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 Inland Deserts Region
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GAVIN NEWSOM, Governor
 CHARLTON H. BONHAM, Director



October 25, 2022
 Sent via e-mail

Noriko Kikuchi
 Associate Planner
 City of Palm Springs
 3200 East Tahquitz Canyon Way
 Palm Springs, CA 92262

**RIOS PROJECT (PROJECT)
 DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND)
 SCH# 2022100079**

Dear Ms. Kikuchi:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an IS/MND from the City of Palm Springs for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game 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. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, 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 is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: City of Palm Springs

Objective: The objective of the Project is to implement a zoning change for the Project site from Central Business District (CBD) and Limited Multiple-Family Residential (R-2) to Retail Business (C-1). The discretionary approval by the City of the Change of Zone, Tentative Tract Map, Major Architectural Review, and a Variance would allow construction of a new mixed-use development that includes 24 residential condominiums and 2,214 square feet of commercial space. This development would be situated on 2.4-acres of

¹ CEQA 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.

undeveloped parcels. Construction is expected to occur in five phases, including site preparation, grading, building construction, paving, and architectural coating.

Location: The Project is located in the City of Palm Springs on four parcels (Assessor's Parcel Numbers 505-322-001 through 505-322-004) at the northwest corner of North Palm Canyon Drive and West Chino Drive (575 North Palm Canyon Drive), Riverside County, California. It is within the north-central portion of the City, approximately 2.5 miles west of the Palm Springs International Airport. Lands surrounding the parcels are developed residential units and commercial businesses. The Project's parcels are located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSCP) boundary. The Project is within the Indio subbasin of the Coachella Valley Groundwater Basin.

Timeframe: Construction is anticipated to start in November 2022 and to be completed by May 2024 (18 months total).

COMMENTS AND RECOMMENDATIONS

CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). CDFW offers the comments and recommendations below to assist the City of Palm Springs in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. The IS/MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant. CDFW offers the following comments and recommendations to assist the City in adequately identifying and mitigating the Project's significant, or potentially significant, impacts to biological resources.

CDFW's comments and recommendations on the IS/MND are explained in greater detail below and summarized here. The IS/MND bases its analysis of impacts to biological resources on a report by ELMT Consulting, which conducted a habitat assessment of the Project site on February 25, 2022 (Appendix B of the IS/MND). CDFW is concerned about the potential for special-status species, including those not covered under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), to occur on the Project site. The habitat assessment was not conducted at the appropriate time(s) of year to detect all special-status species on-site. Surveys conducted at the appropriate times of the year and using standard survey protocols are needed to inform appropriate avoidance, minimization, and mitigation measures, as well as to determine whether impacts to biological resources have been mitigated to a level that is less than significant. Furthermore, the mitigation measure provided in the IS/MND is not adequate to protect nesting birds.

Assessment of Impacts to Biological Resources

Nesting Birds

It is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it 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 Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

The IS/MND (p. 37) indicates that "the Project site and surrounding area provides suitable

foraging and nesting habitat for avian species [year-round, seasonal, and migrating songbirds] adapted to human disturbance and desert environments.” CDFW is concerned about impacts to nesting birds from ground-disturbing activities and construction. Although the IS/MND includes Mitigation Measure (MM) BIO-1 for nesting birds, the timing and scope are insufficient to protect nesting birds. CDFW recommends the revised IS/MND include specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but are not limited to, Project phasing and timing, monitoring of Project-related noise (where applicable), sound walls, and buffers, where appropriate. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site be avoided **any time birds are nesting onsite**. Preconstruction nesting bird surveys shall be performed within 3 days prior to Project activities to determine the presence and location of nesting birds. CDFW recommends MM BIO-1 be revised as follows:

MM BIO-1: Avoidance of Nesting Birds

Nesting bird surveys shall be performed by a qualified avian biologist no more than (3) days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-1–7 (see Attachment 1).

Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)

Within the Inland Deserts Region, CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the CVMSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on September 9, 2008. The CVMSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit. Compliance with approved habitat plans, such as the CVMSHCP, is discussed in CEQA. Specifically, Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. An assessment of the impacts to the CVMSHCP as a result of this Project is necessary to address CEQA requirements. To obtain additional information regarding the CVMSHCP please go to: <http://www.cvmshcp.org/>.

