

Appendix B

Biological Resources Assessment, Jurisdictional Delineation and
CVMSHP Consistency Analysis for the Date Palm Apartment Complex,
City of Cathedral City

Jennings Environmental

August 2023

**BIOLOGICAL RESOURCES ASSESSMENT, JURISDICTIONAL DELINEATION, AND
CVMSHCP CONSISTENCY ANALYSIS FOR THE DATE PALM APARTMENT COMPLEX
CITY OF CATHEDRAL CITY, RIVERSIDE COUNTY, CALIFORNIA**

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COUNTY, CALIFORNIA**

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SECTION 1.0 - INTRODUCTION

Jennings Environmental, LLC (Jennings) was retained by Compass Consulting Enterprises, Inc. (Compass) to conduct a literature review and reconnaissance-level survey for the proposed Date Palm Apartment Complex (Project) in the city of Cathedral City. The survey identified vegetation communities, the potential for the occurrence of special status species, or habitats that could support special status wildlife species, and recorded all plants and animals observed or detected within the Project boundary. This biological resources assessment is designed to address potential effects of the proposed project on designated critical habitats and/or any species currently listed or formally proposed for listing as endangered or threatened under the federal Endangered Species Act (ESA) and the California Endangered Species Act (CESA) or species designated as sensitive by the California Department of Fish and Wildlife (CDFW) or the California Native Plant Society (CNPS).

Information contained in this document is in accordance with accepted scientific and technical standards that are consistent with the requirements of the United States Fish and Wildlife Service (USFWS) and CDFW. Additionally, the site was surveyed for any drainage features that would meet the definition of the Waters of the US (WOUS), Waters of the State (WOS), or CDFW jurisdiction. Additionally, the project is located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVM SHCP). As such, this report also contains the results of the consistency analysis performed for the project.

1.1 PROJECT LOCATION

The Project is generally located on the western edge of Section 15, Township 4 South, Range 5 East, and is depicted on the *Cathedral City* U.S. Geological Survey's (USGS) 7.5-minute topographic map. More specifically the Project is located 462 feet south of the intersection of 30th Ave. and Date Palm Drive (APN 670-110-043), within the city of Cathedral City, Riverside County, California. The site is surrounded by open space to the north, with a mix single family homes and apartment buildings to the east, and open space and commercial developments to west and south. (Figures 1 and 2 in Appendix A).

1.2 PROJECT DESCRIPTION

The Project is the construction of a 204-unit apartment complex on a 10.48 acre lot situated on the northeast corner of Date Palm Road and Rosemount Road. The site is specifically designated as APN 760-110-043. The site will have the main entrance on Rosemount Road and a secondary entrance on Date Palm. The buildings are two and three stories, with a maximum height of 35'. Off-site utilities include water and sewer connections in the public right-of-way at Date Palm Drive and Rosemount Road.

2.0 – METHODOLOGY

2.1 LITERATURE REVIEW

Prior to performing the field survey, existing documentation relevant to the Project site was reviewed. The most recent records of the California Natural Diversity Database (CNDDDB) managed by CDFW (CDFW 2023), the USFWS Critical Habitat Mapper (USFWS 2023), and the California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2023) were reviewed for the following quadrangles containing and surrounding the Project site: *Cathedral City*, USGS

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7.5-minute quadrangle. These databases contain records of reported occurrences of federal- or state-listed endangered or threatened species, California Species of Concern (SSC), or otherwise special status species or habitats that may occur within or in the immediate vicinity of the Project site. These sources include:

- California Natural Diversity Database (CNDDDB) managed by CDFW (CDFW 2023)
- USFWS Critical Habitat Mapper (USFWS 2023)
- California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2023)
- U.S. Fish and Wildlife (USFWS) threatened and endangered species occurrence GIS overlay;
- USGS National Map;
- Calwater Watershed Maps
- USFWS Designated Critical Habitat Maps
- Coachella Valley MSHCP Overlays (2023)

2.2 SOILS

Before conducting the surveys, soil maps for Riverside County were referenced online to determine the types of soil found within the Project site. Soils were determined in accordance with categories set forth by the United States Department of Agriculture (USDA) Soil Conservation Service and by referencing the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2023).

2.3 BIOLOGICAL RECONNAISSANCE-LEVEL SURVEY

Jennings biologist, Gene Jennings, conducted the general reconnaissance survey within the Project site to identify the potential for the occurrence of special status species, vegetation communities, or habitats that could support special status wildlife species. The surveys were conducted on foot, throughout the Project site between 0800 and 0900 hours on August 9, 2023. Weather conditions during the survey included temperatures ranging from 87.8 to 91.5 degrees Fahrenheit, with no cloud cover, no precipitation, and 0.0 to 2.3 mile per hour winds. Photographs of the Project site were taken to document existing conditions (Appendix B) in Appendix A.

2.4 JURISDICTIONAL FEATURES

A general assessment of jurisdictional waters regulated by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW was conducted for the proposed Project area. Pursuant to Section 404 of the Clean Water Act, USACE regulates the discharge of dredged and/or fill material into waters of the United States. The State of California (State) regulates the discharge of material into waters of the State pursuant to Section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (California Water Code, Division 7, §13000 et seq.). Pursuant to Division 2, Chapter 6, Sections 1600-1602 of the California Fish and Game Code, CDFW regulates all substantial diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife. The initial assessment was conducted by a desktop survey through the USGS National Hydrography Dataset for hydrological connectivity. Additional assessment

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findings are discussed in Sections 3.1.2 and 3.2.5. A discussion of the regulatory framework is provided in Appendix C.

2.5 COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (CVMSHCP)

The CVMSHCP is a regional multi-agency conservation plan that provides for the long-term conservation of approximately 240,000 acres of open space and 27 plant and animal species in the Coachella Valley. The stated overall goal of the CVMSHCP is, "... to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth." The CVMSHCP balances environmental protection and economic development objectives in the plan area and simplifies compliance with endangered species laws.

The Plan is subdivided according to specific resource conservation goals that have been organized according to geographic areas defined as Conservation Areas that serve as natural habitat for covered species. These areas are identified as Core, Essential, or Other Conserved Habitat for special-status plant, invertebrate, amphibian, reptile, bird, and mammal species, Essential Ecological Process Areas, and Biological Corridors and Linkages. For each Conservation Area, Conservation Objectives and required measures are articulated for conserving Core Habitat for covered species, Essential Ecological Processes necessary to maintain habitat viability, Biological Corridors, and Linkages as needed, and the less common Conserved Natural Communities.

Conservation Goals are managed within the Conservation Areas as a Reserve System. The Conservation Goals of the CVMSHCP Reserve System are:

- Represent native ecosystem types or natural communities across their natural range of variation in a system of conserved areas.
- Maintain or restore self-sustaining populations or metapopulations of the species included in the Plan to ensure permanent Conservation so that Take Authorization can be obtained for currently Listed Species (animal species) and Non-listed Species can be covered in case they are listed in the future.
- Sustain ecological and evolutionary processes necessary to maintain the functionality of the conserved natural communities and Habitats for the species included in the Plan.
- Maximize connectivity among populations and avoid Habitat fragmentation within Conservation Areas to conserve biological diversity, ecological balance, and connected populations of Covered Species.
- Minimize adverse impacts from OHV use, illegal dumping, edge effects, exotic species, and other disturbances in accordance with the Management and Monitoring Programs.
- Manage the Conservation Areas adaptively to be responsive to short-term and long-term environmental change and new science.

Under the CVMSHCP, a Take Authorization, except for three of the covered species, is allowed for covered activities in accordance with the federal Endangered Species Act (ESA) and the California Natural Community Conservation Planning Act. Covered activities include development permitted or approved by local permittees, which includes new projects approved pursuant to county and city general plans. Take activities are limited within Conservation Areas.

