



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 24, 2021
Sent via email

Donn Uyeno
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Desert, CA 92262

Governor's Office of Planning & Research

Nov 29 2021

STATE CLEARINGHOUSE

Subject: Draft Tiered Initial Study and Mitigated Negative Declaration, Indian Canyon Drive Sewer Main Extension Project, State Clearinghouse No. 2020099019

Dear Mr. Donn Uyeno:

The California Department of Fish and Wildlife (CDFW) received and reviewed the Draft Tiered Initial Study and Mitigated Negative Declaration (IS/MND) from the City of Palm Springs (City) for the Canyon Drive Sewer Main Extension Project (Project), State Clearinghouse No. 2020099019, pursuant to the California Environmental Quality Act (CEQA) statute and guidelines.¹ 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, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may need to exercise of its own regulatory authority under the Fish and Game Code (Fish and 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 habitats necessary for biologically sustainable populations of those species. (*Id.*, § 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

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.

et seq.), a California Endangered Species Act (CESA) Permit for Incidental Take of 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 proposed Project is located in the City of Palm Springs (City), Riverside County, California, along the section of Indian Canyon Drive between W. Tramview Road and Garnet Avenue within the Whitewater River Floodplain.

Project Description

Under the proposed Project, the City would construct a new 10-inch diameter sewer main along Indian Canyon Drive from Tramview Road to Garnet Avenue. The sewer main will also cross under the Union Pacific Railroad tracks and within the new bridge structure. Manholes will be constructed along the sewer main alignment as well. Construction will include open excavation within the paved roadway of Indian Canyon Drive with shoring and bracing for installation of the sewer main, using jackhammers, backhoes, excavators, pavement saws, dump trucks, flatbed trucks, and street sweepers.

COMMENTS AND RECOMMENDATIONS

The IS/MND identified that the Project is located with the Whitewater Floodplain Conservation Area (Conservation Area) within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). Because the Project is located adjacent to or within a Conservation Area, the City of Palm Springs, as a Local Permittee under the CVMSHCP, is required to provide an analysis to Coachella Valley Conservation Commission as part of the Joint Project Review (JPR) process to assess Project's consistency with the CVMSHCP. At minimum, the JPR analysis shall include a discussion of the Project's consistency with 1) the Conservation Area's Conservation Objectives and Required Measures in Section 4.3.6 of CVMSHCP, 2) Required

Avoidance, Minimization, and Mitigation Measures in Section 4.4 of the CVMSHCP, and 3) Land Use Adjacency Guidelines as described in Section 4.5 of the CVMSHCP.

Further, the CDFW recommends that the City analyze the Project design and its interface with the future expansion of Indian Canyon Avenue, a Covered Activity in the CVMSHCP (see Table 7-5) that has requirements including, but not limited to, maintaining the ability of wildlife to cross Indian Canyon Avenue by providing Biological Corridors and Linkages, including undercrossings for Coachella Valley fringe-toed lizard, flat-tailed horned lizard, Coachella Valley round-tailed ground squirrel, and Palm Springs pocket mouse; and ensuring no reduction in aeolian sand transport capacity. CDFW recommends the Project design does not conflict with the Covered Activity or its requirements under the CVMSHCP.

CDFW recommends that the IS/MND is updated with the following mitigation measure:

MM BIO-10: The City will prepare and submit to Coachella Valley Conservation Commission an analysis of the Project's consistency with 1) the Conservation Objectives and Required Measures of the Whitewater Floodplain Conservation Area, 2) Required Avoidance, Minimization, and Mitigation Measures, and 3) Land Use Adjacency Guidelines as part of the Joint Project Review process for the Coachella Valley Multiple Species Habitat Conservation Plan.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

Donn Uyeno, P.E., Principal Engineer
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CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND for the Indian Canyon Sewer Main Extension Project (State Clearinghouse No. 2020099019) and recommends that the City addresses CDFW's comments and concerns prior to adoption of the IS/MND. If you have any questions pertaining to the comments provided in this letter, please contact Jacob Skaggs, Environmental Scientist, at jacob.skaggs@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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for
Scott Wilson
Environmental Program Manager
Inland Deserts Region

ec: Heather Pert, Senior Environmental Scientist Supervisor
Inland Deserts Region

HCPB CEQA Program, Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
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**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM
(MMRP)**

Mitigation Measure	Schedule	Responsible Party
MM BIO-10: The City will prepare and submit to Coachella Valley Conservation Commission an analysis of the Project's consistency with 1) the Conservation Objectives and Required Measures of the Whitewater Floodplain Conservation Area, 2) Required Avoidance, Minimization, and Mitigation Measures, and 3) Land Use Adjacency Guidelines as part of the Joint Project Review process for the Coachella Valley Multiple Species Habitat Conservation Plan.	Prior to adoption of the Mitigated Negative Declaration	City of Palm Springs