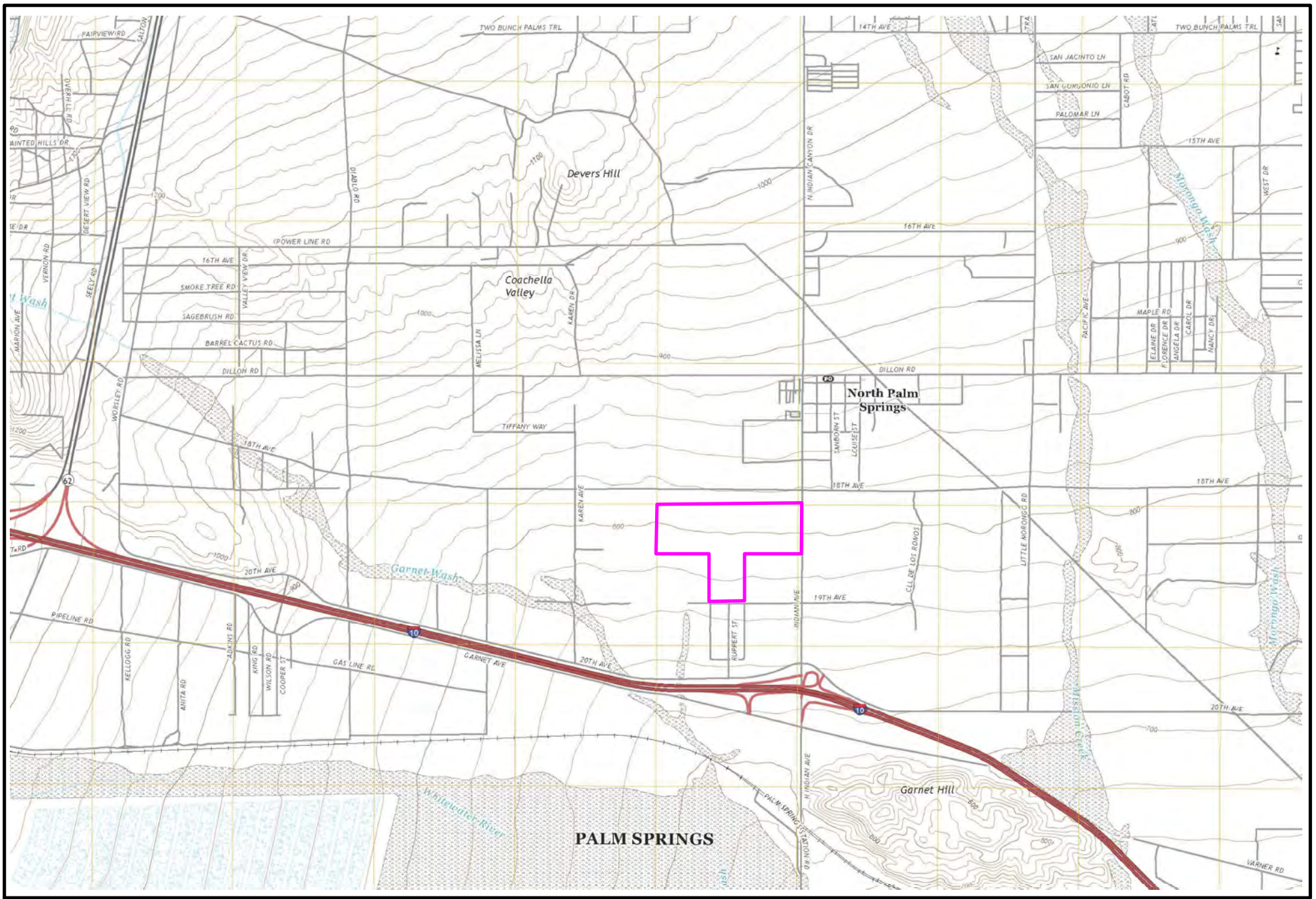
**FIGURE 1**  
**Regional Property**  
**Location Aerial**



- Property
- Offsite Improvements
- Biological Survey Area (500' buffer)