Mitigation for the impacts of development on the covered species and their habitats is through payment of a fee to the City of Desert Hot Springs which is in turn used by the Coachella Valley Conservation

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Commission to minimize and mitigate impacts of the Taking and provide for the conservation of the covered and non-covered species through the acquisition and maintenance of habitat.

2.6 VEGETATION

All plant species observed within the Project site were recorded. Vegetation communities within the Project site were identified, qualitatively described, and mapped onto a high-resolution imagery aerial photograph. Plant communities were determined in accordance with the *Manual of California Vegetation, Second Edition* (Sawyer et al. 2009). Plant nomenclature follows that of *The Jepson Manual, Second Edition* (Baldwin et al. 2012). A comprehensive list of the plant species observed during the survey is provided in Appendix D.

2.7 WILDLIFE

All wildlife and wildlife signs observed and detected, including tracks, scat, carcasses, burrows, excavations, and vocalizations, were recorded. Additional survey time was spent in those habitats most likely to be utilized by wildlife (native vegetation, wildlife trails, etc.) or in habitats with the potential to support state- and/or federally listed or otherwise special status species. Notes were made on the general habitat types, species observed, and the conditions of the Project site. A comprehensive list of the wildlife species observed during the survey is provided in Appendix D.

SECTION 3.0 – RESULTS

3.1 LITERATURE REVIEW RESULTS

According to the CNDDDB, CNPSEI, and other relevant literature and databases, 25 sensitive species including 4 listed species and 1 sensitive habitat, have been documented in the *Cathedral City* quad. This list of sensitive species and habitats includes any State and/or federally listed threatened or endangered species, CDFW designated Species of Special Concern (SSC), and otherwise Special Animals. “Special Animals” is a general term that refers to all of the taxa the CNDDDB is interested in tracking, regardless of their legal or protection status. This list is also referred to as the list of “species at risk” or “special status species.” The CDFW considers the taxa on this list to be those of greatest conservation need.

An analysis of the likelihood for the occurrence of all CNDDDB and CNPSEI sensitive species documented in the *Cathedral City* quad is provided in Table 2, in Appendix D. This analysis takes into account species range as well as documentation within the vicinity of the project area and includes the habitat requirements for each species and the potential for their occurrence on the site, based on required habitat elements and range relative to the current site conditions.

3.1.1 SOILS

After a review of the USDA Soil Conservation Service and by referencing the USDA NRCS Web Soil Survey (USDA 2021), it was determined that the Project site is located within the Riverside County, Coachella Valley Area, California (Area CA680). The Project site contains one (1) soil type:

Myoma fine sand, 0 to 5 percent slopes (MaB). This soil is somewhat excessively drained with a high to very high capacity to transmit water. This soil consists of wind blown sandy alluvium, typically ranges in

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elevations around -200 to 1,800 feet above mean sea level (amsl), and is considered prime farmland if irrigated.

3.1.2 JURISDICTIONAL WATERS

Aerial imagery of the site was examined and compared with the surrounding USGS 7.5-minute topographic quadrangle maps to identify drainage features within the survey area as indicated by topographic changes, blue-line features, or visible drainage patterns. The U.S. Fish and Wildlife Service National Wetland Inventory and Environmental Protection Agency (EPA) Water Program “My Waters” data layers were also reviewed to determine whether any hydrologic features and wetland areas had been documented within the vicinity of the site. Similarly, the Soil maps from the U.S. Department of Agriculture (USDA) - Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2023) were reviewed to identify the soil series on-site and to check if they have been identified regionally as hydric soils. Upstream and downstream connectivity of waterways (if present) was reviewed in the field, on aerial imagery, and topographic maps to determine jurisdictional status. No obvious signs of jurisdictional features were observed during the literature review.

3.1.3 DESIGNATED CRITICAL HABITAT

The site is not located within or adjacent to any USFWS-designated Critical Habitat. No further action is required.

3.1.4 HYDROLOGY AND HYDROLOGIC CONNECTIVITY

Hydrologically, the project site is located within the Indio Hydrologic Sub-Area (HSA 719.47), as identified on the Calwater Watershed maps. This area comprises a 540, 057-acre drainage area within the larger Upper Whitewater River Hydrologic Area (Hydrologic Unit Code [HUC10] 18100201060) (CalTrans, 2023). The Upper Whitewater River watershed in Cathedral City is bordered to the north by the Black Rock Springs-Coyote Well and Quail Wash watersheds, to the east by the Upper Pinto Wash and Middle Whitewater River watersheds, to south by the Deep Canyon watershed, and to the west by the Palm Canyon Wash and Headwaters Whitewater River watershed (Figure 3 in Appendix A).

3.1.5 SPECIAL STATUS SPECIES BACKGROUND

Desert Tortoise (Gopherus agassizii)

The desert tortoise is a State and federally listed threatened species. Throughout its range, it is threatened by habitat loss, domestic grazing, predation, collections, and increased mortality rates. The desert tortoise is typically found in creosote bush scrub. They are most often found on level or sloped ground where the substrate is firm but not too rocky. Tortoise burrows are typically found at the base of shrubs, in the sides of washes and hillsides. Because a single tortoise may have many burrows distributed throughout its home range, it is not possible to predict the exact numbers of individuals on a site based upon burrow numbers.

In 1992 the US Bureau of Land Management issued the *California Statewide Desert Tortoise Management Policy* which included categorizing habitat into three levels of classification. The management goal for Category I areas is to maintain stable, viable populations and to increase the population where

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possible. The management goal for Category II areas is to maintain stable, viable populations. The management goal for Category III areas is to limit population declines to the extent feasible. In April 1993, the BLM amended the CDCA plan to delineate these three categories of desert tortoise habitat on public lands. Although habitat categories apply only to public lands administered by the BLM, regulatory agencies typically determine habitat compensation ratios based on the nearest BLM habitat categories (Desert Tortoise Compensation Team 1991). With the adoption of the West Mojave Plan (U.S. Bureau of Land Management 2005), all lands that are outside Desert Wildlife Management Areas, including the subject parcel, are characterized as Category 3 Habitat, which is the lowest priority management area for viable populations of the desert tortoise.

Burrowing owl (BUOW) { Athene cunicularia }

The BUOW is a state and federal SSC. This owl is a mottled, brownish and sand-colored, dove-sized raptor, with large, yellow eyes, a rounded head lacking ear tufts, white eyebrows, and long legs compared to other owl species. It is a ground-dwelling owl typically found in arid prairies, fields, and open areas where vegetation is sparse and low to the ground. The BUOW is heavily dependent upon the presence of mammal burrows, with ground squirrel burrows being a common choice, in its habitat to provide shelter from predators, inclement weather, and to provide a nesting place (Coulombe 1971). They are also known to make use of human-created structures, such as cement culverts and pipes, for burrows.

BUOW spends a great deal of time standing on dirt mounds at the entrance to a burrow or perched on a fence post or other low to the ground perch from which they hunt for prey. BUOW frequently hunt by hovering in place above the ground and dropping on their prey from above. They feed primarily on insects such as grasshoppers, June beetles, and moths, but will also take small rodents, birds, and reptiles. They are active during the day and night but are considered a crepuscular owl; generally observed in the early morning hours or at twilight. The breeding season for BUOW is February 1 through August 31. Up to 11, but typically 7 to 9, eggs are laid in a burrow, abandoned pipe, or other subterranean hollows where incubation is complete in 28-30 days. Young BUOW fledges in 44 days. The BUOW is considered a migratory species in portions of its range, which includes western North America from Canada to Mexico, and east to Texas and Louisiana. BUOW populations in California are considered to be sedentary or locally migratory.

