



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



March 11, 2022
Sent via email

Majna Dukic
City of Rancho Mirage
69825 Highway 111
Rancho Mirage, CA 92270

Subject: Draft Environmental Impact Report, Highway 111 Specific Plan, State Clearinghouse No. 2020069010

Dear Ms. Dukic:

The California CDFW of Fish and Wildlife (CDFW) received and reviewed the Draft Environmental Impact Report (DEIR) from the City of Rancho Mirage for Highway 111 Specific Plan (Project), State Clearinghouse No. 202069010, pursuant the California Environmental Quality Act (CEQA) statute and guidelines¹. Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish, wildlife, plants, and their habitats. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise its own regulatory authority under the Fish and Game Code (Fish & G. Code).

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802.). Similarly, for purposes of CEQA, CDFW provides, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW may also act as a Responsible Agency regarding any discretionary actions under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381, such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code Sections 1600 et seq.), a California Endangered Species Act (CESA) Permit for Incidental Take of

¹CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Endangered, Threatened, and/or Candidate species (Fish & G. Code Sections 2080 and 2080.1) and/or for administering the Natural Community Conservation Planning Program (NCCP). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW issued Natural Community Conservation Plan approval and take authorization in 2008 for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), as per Section 2800, et seq., of the California Fish and Game Code. The CVMSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. CDFW is providing the following comments as they relate to the project's consistency with the CVMSHCP and CEQA.

PROJECT DESCRIPTION SUMMARY

Project Location

The Project site is located in the Coachella Valley region of central Riverside County. The planning area occurs in portions of: Section 34, T4, R5E; Sections 2, 3, 11, 12, 13, T5S, R5E; and Section 18, T5, R6E, SBB&M (see USGS Cathedral City and Palm Desert 7.5-minute quadrangle maps). The proposed Specific Plan planning area includes numerous parcels and is divided into 12 planning areas (see Exhibit 3A and 3B of the DEIR). Its limits are defined by topography, drainage features and corporate city limits, and includes the full length of Highway 111 as it passes through the City of Rancho Mirage.

Project Description

The Project consolidates, updates, expands, and replaces the previously adopted East and West Specific Plans and revises the land use plan, including some land use designations, acreages, and residential densities. The new plan sets forth development standards and guidelines in the context of 12 planning areas. Within the boundaries of the Specific Plan 12 distinct planning areas (PAs) have been designated (PA-1, PA-2, etc.). In some cases, sub-areas are delineated and discussed and are designated as with PA-1a, PA-1b, etc. While the delineation of planning areas is somewhat arbitrary, the purpose was to include separate but related parcels and uses. Exhibits 1-3 through 1-6 of the DEIR show the locations of the 12 PAs and proposed land uses.

COMMENTS AND RECOMMENDATIONS

CDFW's comments and recommendations on the DEIR are explained below.

Mitigation Measures for Project Impacts to Biological Resources

Coachella Valley MSHCP Implementation

CDFW appreciates that the DEIR specifies the City of Rancho Mirage will implement the CVMSHCP through participating in the Joint Project Review process (JPR) for any future developments located within a CVMSHCP Conservation Area and implementing Land Use Adjacency Guidelines for future developments located adjacent to a Conservation Area. Two planning areas, PA-2 and PA-7 are located within or adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area. The Santa Rosa and San Jacinto Mountains Conservation Area provides essential habitat for Peninsular bighorn sheep. In addition to participating in the JPR process and implementing the Land Use Adjacency Guidelines, the CVMSHCP has required measures for this conservation area including Conservation Goals and Objectives (Section 4.3.21), Covered Species Conservation Goals and Objectives (Section 9 of the CVMSHCP), and Required Avoidance, Minimization and Mitigation Measures (Section 4.4).

For an example of implementing a required measure, consider Required Measure 11 in the Santa Rosa and San Jacinto Mountains Conservation Area (Section 4.3.21) which includes the construction of an 8-foot fence to prevent bighorn sheep from foraging or watering on the project site and prevent unauthorized human access. Both PA-2 and PA-7 are located within or adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area; therefore, for future developments within PA-2 and PA-7, the City should review fencing infrastructure for projects and ensure fencing requirements in Required Measure 11 are met. The City should ensure each required measure for the Santa Rosa and San Jacinto Mountains Conservation Area is addressed in PA-2 and PA-7.

Lastly, CDFW recommends that for projects subject to the JPR process, the JPR is completed before implementation of CEQA.

CDFW recommends that the City revise the DEIR to indicate that if future development in PA-2 or PA-7 are located within the Conservation Area, the City and future development will also implement all CVMSHCP required measures. CDFW requests the incorporation of the following measures to into the DEIR regarding CVMSHCP implementation:

BIO-[XX]: For future developments located within or adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area, the City of Rancho Mirage and project proponent shall comply with all Required Measures for the Santa Rosa and San Jacinto Mountains Conservation Area (Section 4.3.21), Covered Species Conservation Goals and Objectives (Section 9), and Required Avoidance, Minimization and Mitigation Measures (Section 4.4) of the Coachella Valley Multiple Species Habitat Conservation Plan.

Peninsula Bighorn Sheep

CDFW requests that the DEIR is revised to indicate that PA-2 and PA-7 are located within or adjacent to Essential Habitat for Peninsula bighorn sheep. As indicated in the DEIR, Peninsular bighorn sheep are classified as Fully Protected Mammals (Fish & G. Code Section 4700). Fully Protected Mammals may not be taken or possessed at any time and no licenses or permits may be issued for their take except for necessary scientific research, including efforts to recover fully protected species (Fish & G. Code Section 4700). Although Peninsular bighorn sheep are included in the list of Covered Species under the CVMSHCP, take of this species is not authorized in the CVMSHCP and is prohibited by the California Fish and Game Code. The CDFW NCCP permit identifies that all covered activities of the CVMSHCP must avoid actions that will result in violations of the fully protected species provisions. Therefore, implementation of the measures set forth in the CVMSHCP should be fully complied with to avoid take of Peninsular bighorn sheep. CDFW requests that the DEIR is revised to indicate that consistency with the CVMSHCP is required to ensure that take of Peninsular bighorn sheep is avoided for future developments in PA-2 and PA-7.