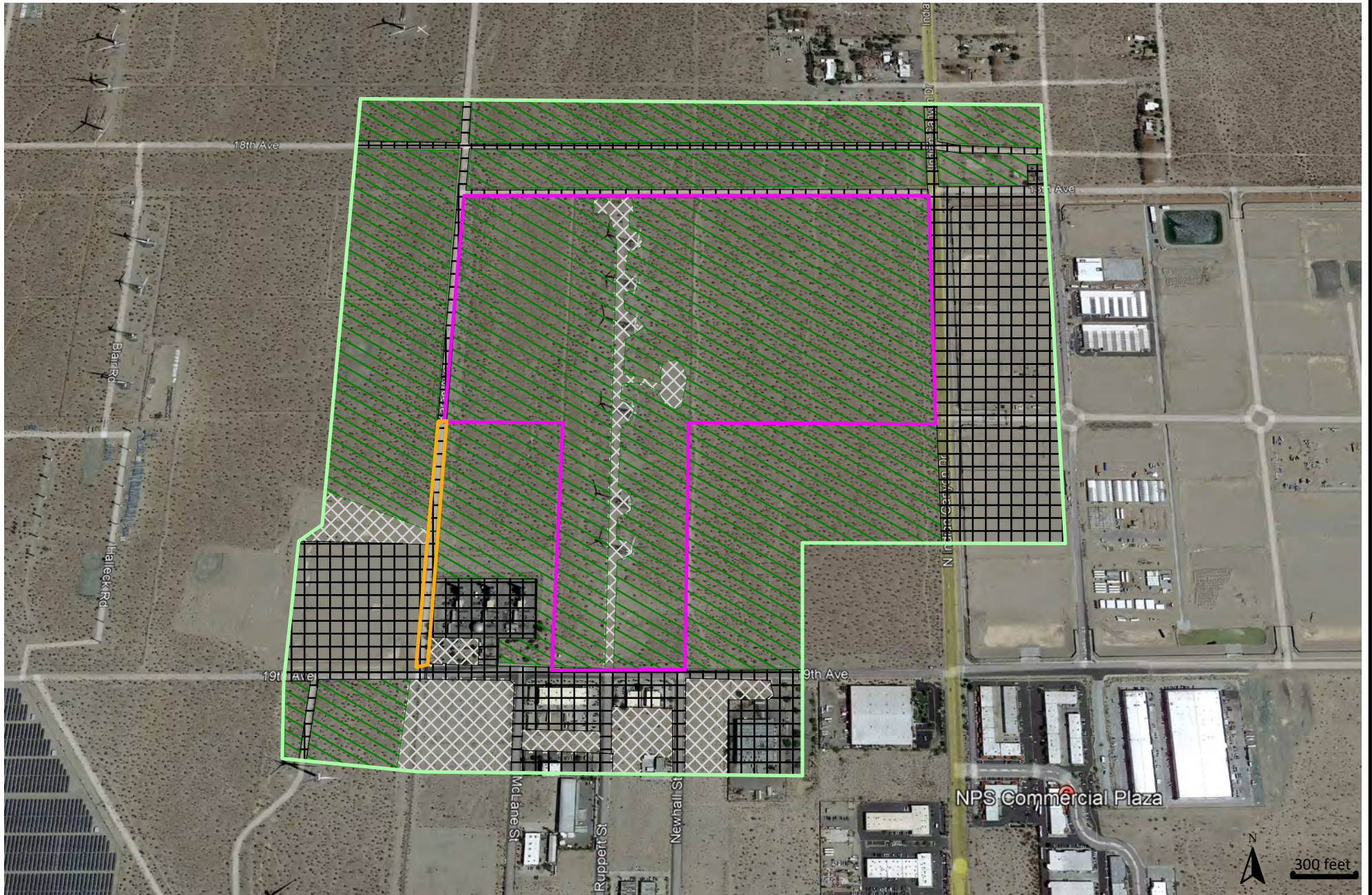
**FIGURE 2**  
**Property Aerial**





Property

**FIGURE 3**  
**Property Location**  
**USGS Topo Map**



Property

Offsite Improvements

Creosote Scrub

Disturbed

Biological Survey Area (500' buffer)

Developed

**FIGURE 4**  
**Habitat Map**



Photograph 1 - Looking North - Within the Fenced Area, Creosote Scrub



Photograph 2 - Looking North - Within the Fenced Area, Disturbed Area (all towers removed)



Photograph 3 - Within the Fenced Area, Mammal Burrow



Photograph 4 - Looking North - Outside Fenced Area, Creosote Scrub



**Photographs 1-4**

Onsite looking at the disturbed area (access road), mammal burrow and Creosote Scrub