Throughout its range, the BUOW is vulnerable to habitat loss, predation, vehicular collisions, and destruction of burrow sites, and the poisoning of ground squirrels (Grinnell and Miller 1944, Zarn 1974, Remsen 1978). BUOW has disappeared from significant portions of their range in the last 15 years and, overall, nearly 60% of the breeding groups of owls known to have existed in California during the 1980s had disappeared by the early 1990s (Burrowing Owl Consortium 1993). The BUOW is not listed under the state or federal Endangered Species Act but is considered both a federal and state Species of Special Concern. The BUOW is a migratory bird protected by the international treaty under the Migratory Bird Treaty Act of 1918 and by State law under the California Fish and Game Code (CDFG Code #3513 & #3503.5).

Coachella Valley Fringe-toed Lizard (Uma inornata)

The Coachella Valley fringe-toed lizard is restricted to fine, wind-blown sand of dunes, flats, riverbanks and washes in the Coachella Valley. This species is found in creosote bush scrub and other sparse scrub

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habitats with suitable sandy soils. They occur from near sea level up to 1600 feet elevation in suitable habitat. This species is active at temperatures between 95° to 110° F.

The Coachella Valley fringe-toed lizard is especially adapted to live in sand dunes. It has fringes on the rear toes that enable it to move easily and swiftly on loose sand. In addition, the Coachella Valley fringe-toed lizard hides from predators by “swimming”, or rapidly digging down and through loose sand to bury itself. It has a countersunk jaw to prevent sand from entering its mouth when it burrows. This historical distribution of this species includes the former sand dunes in the Coachella Valley. This distribution has been contracted due to residential and commercial development in the Valley areas below the Pass. This species is now found only in the non-developed sand dunes of the upper Coachella Valley south of Interstate 10, and sand dunes north of the Interstate 10 freeway. Loss of habitat to development and fragmentation of large dune areas have severely restricted the range and population numbers of this species. The Coachella Valley fringe-toed lizard is listed as threatened by the USFWS and endangered by the CDFW.

3.1.6 CVMSHCP

Prior to the field visit, the CVMSHCP website and databases were searched. This includes the CVMSHCP plan itself and any relevant protocol survey requirements. The database also includes a mapping program that contains site-specific information related to criteria cell location, special survey areas for plants and animals, and vegetation mapping.

3.2 FIELD STUDY RESULTS

3.2.1 HABITAT

The habitat on-site consists of sparse vegetation and bare ground. Table 1 in Appendix D contains a list of all plants found on-site. The site is relatively undisturbed with the exception of the dirt roads that transect the property. There was also evidence of human disturbance in the form of foot traffic and bicycle traffic.

3.2.2 WILDLIFE

Species observed or otherwise detected on or in the vicinity of the project site during the surveys included; mourning dove (*Zenaida macroura*) and common raven (*Corvus corax*). Table 1 in Appendix D contains a list of all animal species found on-site.

3.2.3 SPECIAL STATUS SPECIES

Desert Tortoise

No suitable habitat for desert tortoises exists within the Project site or surrounding area. There are no documented desert tortoise occurrences within the Project site or the surrounding area, and these species are not expected to occur within the Project area. Additionally, the Project site is outside of the Designated Critical Habitat for this species. Therefore, no potential direct or indirect impacts on desert tortoise can be identified, and presence/absence surveys for this species are not warranted or recommended.

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Burrowing owl (BUOW)

Based on the August 2023 field survey, the site does not contain suitable habitat for this species. No burrowing owls were observed during the site visit. No burrows of any kind were located within the Project site. No portion of the Project site showed any evidence of past or present BUOW activity. No feathers, whitewash, or castings were found and no suitable burrow surrogate species are present on-site. Therefore, no suitable habitat exists on-site and no focused surveys are required.

Coachella Valley Fringe-toed Lizard

The sand sheets and sand dunes preferred by the Coachella Valley fringe-toed lizard do not exist on site. Therefore, there is no suitable habitat for this species and this species is considered absent from the site.

3.2.4 NESTING BIRDS

The Project site and immediate surrounding area does contain habitat suitable for nesting birds. As such the Project is subject to the following nesting bird regulations. Recommendations for avoidance and minimization are in section 4.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918. This Act implements four international conservation treaties that the U.S. entered into with Canada in 1916, Mexico in 1936, Japan in 1972, and Russia in 1976. It is intended to ensure the sustainability of populations of all protected migratory bird species. The Act has been amended with the signing of each treaty, as well as when any of the treaties were amended, such as with Mexico in 1976 and Canada in 1995. The Act 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.

California Fish and Game Code

The Project site is also subject to Sections 3503 and 3503.5 of the Fish and Game Code. Section 3503 states, "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". And Section 3503.5 states, "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".

3.2.5 JURISDICTIONAL WATERS

Waters of the United States and Waters of the State

The USACE has the authority to permit the discharge of dredged or fill material in Waters of the U.S. (WOUS) under Section 404 CWA. While the Regional Water Quality Board has authority over the discharge of dredged or fill material in Waters of the State under Section 401 CWA as well as the Porter-Cologne Water Quality Control Act. The Project area was surveyed with 100 percent visual coverage and no drainage features were present on site that met the definition for WOUS. As such, the subject parcel does not contain any wetlands, Waters of the U.S., or Waters of the State.

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Fish and Game Code Section 1602 - State Lake and/or Streambed

The CDFW asserts jurisdiction over any drainage feature that contains a definable bed and bank or associated riparian vegetation. The Project area was surveyed with 100 percent visual coverage and no definable bed or bank features exist on the project site. As such, the subject parcel does not contain any areas under CDFW jurisdiction.

3.2.6 WETLANDS

NWI maps did not identify portions within the Project site as a Riverine/Riparian system. Additionally, none of the requirements for wetland designation (hydric vegetation, hydric soils, and/or wetland hydrology) were present on site. As such, there are no wetlands currently present on site.

3.3 CVMSHCP CONSISTENCY ANALYSIS

The entire subject parcel falls within the boundaries of the CVMSHCP. However, the project site is not located within a Conservation Area (Figure 4 in Appendix A). As such, there are no conservation requirements for the Project under the CVMSHCP. However, every Project completed within the boundaries of the CVMSHCP is required to pay a Development Impact Fee to the City or County, depending on location, prior to obtaining permits. Because this Project is within the boundaries of the CVMSHCP, it will be required to submit this fee to the City. The amount of the fee will be determined by the City.

SECTION 4.0 - CONCLUSIONS AND RECOMMENDATIONS

Based on the literature review and personal observations made in the immediate vicinity, no State and/or federally listed threatened or endangered species are documented/or expected to occur within the Project site. Additionally, no plant species with the California Rare Plant Rank (CRPR) of 1 or 2 were observed on-site or documented/expected to occur on-site.

Jurisdictional Delineation

There are no streams, channels, washes, or swales that meet the definitions of Section 1600 of the State of California Fish and Game Code (FGC) under the jurisdiction of the CDFW, Section 401 ("Waters of the State") of the Clean Water Act (CWA) under the jurisdiction of the Regional Water Quality Control Board (RWQCB), or "Waters of the United States" (WoUS) as defined by Section 404 of the CWA under the jurisdiction of the U.S. Army Corps of Engineers (Corps) within the subject parcel. Therefore, no permit from any regulatory agency will be required.

Nesting Birds

Since there is some habitat within the Project site and adjacent area that is suitable for nesting birds in general, the following mitigation measure should be implemented.

Nesting bird nesting season generally extends from February 1 through September 15 in southern California and specifically, March 15 through August 31 for migratory passerine birds. To avoid impacts to nesting birds (common and special status) during the nesting season, a qualified Avian Biologist will conduct pre-construction Nesting Bird Surveys (NBS) no more than 3-days prior to Project-related disturbance to nestable vegetation to

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identify any active nests. If no active nests are found, no further action will be required. If an active nest is found, the biologist will set appropriate no-work buffers around the nest which will be based upon the nesting species, its sensitivity to disturbance, nesting stage, and expected types, intensity, and duration of the disturbance. The nests and buffer zones shall be field-checked weekly by a qualified biological monitor. The approved no-work buffer zone shall be clearly marked in the field, within which no disturbance activity shall commence until the qualified biologist has determined the young birds have successfully fledged and the nest is inactive.