The Project occurs within the CVMSHCP area and is subject to provisions and policies of the CVMSHCP. The Project does not occur within or share a common boundary with a Conservation Area of the CVMSHCP; however, Santa Rosa and San Jacinto Mountains Conservation Area is approximately 0.26 miles west of the Project, and Whitewater Floodplain Conservation Area is approximately 3.0 miles north of the Project. To be considered a covered activity, Permittees should demonstrate that proposed actions are consistent with the CVMSHCP and its associated Implementing Agreement. The City of Palm Springs is the Lead Agency and a Permittee of the CVMSHCP. The IS/MND includes

mitigation measure BIO-2 to address the Project occurring within the CVMSHCP. CDFW recommends MM BIO-2 be revised as follows:

MM BIO-2: CVMSHCP Compliance

Prior to construction and issuance of any grading permit, the City of Palm Springs shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee.

Special-Status Plants

Based on review of the California Natural Diversity Database (CNDDDB) and Biogeographic Information and Observation System (BIOS), plant species that are state and/or federally listed as endangered and plant species with California Rare Plant Ranks of 1B and 2B have the potential to occur in the Project area. The California Rare Plant Rank 1B indicates plants that are rare, threatened, or endangered in California and elsewhere, and California Rare Plant Rank 2B indicates plants that are rare, threatened, or endangered in California but more common elsewhere. Impacts to these species must be analyzed during preparation of environmental documents relating to CEQA because they meet the definition of rare or endangered under CEQA Guidelines §15125 (c) and/or §15380.

The IS/MND indicates that no special-status plants were observed during the habitat assessment conducted on February 25, 2022. The biological report indicates that 32 special-status plant species were identified in literature and database searches for the Palm Springs quadrangle, including species not covered by the CVMSHCP. CDFW is concerned that the habitat assessment was not conducted at the appropriate time of year to detect all special-status plants on the Project site. CNDDDB/BIOS indicates that the following special-status plants have historically occurred near the Project location: Mecca-aster (*Xylorhiza cognata*), pygmy lotus (*Acmispon haydonii*), Latimer's woodland-gilia (*Saltugilia latimeri*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), Parish's brittlescale (*Atriplex parishii*), slender cottonheads (*Nemacaulis denudata* var. *gracilis*), Payson's jewelflower (*Caulanthus simulans*), and Horn's milk-vetch (*Astragalus hornii* var. *hornii*). CDFW recommends that a thorough, recent, floristic-based assessment of special-status plants is completed at the appropriate time(s) of year before the City of Palm Springs adopts the MND. The results of this assessment should be included in a revised MND. If any rare, threatened, endangered, or other sensitive plant species are located within the Project site, CDFW recommends that the IS/MND be revised to include appropriate avoidance minimization, and mitigation measures. CDFW recommends adding the following mitigation measure:

MM BIO-3: Special-Status Plants

A thorough floristic-based assessment of special-status plants and natural communities, following CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW 2018 or most recent version) shall be performed by a qualified biologist prior to commencing Project activities. Should any state-listed plant species be present in the Project area, the Project proponent shall obtain an Incidental Take Permit for those species not covered under the CVMSHCP prior to the start of Project activities.

Burrowing Owl (*Athene cunicularia*)

Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Burrowing owl is a Covered Species under

the CVMSHCP, which requires that avoidance and minimization measures be implemented for this species.

Attachment D of the biological report indicates that burrowing owl is presumed absent from the Project site. However, because of the potential for burrowing owl to move into disturbed sites, CDFW recommends that prior to commencing Project activities, pre-construction surveys for burrowing owl be conducted by a qualified biologist. CDFW recommends adding the following mitigation measure to the revised IS/MND:

MM BIO-4: Burrowing Owl Surveys

Pre-construction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012 or most recent version). Pre-construction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the pre-construction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and USFWS to conduct an impact assessment to develop avoidance and minimization measures to be approved by CDFW prior to commencing Project activities.