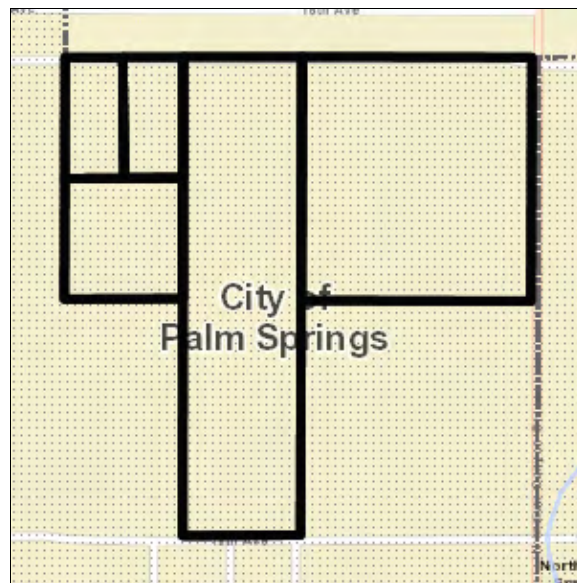
# Riverside County Parcel Report

APN(s):666320015,666320011,666320010,666320012,666320019

## DISCLAIMER

Maps, permit information and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

## MAPS/IMAGES



## PARCEL

APN	666-320-010-4, 666-320-011-5, 666-320-012-6, 666-320-015-9, 666-320-019-3	Supervisory District	Boundaries for Districts 2, 4 and 5 will be updated in January, 2023. Boundaries for Districts 1 and 3 will be updated in January, 2025. V MANUEL PEREZ, DISTRICT 4
Previous APN	666320010 666320011 666320012 666320015 666320019 666320016,666370001	Township/Range	T3SR4E SEC 10 SE
Owner Name	NOT AVAILABLE ONLINE	Elevation	800 ft
Address		Thomas Bros. Map Page/Grid	PAGE: 726, GRID: C3 PAGE: 726, GRID: C4 PAGE: 726, GRID: D3 PAGE: 726, GRID: D4

Mailing Address	666320010 2045 E TAHQUITZ CANYON WY PALM SPRINGS CA 92262	Indian Tribal Land	NOT IN A TRIBAL LAND
	666320011 2045 E TAHQUITZ CANYON WY PALM SPRINGS CA 92262		
	666320012 80163 CAMINO SAN MATEO INDIO CA 92203		
	666320015 2045 E TAHQUITZ CANYON WAY PALM SPRINGS CA 92262		
	666320019 1845 BUSINESS CENTER DR STE 103 SAN BERNARDINO CA 92408		

Legal Description	666320010 Recorded Book/Page: / Subdivision Name: Lot/Parcel: Block: Tract Number:	City Boundary	PALM SPRINGS
	666320011 Recorded Book/Page: / Subdivision Name: Lot/Parcel: Block: Tract Number:		
	666320012 Recorded Book/Page: / Subdivision Name: Lot/Parcel: Block: Tract Number:		
	666320015 Recorded Book/Page: / Subdivision Name: Lot/Parcel: Block: Tract Number:		
	666320019 Recorded Book/Page: / Subdivision Name: Lot/Parcel: Block: Tract Number:		

City Spheres of influence NOT IN A CITY SPHERE

Lot Size	666320010 Recorded lot size is 5.00 acres	March Joint Powers Authority	NOT IN THE JURISDICTION OF THE MARCH JOINT POWERS AUTHORITY
	666320011 Recorded lot size is 5.00 acres		
	666320012 Recorded lot size is 10.00 acres		
	666320015 Recorded lot size is 40.00 acres		
	666320019 Recorded lot size is 39.39 acres		

Property Characteristics	666320010	County Service Area	NOT IN A COUNTY SERVICE AREA
	Year Constructed:		
	Baths:		
	Bedrooms:		
	Construction Type:		
	Garage Type:		
	Property Area (sq ft):		
	Roof Type:		
	Stories:		
	Pool: NO		
	Central Cool: NO		
	Central Heat: NO		
	666320011		
	Year Constructed:		
	Baths:		
	Bedrooms:		
	Construction Type:		
	Garage Type:		
	Property Area (sq ft):		
	Roof Type:		
	Stories:		
	Pool: NO		
	Central Cool: NO		
	Central Heat: NO		
	666320012		
	Year Constructed:		
	Baths:		
	Bedrooms:		
	Construction Type:		
	Garage Type:		
	Property Area (sq ft):		
	Roof Type:		
	Stories:		
	Pool: NO		
	Central Cool: NO		
	Central Heat: NO		
	666320015		
	Year Constructed:		
	Baths:		
	Bedrooms:		
	Construction Type:		
	Garage Type:		
	Property Area (sq ft):		
	Roof Type:		
	Stories:		
	Pool: NO		
	Central Cool: NO		
	Central Heat: NO		