CVMSHCP

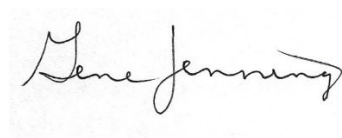
The Project is considered consistent with the CVMSHCP as long as the Local Development Mitigation Fees are paid to the City, prior to obtaining permits. The following mitigation measure is recommended.

Prior to construction and issuance of any grading permit, the City of Cathedral shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure that payment of the CVMSHCP Local Development Mitigation Fee for the proposed Project is remitted to the Coachella Valley Conservation Commission.

I hereby certify that the statements furnished herein, and in the attached exhibits present data and information required for this analysis to the best of my ability, and the facts, statements, and information presented are true and correct to the best of my knowledge and belief. This report was prepared in accordance with professional requirements and standards. Fieldwork conducted for this assessment was performed by me. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project proponent and that I have no financial interest in the project.

Please do not hesitate to contact me at 909-534-4547 should you have any questions or require further information.

Sincerely,



Gene Jennings
Principal/Regulatory Specialist

Appendices:

- Appendix A – Figures
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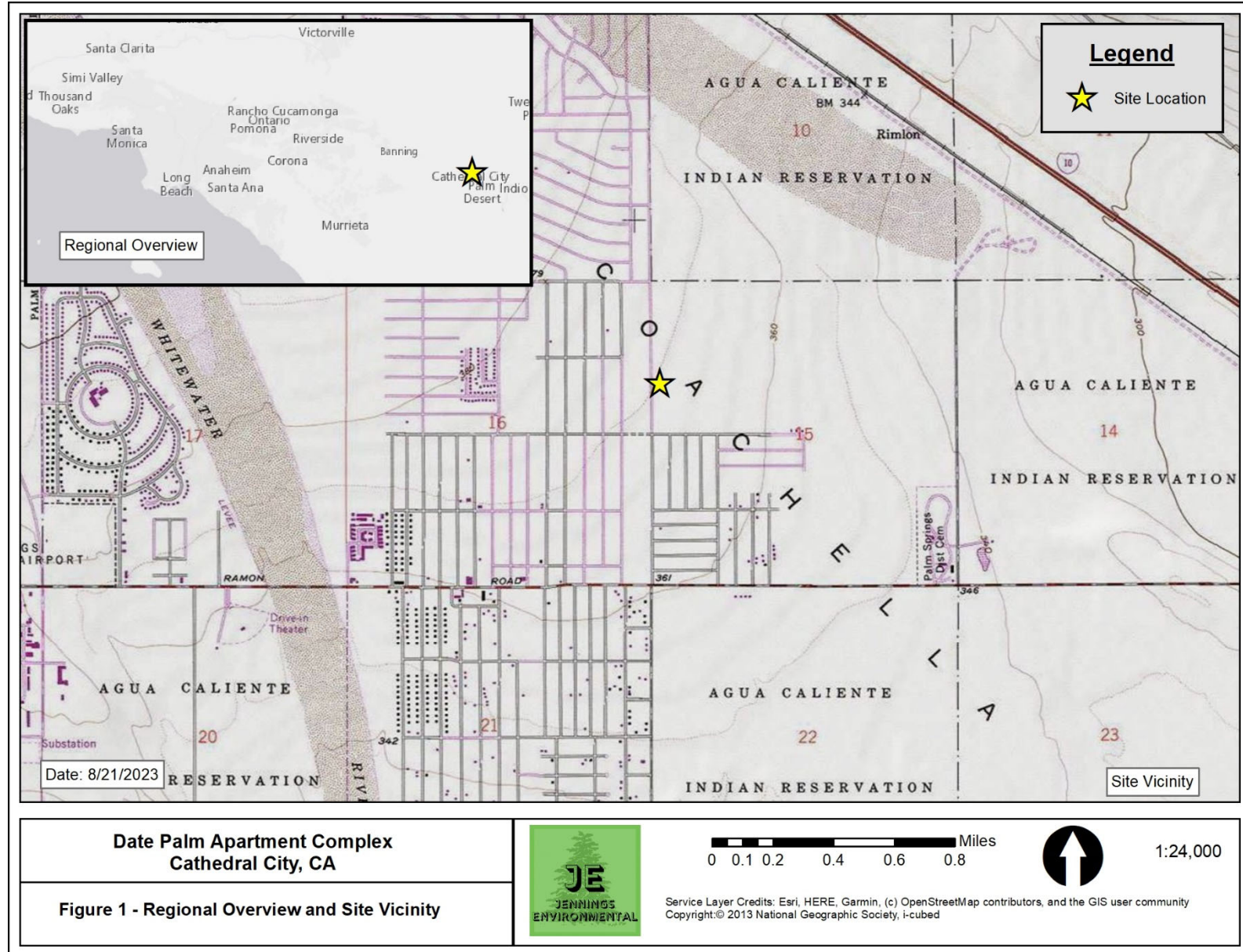
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Section 5 – REFERENCES