Desert Tortoise (*Gopherus agassizii*)

According to the IS/MND, no desert tortoises were detected during the habitat assessment conducted on February 25, 2022. Chapter 4 of the *Desert Tortoise (Mojave Population) Field Manual* indicates that “surveys should be conducted during the desert tortoise’s most active periods (April through May or September through October)” (USFWS 2009, p. 4–8). CDFW is concerned that the timing and scope of the survey were insufficient to determine the presence of desert tortoise on the Project site.

Although desert tortoise is covered under the CVMSHCP, Section 9.6.1.4 of the plan indicates: “Both inside and outside Conservation Areas, avoidance, minimization, and mitigation measures require relocation of individual tortoises if required surveys locate individuals on the site of Covered Activities. For more information about avoidance, minimization, and mitigation measures see Section 4.4.” CDFW recommends that prior to commencing Project activities, preconstruction surveys for desert tortoise following the *Desert Tortoise (Mojave Population) Field Manual* should be conducted by a qualified biologist. As a result, CDFW recommends adding the following mitigation measure:

MM BIO-5: Desert Tortoise Surveys

No more than 14 calendar days prior to start of Project activities, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS *Desert Tortoise (Mojave Population) Field Manual* (USFWS 2009 or most recent version). Pre-construction surveys shall be completed using perpendicular survey routes within the Project area and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.

Desert Kit Fox (*Vulpes macrotis arsipus*)

Desert kit fox is protected as a fur-bearing mammal under Title 14 of the California Code of Regulations (Chap. 5, § 460) and may not be taken at any time. BIOS data layers showing

connectivity modeling for the California Desert Linkage Network indicate that the Project site falls within core breeding habitat for kit fox. Because desert kit fox has high fidelity to natal dens, it is crucial to adequately assess whether desert kit fox is present on the Project site well in advance of commencing Project activities. If desert kit fox is found onsite during breeding season, it could delay Project activities for the length of the breeding season.

The IS/MND (p. 36) indicates that the “Project site provides suitable foraging and denning habitat for mammalian species adapted to human disturbance and desert environments. However, most mammal species are nocturnal and are difficult to observe during a diurnal field visit.” CDFW is concerned that the timing and scope of the habitat assessment were not sufficient to assess whether desert kit fox is present on the Project site. Therefore, CDFW recommends that prior to commencing Project activities, pre-construction surveys for desert kit fox be conducted by a qualified biologist. As a result, CDFW recommends adding the following mitigation measure:

MM BIO-6: Desert Kit Fox Surveys

No more than 14 days prior to the beginning of ground disturbance and/or Project activities, a qualified biologist shall conduct pre-construction surveys to determine if potential desert kit fox burrows/dens are present in the Project area. Pre-construction surveys should include 100-percent visual coverage of the Project area and cannot be combined with other surveys conducted for other species while using the same personnel. If the pre-construction surveys confirm occupied desert kit fox habitat, Project activities shall be immediately halted, and the qualified biologist shall notify CDFW and USFWS to develop avoidance, minimization, and mitigation measures. No disturbance of active dens shall take place when juvenile desert kit fox may be present and dependent on parental care.

Minimizing Impacts to Other Species

The IS/MND (p. 36) states the Project site has “limited foraging and cover habitat for support reptilian species...suitable foraging and denning habitat for mammalian species,” but includes no avoidance and minimization measures. CDFW recommends inclusion of the following mitigation measure:

MM BIO-7: Minimizing Impacts to Other Species

A qualified biologist shall be on-site prior to and during all ground- and habitat disturbing activities to move out of harm’s way wildlife that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm’s way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Measures shall be taken to prevent wildlife from re-entering the Project site. Only biologists with authorization by CDFW shall move CESA-listed species.

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). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing 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.)

CONCLUSION

CDFW appreciates the opportunity to comment on the IS/MND to assist the City of Palm Springs in identifying and mitigating Project impacts on biological resources. CDFW concludes that the IS/MND does not adequately identify or mitigate for the Project’s significant, or potentially significant, impacts on biological resources. CDFW recommends that prior to adoption of the IS/MND, the City of Palm Springs revise the document to include a more complete assessment of the Project’s potential impacts on biological resources, as well as appropriate avoidance, minimization, and mitigation measures. CDFW personnel are available for consultation regarding biological resources and strategies to minimize impacts.