666320019  
 Year Constructed:  
 Baths:  
 Bedrooms:  
 Construction Type:  
 Garage Type:  
 Property Area (sq ft):  
 Roof Type:  
 Stories:  
 Pool: NO  
 Central Cool: NO  
 Central Heat: NO

Annexation Date	93-28-3 10/14/1994	LAFCO Case	93-28-3 10/14/1994
Proposals	N/A		

**PLANNING more...**

Specific Plans	NOT IN A SPECIFIC PLAN	Historic Preservation Districts	NOT IN A HISTORIC PRESERVATION DISTRICT
Land Use Designations	CITY	Agricultural Preserve	NOT IN AN AGRICULTURAL PRESERVE
General Plan Policy Overlays	N/A		
Area Plan (RCIP)	Western Coachella Valley	Airport Influence Areas	NOT IN AN AIRPORT INFLUENCE AREA
General Plan Policy Areas	SAN GORGONIO PASS WIND ENERGY POLICY AREA	Airport Compatibility Zones	NOT IN AN AIRPORT COMPATIBILITY AREA
Zoning Classifications (ORD. 348)	CHECK WITH THE CITY FOR MORE INFORMATION	Zoning Districts and Zoning Areas	PASS & DESERT DIST
Zoning Overlays	NOT IN A ZONING OVERLAY	Community Advisory Councils	NOT IN A COMMUNITY ADVISORY COUNCIL
Environmental Justice Communities	NOT IN AN ENVIRONMENTAL JUSTICE COMMUNITY		
Residential Permit Stats	N/A		

**ENVIRONMENTAL more...**

CVMSHCP (Coachella Valley Multi-Species Habitat Conservation Plan) Plan Area	COACHELLA VALLEY	WRMSHCP (Western Riverside County Multi-Species Habitat Conservation Plan) Cell Group	NOT IN A CELL GROUP
CVMSHCP (Coachella Valley Multi-Species Habitat Conservation Plan) Conservation Area	NOT COACHELLA VALLEY CONSERVATION AREA	WRMSHCP Cell Number	NOT IN A CELL NUMBER
CVMSHCP Fluvial Sand Transport Special Provision Areas	NOT IN A FLUVIAL SAND TRANSPORT SPECIAL PROVISION AREA	HANS/ERP (Habitat Acquisition and Negotiation Strategy/Expedited Review Process)	NOT IN A HANS/ERP PROJECT
WRMSHCP (Western Riverside County Multi-Species Habitat Conservation Plan) Plan Area	NOT IN A WESTERN RIVERSIDE COUNTY PLAN FEE AREA	Vegetation (2005)	NOT IN A VEGETATION AREA

**Fire**

Fire Hazard Classification (Ord. 787)	NOT IN A FIRE HAZARD ZONE	Fire Responsibility Area	NOT IN A FIRE RESPONSIBILITY AREA
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**DEVELOPMENT FEES**

CVMSHCP (Coachella Valley Multi-Species Habitat Conservation Plan) Fee Area (Ord 875)	COACHELLA VALLEY	RBBD (Road & Bridge Benefit District)	NOT IN A ROAD BRIDGE BENEFIT DISTRICT
WRMSHCP (Western Riverside County Multi-Species Habitat Conservation Plan) Fee Area (Ord. 810)	NOT IN A WESTERN RIVERSIDE COUNTY PLAN FEE AREA	DIF (Development Impact Fee Area Ord. 659)	WESTERN COACHELLA VALLEY, AREA 2
Western TUMF (Transportation Uniform Mitigation Fee Ord. 824)	NOT IN THE WESTERN TUMF FEE AREA	SKR Fee Area (Stephen's Kagaroo Rat Ord. 663.10)	NOT IN THE SKR FEE AREA
Eastern TUMF (Transportation Uniform Mitigation Fee Ord. 673)	IN OR PARTIALLY WITHIN A TUMF FEE AREA	DA (Development Agreements)	NOT IN A DEVELOPMENT AGREEMENT