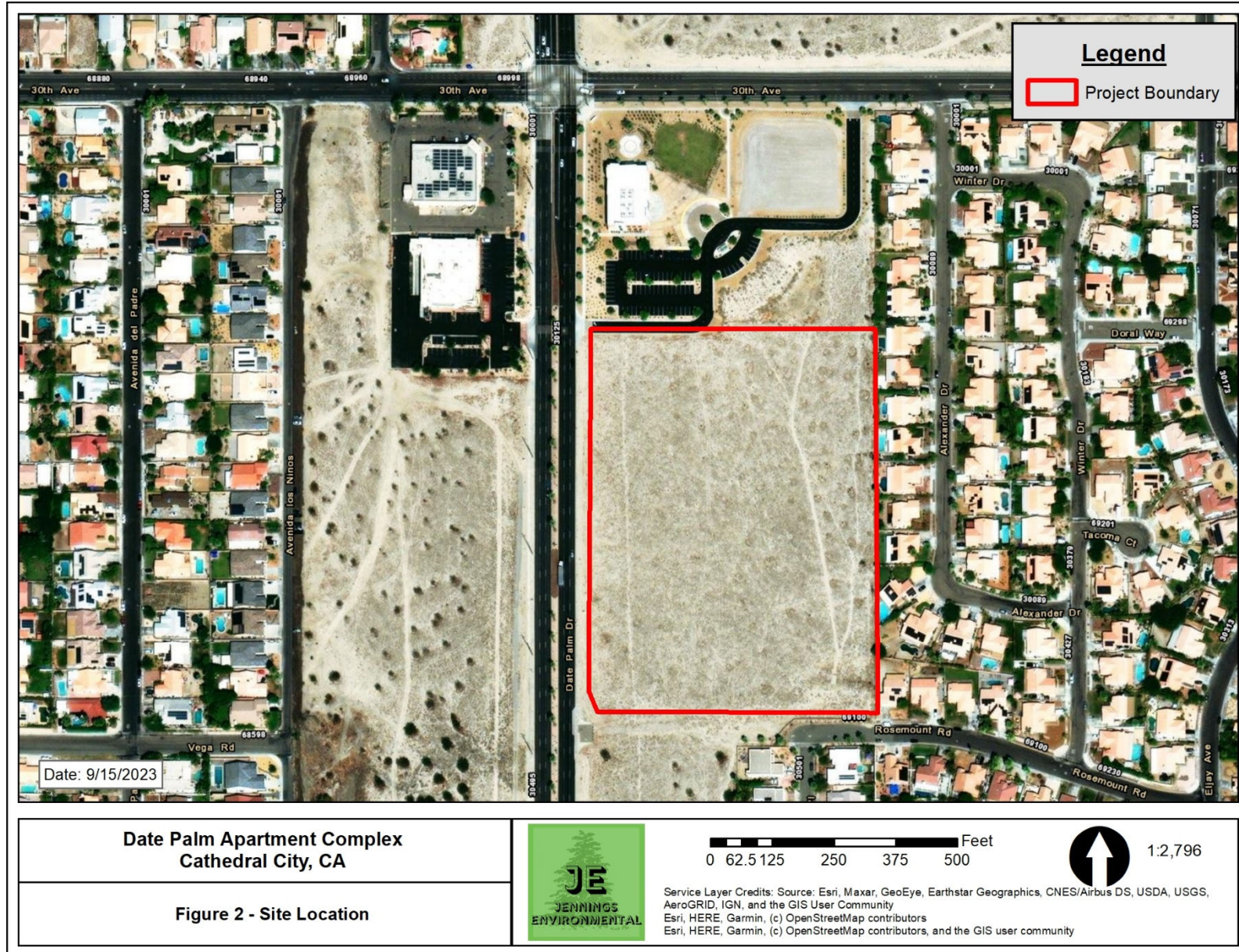
- Baldwin, B.G., D.H. Goldman, D.J. Keil, R. Patterson, and T.J. Rosatti, and D.H. Wilken (editors)
2012 *The Jepson Manual: Vascular Plants of California, Second Edition*. University of California Press, Berkeley, CA.
- Barbour, M.G., J.H. Burk, W.D. Pitts, F.S. Gilliam, and M.W. Schwartz.
1999 *Terrestrial Plant Ecology, Third Edition*. Addison Wesley Longman, Inc. Menlo Park, CA.
- California Department of Fish and Wildlife (CDFW)
2020 California Natural Diversity Database (CNDDDB). RareFind Version 3.1.0. Database Query, California USGS 7.5 minute quadrangles. Wildlife and Habitat Data Analysis Branch. [Accessed July 2023]
- California Department of Fish and Game. 1995. Staff report on burrowing owl mitigation. Memo from C.F. Raysbrook, Interim Director to Biologist, Environmental Services Division, Department of Fish and Game. Sacramento, CA.
- California Department of Fish and Game (CDFG). 2012. Staff Report on Burrowing Owl Mitigation. State of California Natural Resources Agency. March 7, 2012.
- California Department of Transportation. Water Quality Planning Tool.
<http://svctenvims.dot.ca.gov/wqpt/wqpt.aspx> (Accessed July 2023)
- California Native Plant Society (CNPS)
2020 Inventory of Rare and Endangered Plants (online edition, v8-03 0.39). Rare Plant Scientific Advisory Committee, California Native Plant Society, Sacramento, California. Website <http://www.rareplants.cnps.org>; [Accessed July 2023].
- Sawyer, J.O., Jr., T. Keeler-Wolf, J. Evens
2009 *A Manual of California Vegetation, Second Edition*. California Native Plant Society, Sacramento, CA.
- U.S. Department of Agriculture (USDA)
2023 Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions [Online Edition]. Website <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> [Accessed May 2023].

Appendix A - Figures

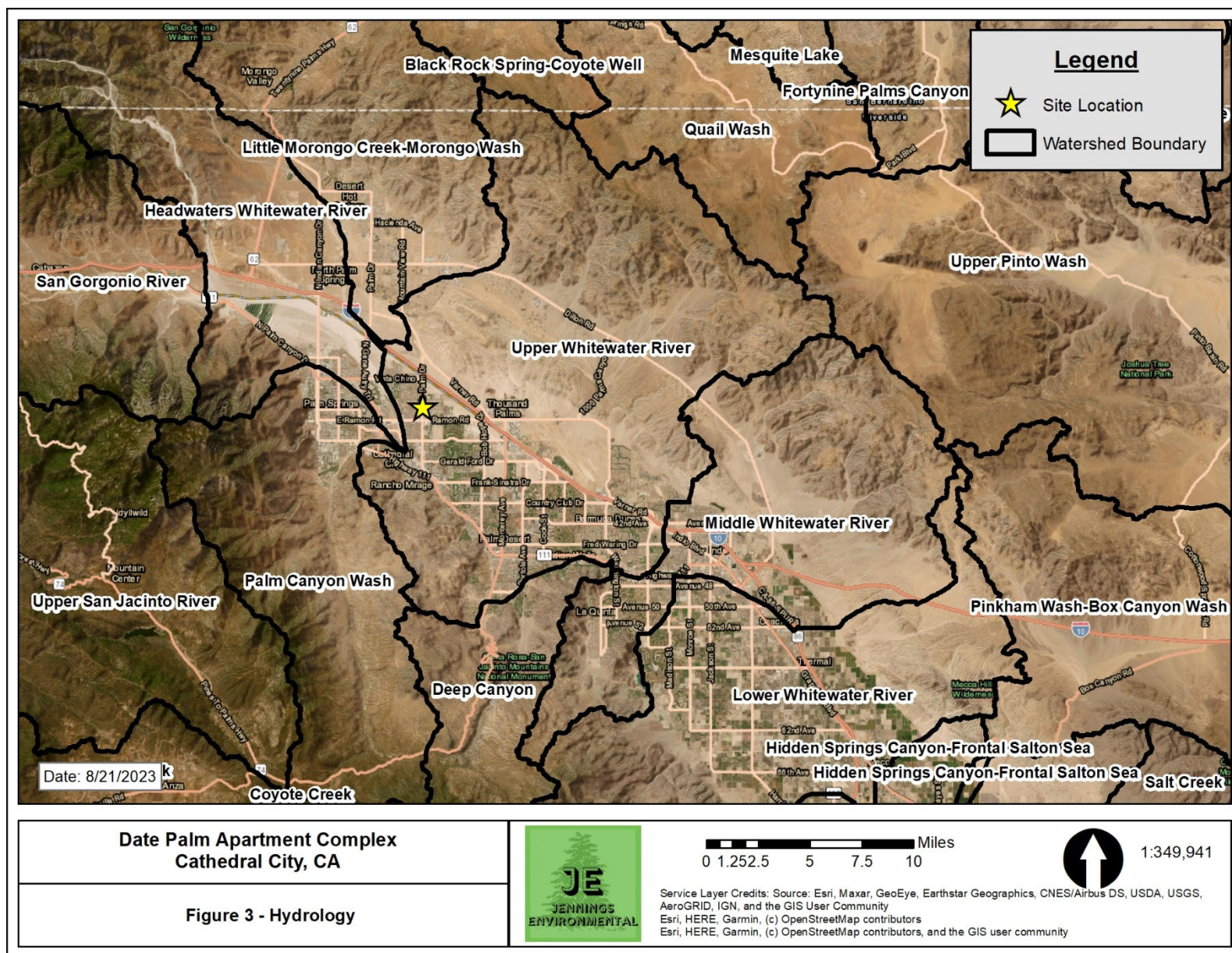
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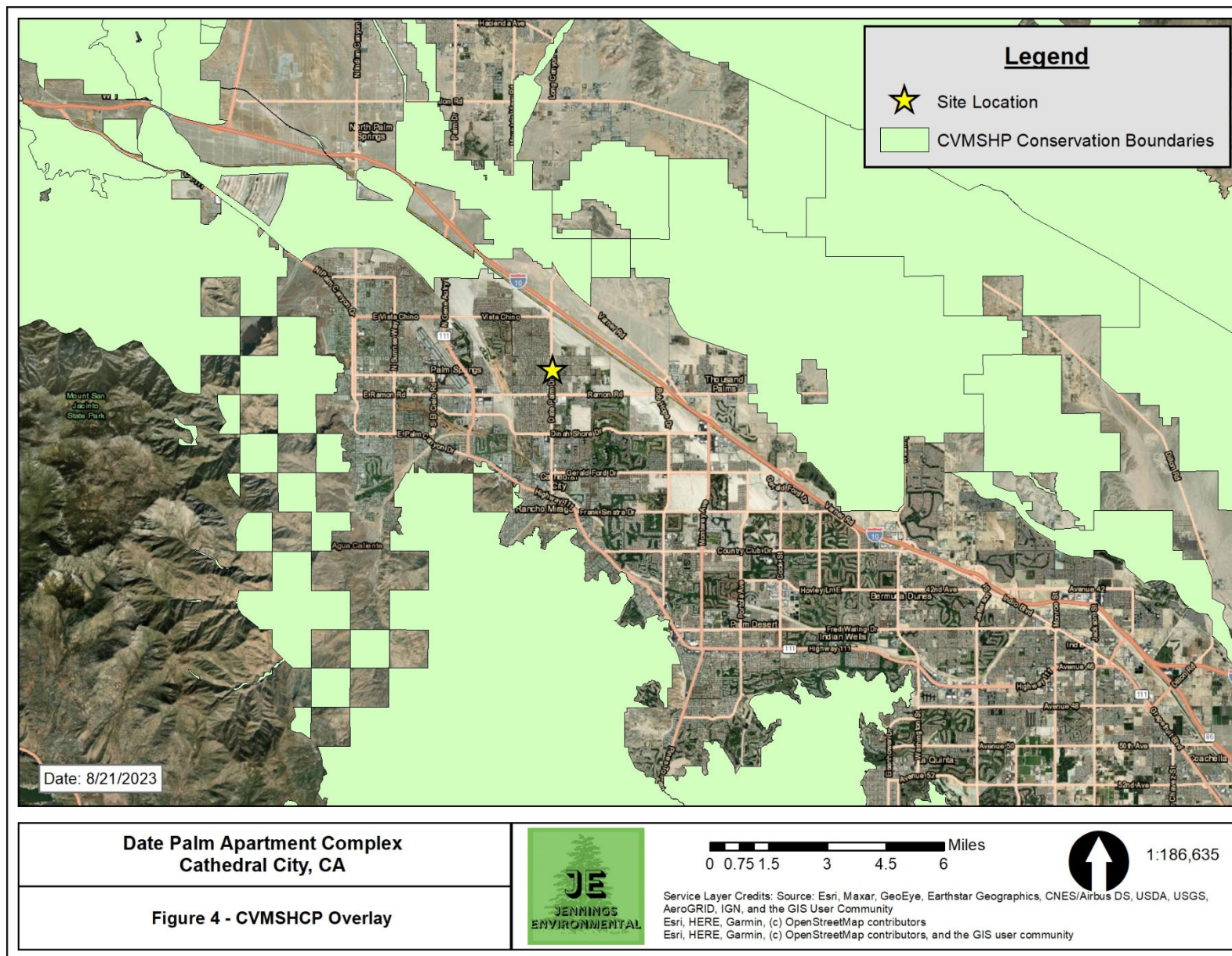
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Appendix B - Photos