Questions regarding this letter or further coordination should be directed to Alyssa Hockaday, Senior Environmental Scientist (Specialist), at (760) 920-8252 or alyssa.hockaday@wildlife.ca.gov.

Sincerely,

DocuSigned by:

 84F92FFEEFD24C8...

Kim Freeburn
 Environmental Program Manager
 Inland Deserts Region

Attachment 1: MMRP for CDW-Proposed Mitigation Measures

cc: Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW
Heather.Brashear@Wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1: Avoidance of Nesting Birds Nesting bird surveys shall be performed by a qualified avian biologist no more than (3) days prior to vegetation removal or ground-disturbing activities. Pre-construction surveys shall focus on both direct and indirect evidence of nesting, including nest</p>	<p>No more than three (3) days prior to vegetation clearing or ground disturbance activities.</p>	<p>City of Palm Springs</p>

<p>locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p>MM-BIO-2: CVMSHCP Compliance Prior to construction and issuance of any grading permit, the City of Palm Springs shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>City of Palm Springs</p>
<p>MM-BIO-3: Special-status Plants A thorough floristic-based assessment of special-status plants and natural communities, following CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018 or most recent version) shall be performed by a qualified biologist prior to commencing Project activities. Should any state-listed plant species not covered under the CVMSHCP be present in the Project area, the Project proponent shall obtain an Incidental Take Permit for those species prior to the start of Project activities.</p>	<p>Prior to commencing Project activities.</p>	<p>City of Palm Springs</p>
<p>MM-BIO-4: Burrowing Owl Surveys Pre-construction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). Pre-construction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the Staff Report on Burrowing Owl Mitigation. If the pre-construction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and USFWS to conduct an impact assessment to develop avoidance and minimization measures to be</p>	<p>Pre-construction surveys: No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.</p>	<p>City of Palm Springs</p>

<p>approved by CDFW prior to commencing Project activities.</p>		
<p>MM-BIO-5: Desert Tortoise Surveys No more than 14 calendar days prior to start of Project activities, a qualified biologist shall conduct pre-construction surveys for desert tortoise as described in the USFWS Desert Tortoise (Mojave Population) Field Manual (USFWS 2009 or most recent version). Pre-construction surveys shall be completed using perpendicular survey routes within the Project area and 50-foot buffer zone. Pre-construction surveys cannot be combined with other surveys conducted for other species while using the same personnel. Project activities cannot start until two negative results from consecutive surveys using perpendicular survey routes for desert tortoise are documented. Should desert tortoise presence be confirmed during the survey, the qualified biologist shall immediately notify CDFW and USFWS to determine appropriate avoidance, minimization, and mitigation measures.</p>	<p>Pre-construction surveys: No more than 14 days prior to start of Project-related activities.</p>	<p>City of Palm Springs</p>
<p>MM-BIO-6: Desert Kit Fox Surveys No more than 14 days prior to the beginning of ground disturbance and/or Project activities, a qualified biologist shall conduct pre-construction surveys to determine if potential desert kit fox burrows/dens are present in the Project area. Pre-construction surveys should include 100-percent visual coverage of the Project area and cannot be combined with other surveys conducted for other species while using the same personnel. If the pre-construction surveys confirm occupied desert kit fox habitat, Project activities shall be immediately halted, and the qualified biologist shall notify CDFW and USFWS to develop avoidance, minimization, and mitigation measures. No disturbance of active dens shall take place when juvenile desert kit fox may be present and dependent on parental care.</p>	<p>Pre-construction surveys: No more than 14 days prior to start of Project-related activities.</p>	<p>City of Palm Springs</p>
<p>MM-BIO-7: Minimizing Impacts to Other Species A qualified biologist shall be on-site prior to and during all ground- and habitat disturbing activities to move out of harm's way wildlife that would otherwise be injured or killed from Project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety. Measures shall be taken to prevent wildlife from re-entering the Project site. Only biologists with authorization by CDFW shall move CESA-listed species.</p>	<p>Prior to and during Project activities.</p>	<p>City of Palm Springs</p>