### TRANSPORTATION more...

Circulation Element Ultimate Right-of-Way	IN OR PARTIALLY WITHIN A CIRCULATION ELEMENT RIGHT-OF-WAY	Road Book Page	169
		Transportation Agreements	NOT IN A TRANS AGREEMENT
		CETAP (Community and Environmental Transportation Acceptability Process) Corridors	NOT IN A CETAP CORRIDOR

### HYDROLOGY

Flood Plan Review	*MAYBE REQUIRED, CONTACT RIVERSIDE COUNTY FLOOD CONTROL TO VERIFY	Watershed	WHITEWATER
Water District	DESERT WATER AGENCY		
Flood Control District	RIVERSIDE COUNTY FLOOD CONTROL DISTRICT		

### GEOLOGIC

Fault Zone	NOT IN A FAULT ZONE	Paleontological Sensitivity	LOW POTENTIAL (L): FOLLOWING A LITERATURE SEARCH, RECORDS CHECK AND A FIELD SURVEY, AREAS MAY BE DETERMINED BY A QUALIFIED VERTEBRATE PALEONTOLOGIST AS HAVING LOW POTENTIAL FOR CONTAINING SIGNIFICANT PALEONTOLOGICAL RESOURCES SUBJECT TO ADVERSE IMPACTS.
Faults	NOT IN A FAULT LINE		
Liquefaction Potential	MODERATE		
Subsidence	SUSCEPTIBLE		

### MISCELLANEOUS

School District	PALM SPRINGS UNIFIED
Communities	NORTH PALM SPRINGS
Lighting (Ord. 655)	ZONE: B
Census Tract	445.24
Farmland	OTHER LANDS URBAN-BUILT UP LAND
Special Notes	NO SPECIAL NOTES
Tax Rate Areas	011087 - CITRUS PEST CONTROL 2 011087 - CITY OF PALM SPRINGS 011087 - COACHELLA VALLEY RESOURCE CONS 011087 - CSA 152 011087 - CV MOSQUITO & VECTOR CONTROL 011087 - DESERT COMMUNITY COLLEGE 011087 - DESERT HOSPITAL 011087 - DESERT WATER AG 011087 - FLOOD CONTROL ADMIN 011087 - FLOOD CONTROL ZN 6 011087 - GENERAL 011087 - GENERAL PURPOSE 011087 - MISSION SPRINGS WTR DIST



011087 - MISSION SPRINGS WTR IMP B  
 011087 - PALM SPRINGS PUBLIC CEMETERY  
 011087 - PALM SPRINGS UNIFIED B&I 1992-A  
 011087 - PALM SPRINGS UNIFIED SCHOOL  
 011087 - RIV CO REGIONAL PARK & OPEN SP  
 011087 - RIVERSIDE CO OFC OF EDUCATION

**Department of Environmental Health Permits**

**Septic Permits**

Record Id	Application Date	Plan Check Approved Date	Final Inspection Date	Approved Date
N/A	N/A	N/A	N/A	N/A

**Well Water Permits**

Record Id	PE	Permit Paid Date	Permit Approved Date	Well Finaled Date
WP0006890			28 Mar 2001	

**PLUS PERMITS & CASES**

**Administrative Cases**

Case	Case Description	Status
N/A	N/A	N/A

**Building and Safety Cases**

Case	Case Description	Status
127214	GRADING-CHURCH	EXPIRED
131624	CHURCH BUILDING CHRCH A-1 V-N 50100 1738470	EXPIRED

**Code Cases**

Case	Case Description	Status
N/A	N/A	N/A

**Fire Cases**

Case	Case Description	Status
N/A	N/A	N/A

**Planning Cases**

Case	Case Description	Status
CUP03043		APPROVED
CZ05354	CHANGE OF ZONE FROM W-2 TO I-P AND M-SC	APPROVED

**Survey Cases**

Case	Case Description	Status
MAP34717		ISSUED
MAP36073		ISSUED
MAP38571	TENTATIVE PARCEL MAP NUMBER REQUEST IN THE CITY OF PALM SPRINGS.	APPLIED

**Transportation Cases**

Case	Case Description	Status
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