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Photo 1 –
Southern edge of
parcel, facing
northwest.



Photo 2 –
Southern edge of
parcel, facing
north.

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Photo 3 –
Southern edge of
parcel, facing
northeast.



Photo 4 –
Southern edge of
parcel, facing east.

Appendix C – Regulatory Framework

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1.1 FEDERAL JURISDICTION

1.1.1 United States Army Corps of Engineers

Activities within inland streams, wetlands, and riparian areas in California are regulated by agencies at the federal, state, and regional levels. At the federal level, the U.S. Army Corps of Engineers (USACE) Regulatory Program regulates activities within wetlands and waters of the US pursuant to Section 404 of the Federal Clean Water Act (CWA).

At the state level, the California Department of Fish and Wildlife (CDFW) regulates activities within the bed, bank, and associated habitat of a stream under the Fish and Game Code §§ 1600–1616. The California State Water Resources Board (SWRB) delegates authority at the regional level to Regional Water Quality Control Boards (RWQCB) that are responsible for regulating discharge into waters of the US under Section 401 of the federal CWA and waters of the State under the California Porter-Cologne Water Quality Act.

The CWA was implemented to maintain and restore the chemical, physical, and biological integrity of the Waters of the United States (33 Code of Federal Regulations [CFR] Part 328 Section 328.3). “Waters of the US” are defined as follows:

§ 328.3 Definitions.

For the purpose of this regulation these terms are defined as follows:

(a) *Waters of the United States* means:

(1) Waters which are:

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(ii) The territorial seas; or

(iii) Interstate waters, including interstate wetlands;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under paragraph (a)(5) of this section;

(3) Tributaries of waters identified in paragraph (a)(1) or (2) of this section:

(i) That are relatively permanent, standing or continuously flowing bodies of water; or

(ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;

(4) Wetlands adjacent to the following waters:

(i) Waters identified in paragraph (a)(1) of this section; or

(ii) Relatively permanent, standing or continuously flowing bodies of water identified in paragraph (a)(2) or (a)(3)(i) of this section and with a continuous surface connection to those waters; or

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- (iii) Waters identified in paragraph (a)(2) or (3) of this section when the wetlands either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section;
- (5) Intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) of this section:
 - (i) That are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in paragraph (a)(1) or (a)(3)(i) of this section; or
 - (ii) That either alone or in combination with similarly situated waters in the region, significantly affect the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section.
- (b) The following are not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5) of this section:
 - (1) Waste treatment systems, including treatment ponds or lagoons, designed to meet the requirements of the Clean Water Act;
 - (2) Prior converted cropland designated by the Secretary of Agriculture. The exclusion would cease upon a change of use, which means that the area is no longer available for the production of agricultural commodities. Notwithstanding the determination of an area’s status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA;
 - (3) Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water;
 - (4) Artificially irrigated areas that would revert to dry land if the irrigation ceased;
 - (5) Artificial lakes or ponds created by excavating or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing;
 - (6) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons;
 - (7) Waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States; and
 - (8) Swales and erosional features (e.g., gullies, small washes) characterized by low volume, infrequent, or short duration flow.
- (c) In this section, the following definitions apply:

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(1) *Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically

adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) *Adjacent* means bordering, contiguous, or neighboring. Wetlands separated from other waters of the United States by man-made dikes or barriers, natural river berms, beach dunes, and the like are “adjacent wetlands.”

(3) *High tide line* means the line of intersection of the land with the water’s surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

(4) *Ordinary high water mark* means that line on the shore established by the fluctuations of water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

(5) *Tidal waters* means those waters that rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by hydrologic, wind, or other effects.

(6) *Significantly affect* means a material influence on the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section. To determine whether waters, either alone or in combination with similarly situated waters in the region, have a material influence on the chemical, physical, or biological integrity of waters identified in paragraph (a)(1) of this section, the functions identified in paragraph (c)(6)(i) of this section will be assessed and the factors identified in paragraph (c)(6)(ii) of this section will be considered:

(i) Functions to be assessed:

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- (A) Contribution of flow;
 - (B) Trapping, transformation, filtering, and transport of materials (including nutrients, sediment, and other pollutants);
 - (C) Retention and attenuation of floodwaters and runoff;
 - (D) Modulation of temperature in waters identified in paragraph (a)(1) of this section; or
 - (E) Provision of habitat and food resources for aquatic species located in waters identified in paragraph (a)(1) of this section;
- (ii) Factors to be considered:
- (A) The distance from a water identified in paragraph (a)(1) of this section;
 - (B) Hydrologic factors, such as the frequency, duration, magnitude, timing, and rate of hydrologic connections, including shallow subsurface flow;
 - (C) The size, density, or number of waters that have been determined to be similarly situated;
 - (D) Landscape position and geomorphology; and
 - (E) Climatological variables such as temperature, rainfall, and snowpack.