CDFW requests the incorporation of the following measures to avoid take of Peninsular bighorn sheep:

BIO-[XX]: The City of Rancho Mirage and future developments in Planning Area 2 and Planning Area 7 shall demonstrate consistency with the Coachella Valley Multiple Species Habitat Conservation Plan to ensure that no take of Peninsular bighorn sheep shall occur through either the construction or operations of future developments.

Lake and Streambed Agreement

CDFW requires notification for work undertaken in or near any river, stream, or lake that flows at least episodically, including ephemeral streams, desert washes, and watercourses with a subsurface flow. Fish and Game Code section 1602 states, "An entity may not 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, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless" certain conditions are met. Upon receipt of a complete notification, the CDFW determines if the activities may substantially adversely affect existing fish and wildlife resources.

The DEIR indicates that no riparian or wetland habitat is located with the Project planning area (pg. 2.5-8). Based on review of aerial imagery and materials submitted with the DEIR, it appears there are streams subject to Fish and Game Code section 1600 et seq., on both PA-1 and PA-2. Within PA-1, there is evidence of a stream, including erosion and scour, along the western edge of the canyon. Within PA-2, there are several water conveyance structures capturing streams emerging from the foothills

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to the west. If impacts to streams in PA-1 or PA-2 are anticipated through future developments, the CDFW requests that the Project proponent(s) submit a Notification of Lake or Streambed Alteration.

Further, the Coachella Valley Stormwater Channel (CVSC) is also a stream subject to Fish and Game Code section 1600 et seq. The CVSC provides foraging, refugia, and burrowing habitat to a number of species and is an important wildlife corridor. Several Project areas are located adjacent to the CVSC and have the potential to cause direct or indirect impacts on this stream. CDFW requests that any future developments that may substantially divert or obstruct the natural flow, or change or use materials from the bed, channel, or bank of a river, stream, or lake submit a Notification of Lake or Streambed Alteration.

CDFW requests the incorporation of the following measures to avoid, minimize, and mitigate for impacts to fish and wildlife resources subject to Fish and Game Code section 1600 et seq.:

BIO-[XX]: Future developments in Planning Area 1 or Planning Area 2, or future developments that may substantially divert or obstruct the natural flow, or change or use materials from the bed, channel, or bank the Coachella Valley Stormwater Channel or other river, stream, or lake shall submit a Notification of Lake and Streambed Alteration to the California Department of Fish and Wildlife.

CDFW CONCLUSIONS AND FURTHER COORDINATION

CDFW appreciates the opportunity to comment on the Highway 111 Specific Plan Project to assist in identifying and mitigating Project impacts on biological resources. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts. CDFW requests that the City of Rancho Mirage address the CDFW's comments and concerns prior to adoption of the EIR.

Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Environmental Scientist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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Scott Wilson
Environmental Program Manager

Majna Dukic, Planning Manager
City of Rancho Mirage
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ec:

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Rollie White, U.S. Fish and Wildlife Service
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ATTACHMENT 1

Mitigation Monitoring and Reporting Program for the City of Rancho Mirage, New Highway 111 Specific Plan Project

Mitigation Measures	Timing and Methods	Responsible Parties
<p>BIO-[XX]: For future developments located within or adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area, the City of Rancho Mirage and project proponent shall comply with all Required Measures for the Santa Rosa and San Jacinto Mountains Conservation Area (Section 4.3.21), Covered Species Conservation Goals and Objectives (Section 9), and Required Avoidance, Minimization and Mitigation Measures (Section 4.4) of the Coachella Valley Multiple Species Habitat Conservation Plan.</p>	<p>Timing: Prior to Project approval. Methods: Reference Required Measures in CVMSHCP Section 4.3.21 (Santa Rosa and San Jacinto Mountains Conservation Area)</p>	<p>Implementation: City of Rancho Mirage and future developments. Monitoring and Reporting: City of Rancho Mirage and future developments.</p>
<p>BIO-[XX]: The City of Rancho Mirage and future developments in Planning Area 2 and Planning Area 7 shall demonstrate consistency with the Coachella Valley Multiple Species Habitat Conservation Plan to ensure that no take of Peninsular bighorn sheep shall occur through either the construction or operations of future developments.</p>	<p>Timing: Prior to approval of CEQA documentation for future developments. Methods: Demonstrate both full implementation of CVMSHCP and no take of Peninsular Bighorn Sheep in CEQA documentation for future developments.</p>	<p>Implementation: City of Rancho Mirage and future developments. Monitoring and Reporting: City of Rancho Mirage and future developments.</p>
<p>BIO-[XX]: Future developments in Planning Area 1 or Planning Area 2, or future developments that may substantially divert or obstruct the natural flow, or change or use materials from the bed, channel, or bank the Coachella Valley Stormwater Channel or other river, stream, or lake shall submit a Notification of Lake and Streambed Alteration to the California Department of Fish and Wildlife.</p>	<p>Timing: Subsequent to completing CVMSHCP compliance, e.g., Joint Project Review process, and before start of project activities for future developments. Methods: Reference CDFW's Notification of Streambed Alteration web page: https://wildlife.ca.gov/Conservation/Environmental-Review/LSA.</p>	<p>Implementation: Future developments. Monitoring and Reporting: Future developments.</p>