1.2 STATE JURISDICTION

The State of California (State) regulates discharge of material into waters of the State pursuant to Section 401 of the CWA as well as the California Porter-Cologne Water Quality Control Act (Porter-Cologne; California Water Code, Division 7, §13000 et seq.). Waters of the State are defined by Porter-Cologne as “any surface water or groundwater, including saline waters, within the boundaries of the state” (Water Code Section 13050(e)). Waters of the State broadly includes all waters within the State’s boundaries (public or private), including waters in both natural and artificial channels.

1.2.1 Regional Water Quality Control Board

Under Porter-Cologne, the State Water Resources Control Board (SWRCB) and the local Regional Water Quality Control Boards (RWQCB) regulate the discharge of waste into waters of the State. Discharges of waste include “fill, any material resulting from human activity, or any other ‘discharge’ that may directly or indirectly impact ‘waters of the state.’” Porter-Cologne reserves the right for the State to regulate activities that could affect the quantity and/or quality of surface and/or groundwaters, including isolated wetlands, within the State. Wetlands were defined as waters of the State if they demonstrated both wetland hydrology and hydric soils. Waters of the State determined to be jurisdictional for these purposes require, if impacted, waste discharge requirements (WDRs).

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When an activity results in fill or discharge directly below the OHWM of jurisdictional waters of the United States (federal jurisdiction), including wetlands, a CWA Section 401 Water Quality Certification is required. If a proposed project is not subject to CWA Section 401 certification but involves activities that may result in a discharge to waters of the State, the project may still be regulated under Porter-Cologne and may be subject to waste discharge requirements. In cases where waters apply to both CWA and Porter-Cologne, RWQCB may consolidate permitting requirements to one permit.

1.2.2 California Department of Fish and Wildlife

Pursuant to Division 2, Chapter 6, Sections 1600-1602 of the California Fish and Game Code, the California Department of Fish and Wildlife (CDFW) regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife.

CDFW defines a “stream” (including creeks and rivers) as “a body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation” (California Code of Regulations, Title 14, Section 1.72). The jurisdiction of CDFW may include areas in or near intermittent streams, ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams that are indicated on USGS maps, watercourses that may contain subsurface flows, or within the flood plain of a water body. CDFW’s definition of “lake” includes “natural lakes or man-made reservoirs.” CDFW limits of jurisdiction typically include the maximum extents of the uppermost bank-to-bank distance and/or the outermost extent of riparian vegetation dripline, whichever measurement is greater.

In a CDFW guidance of stream processes and forms in dryland watersheds (Vyverberg 2010), streams are identified as having one or more channels that may all be active or receive water only during some high flow event. Subordinate features, such as low flow channels, active channels, banks associated with secondary channels, floodplains, and stream-associated vegetation, may occur within the bounds of a single, larger channel. The water course is defined by the topography or elevations of land that confine a stream to a definite course when its waters rise to their highest level. A watercourse is defined as a stream with boundaries defined by the maximal extent or expression on the landscape even though flow may otherwise be intermittent or ephemeral.

Artificial waterways such as ditches (including roadside ditches), canals, aqueducts, irrigation ditches, and other artificially created water conveyance systems also may be under the jurisdiction of CDFW. CDFW may claim jurisdiction over these features based on the presence of habitat characteristics suitable to support aquatic life, riparian vegetation, and/or stream-dependent terrestrial wildlife. As with natural waterways, the limit of CDFW jurisdiction of

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artificial waterways includes the uppermost bank-to-bank distance and/or the outermost extent of riparian vegetation dripline, whichever measurement is greater.

CDFW does not have jurisdiction over wetlands but has jurisdiction to protect against a net loss of wetlands. CDFW supports the wetland criteria recognized by USFWS; one or more indicators of wetland conditions must exist for wetlands conditions to be considered present. The following is the USFWS accepted definition of a wetland:

Wetlands are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification, wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports hydrophytes, (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year (Cowardin et al. 1979).

In A Clarification of the U.S. Fish and Wildlife Service's Wetland Definition (Tiner 1989), the USFWS definition was further clarified "that in order for any area to be classified as wetland by the Service, the area must be periodically saturated or covered by shallow water, whether wetland vegetation and/or hydric soils are present or not; this hydrologic requirement is addressed in the first sentence of the definition." When considering whether an action would result in a net loss of wetlands, CDFW will extend jurisdiction to USFWS-defined wetland conditions where such conditions exist within the riparian vegetation that is associated with a stream or lake and does not depend on whether those features meet the three-parameter USACE methodology of wetland determination. If impacts to wetlands under the jurisdiction of CDFW are unavoidable, a mitigation plan will be implemented in coordination with CDFW to support the CDFW policy of "no net loss" of wetland habitat.

Appendix D – Tables

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Table 1. Species Observed On-Site

Common Name	Scientific Name
<u>Plants</u>	
Creosote bush	<i>Larrea tridentata</i>
Schismus grass	<i>Schismus sp.</i>
Asian mustard	<i>Brassica tournefortii</i>
<u>Birds</u>	
Mourning dove	<i>Zenaida macroura</i>
Common raven	<i>Corvus corax</i>

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Table 2 – CNDDDB and CNPSEI Potential to Occur

<u>Scientific Name</u>	<u>Common Name</u>	<u>Federal/State Status</u>	<u>Other Status</u>	<u>Habitat</u>	<u>Potential to Occur</u>
Abronia villosa var. aurita	chaparral sand- verbena	None, None	G5T2?, S2, 1B.1	Chaparral, coastal scrub, desert dunes. Sandy areas. -60-1570 m.	Low suitable habitat for this species occurs on site. As such, the potential for this species is considered low .
Astragalus hornii var. hornii	Horn's milk- vetch	None, None	GUT1, S1, 1B.1	Meadows and seeps, playas. Lake margins, alkaline sites. 75- 350 m.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Astragalus lentiginosus var. borreganus	Borrego milk- vetch	None, None	G5T5?, S4.3	Mojavean desert scrub, Sonoran desert scrub	Low suitable habitat for this species occurs on site. As such, the potential for this species is considered low .
Astragalus lentiginosus var. coachellae	Coachella Valley milk- vetch	Endangered, None	G5T1, S1, 1B.2	Sonoran desert scrub, desert dunes. Sandy flats, washes, outwash fans, sometimes on dunes. 35-695 m.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Athene cunicularia	burrowing owl	None, None	G4, S2, CDFW-SSC	Open, dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.

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<u>Scientific Name</u>	<u>Common Name</u>	<u>Federal/State Status</u>	<u>Other Status</u>	<u>Habitat</u>	<u>Potential to Occur</u>
Cuscuta californica var. apiculata	pointed dodder	None, None	G5T3, S3?	Mojavean desert scrub, Sonoran desert scrub	Low suitable habitat for this species occurs on site. As such, the potential for this species is considered low .
Desert Fan Palm Oasis Woodland	Desert Fan Palm Oasis Woodland	None, None	G3, S3.2	Riparian woodland	This habitat type does not occur on-site.
Dinacoma caseyi	Casey's June beetle	Endangered, None	G1, S1	Found only in two populations in a small area of southern Palm Springs. Found in sandy soils; the females live underground and only come to the ground surface to mate.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Euphorbia arizonica	Arizona spurge	None, None	G5, S3, 2B.3	Sonoran desert scrub. Sandy soils. 150-900 m.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Euphorbia platysperma	flat-seeded spurge	None, None	G3, S1, 1B.2	Mojavean desert scrub, desert dunes. Sandy places or shifting dunes. Possibly a waif in California; more common in Arizona and Mexico. 60-960 m.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Falco mexicanus	prairie falcon	None, None	G5, S4, CDFW-WL	Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.

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<u>Scientific Name</u>	<u>Common Name</u>	<u>Federal/State Status</u>	<u>Other Status</u>	<u>Habitat</u>	<u>Potential to Occur</u>
Johnstonella costata	ribbed cryptantha	None, None	G4G5, S4.3	Desert dunes, Mojavean desert scrub, Sonoran desert scrub	Low suitable habitat for this species occurs on site. As such, the potential for this species is considered low .
Johnstonella holoptera	winged cryptantha	None, None	G4G5, S4.3	Mojavean desert scrub, Sonoran desert scrub	Low suitable habitat for this species occurs on site. As such, the potential for this species is considered low .
Lasiurus xanthinus	western yellow bat	None, None	G4G5, S3, CDFW-SSC	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats. Roosts in trees, particularly palms. Forages over water and among trees.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Lycium torreyi	Torrey's box-thorn	None, None	G4G5,S3, 4.2	Mojavean desert scrub, Sonoran desert scrub	Low suitable habitat for this species occurs on site. As such, the potential for this species is considered low .
Macrobaenetes valgum	Coachella giant sand treater cricket	None, None	G1G2, S2	Known from the sand dune ridges in the vicinity of Coachella Valley. Population size regulated by amount of annual rainfall; some spots favor permanent habitation where springs dampen sand.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Nemacaulis denudata var. gracilis	slender cottonheads	None, None	G3G4T3?, S2, 2B.2	Coastal dunes, desert dunes, Sonoran desert scrub. In dunes or sand. -45-745 m.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.

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<u>Scientific Name</u>	<u>Common Name</u>	<u>Federal/State Status</u>	<u>Other Status</u>	<u>Habitat</u>	<u>Potential to Occur</u>
Phrynosoma mcallii	flat-tailed horned lizard	None, None	G3, S3, CDFW-SSC	Restricted to desert washes and desert flats in central Riverside, eastern San Diego, and Imperial counties. Critical habitat element is fine sand, into which lizards burrow to avoid temperature extremes; requires vegetative cover and ants.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Poliophtila californica californica	coastal California gnatcatcher	Threatened, None	G4G5T3Q, S2, CDFW-SSC	Obligate, permanent resident of coastal sage scrub below 2500 ft in Southern California. Low, coastal sage scrub in arid washes, on mesas and slopes. Not all areas classified as coastal sage scrub are occupied.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Selaginella eremophila	desert spike-moss	None, None	G4, S2S3, 2B.2	Sonoran desert scrub, chaparral. Shaded sites, gravelly soils; crevices or among rocks. 225-1570 m.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Stemodia durantifolia	purple stemodia	None, None	G5, S2, 2B.1	Sonoran desert scrub. Sandy soils; mesic sites. 35-385 m.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Stenopelmatus calhuilaensis	Coachella Valley jerusalem cricket	None, None	G1G2, S2	Inhabits a small segment of the sand and dune areas of the Coachella Valley, in the vicinity of Palm Springs. Found in the large, undulating dunes piled up at the north base of Mt San Jacinto.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.

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APARTMENT COMPLEX CITY OF CATHEDRAL CITY, RIVERSIDE COUNTY, CALIFORNIA**

<u>Scientific Name</u>	<u>Common Name</u>	<u>Federal/State Status</u>	<u>Other Status</u>	<u>Habitat</u>	<u>Potential to Occur</u>
Toxostoma lecontei	Le Conte's thrasher	None, None	G4, S3, CDFW-SSC	Desert resident; primarily of open desert wash, desert scrub, alkali desert scrub, and desert succulent scrub habitats. Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Uma inornata	Coachella Valley fringe-toed lizard	Threatened, Endangered	G1Q, S1	Limited to sandy areas in the Coachella Valley, Riverside County. Requires fine, loose, windblown sand (for burrowing), interspersed with hardpan and widely-spaced desert shrubs.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.
Xerospermophilus tereticaudus chlorus	Palm Springs round-tailed ground squirrel	None, None	G5T2Q, S2, CDFW-SSC	Restricted to the Coachella Valley. Prefers desert succulent scrub, desert wash, desert scrub, alkali scrub, and levees. Prefers open, flat, grassy areas in fine-textured, sandy soil. Density correlated with winter rainfall.	Suitable habitat for this species does not occur on site. As such, this species is considered absent from the Project site.

**BIOLOGICAL RESOURCES ASSESSMENT, JURISDICTIONAL DELINEATION, AND CVM SHCP CONSISTENCY ANALYSIS FOR THE DATE PALM
APARTMENT COMPLEX CITY OF CATHEDRAL CITY, RIVERSIDE COUNTY, CALIFORNIA**

Coding and Terms

E = Endangered T = Threatened C = Candidate FP = Fully Protected SSC = Species of Special Concern R = Rare

State Species of Special Concern: An administrative designation given to vertebrate species that appear to be vulnerable to extinction because of declining populations, limited acreages, and/or continuing threats. Raptor and owls are protected under section 3502.5 of the California Fish and Game code: "It is unlawful to take, possess or destroy any birds in the orders Falconiformes or Strigiformes or to take, possess or destroy the nest or eggs of any such bird."

State Fully Protected: The classification of Fully Protected was the State's initial effort in the 1960's to identify and provide additional protection to those animals that were rare or faced possible extinction. Lists were created for fish, mammals, amphibians and reptiles. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.

Global Rankings (Species or Natural Community Level):

- G1 = Critically Imperiled – At very high risk of extinction due to extreme rarity (often 5 or fewer populations), very steep declines, or other factors.
- G2 = Imperiled – At high risk of extinction due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors.
- G3 = Vulnerable – At moderate risk of extinction due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors.
- G4 = Apparently Secure – Uncommon but not rare; some cause for long-term concern due to declines or other factors.
- G5 = Secure – Common; widespread and abundant.
- ? = Uncertainty in the exact status of an element (could move up or down one direction from current rank)

Subspecies Level: Taxa which are subspecies or varieties receive a taxon rank (T-rank) attached to their G-rank. Where the G-rank reflects the condition of the entire species, the T-rank reflects the global situation of just the subspecies. For example: the Point Reyes mountain beaver, *Aplodontia rufa* ssp. *phaea* is ranked G5T2. The G-rank refers to the whole species range i.e., *Aplodontia rufa*. The T-rank refers only to the global condition of ssp. *phaea*.

State Ranking:

- S1 = Critically Imperiled – Critically imperiled in the State because of extreme rarity (often 5 or fewer populations) or because of factor(s) such as very steep declines making it especially vulnerable to extirpation from the State.
- S2 = Imperiled – Imperiled in the State because of rarity due to very restricted range, very few populations (often 20 or fewer), steep declines, or other factors making it very vulnerable to extirpation from the State.
- S3 = Vulnerable – Vulnerable in the State due to a restricted range, relatively few populations (often 80 or fewer), recent and widespread declines, or other factors making it vulnerable to extirpation from the State.
- S4 = Apparently Secure – Uncommon but not rare in the State; some cause for long-term concern due to declines or other factors.
- S5 = Secure – Common, widespread, and abundant in the State.

California Rare Plant Rankings (CNPS List):

- 1A = Plants presumed extirpated in California and either rare or extinct elsewhere.
- 1B = Plants rare, threatened, or endangered in California and elsewhere.
- 2A = Plants presumed extirpated in California, but common elsewhere.
- 2B = Plants rare, threatened, or endangered in California, but more common elsewhere.
- 3 = Plants about which more information is needed; a review list.
- 4 = Plants of limited distribution; a watch list.

Threat Ranks:

- .1 = Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- .2 = Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- .3 = Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)