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From: Shannon Mindeman and Alec Goodman, Rocks Biological Consulting
Date: September 6, 2023
Subject: Biological and Aquatic Resources Constraints Assessment for The Greens Indio Project

This memo provides a summary of the biological and aquatic resources constraints assessment conducted by Rocks Biological Consulting (RBC) for The Greens Indio Project (project) in Indio, Riverside County, California (Figure 1). This memo also provides planning information about potential steps/permits that may be required if future development activities are proposed on the site. This information is general and intended for initial land planning activities.

METHODS

Database and Literature Review

Prior to visiting the project site, RBC conducted a desktop analysis of the approximately 7.8-acre project site by querying relevant biological and aquatic resource databases and reviewing current and historic aerial photography. A subsequent desktop review was conducted for the approximately 0.8-acre off-site improvements footprint. This review included, but was not limited to the following:

- California Department of Fish and Wildlife (CDFW) California Natural Diversity Database (CNDDDB)¹
- U.S. Fish and Wildlife Service (USFWS) Special-Status Species Database²
- California Native Plant Society (CNPS) Rare Plant Inventory³
- United States Geological Survey (USGS) National Hydrography Dataset (NHD)⁴ and the USFWS National Wetland Inventory (NWI)⁵
- CDFW Biogeographic Information and Observation System (BIOS) Database⁶
- Google Earth Pro Imagery⁷

¹CDFW. (2023). California Department of Fish and Game Natural Diversity Database. Retrieved January 5, 2023, and August 16, 2023, from <https://wildlife.ca.gov/Data/CNDDDB>.

²USFWS (2023). Occurrence Information for Multiple Species with Jurisdiction of the Carlsbad Fish and Wildlife Office (CFWO). Retrieved January 5, 2023, and August 16, 2023, from <https://www.fws.gov/carlsbad/gis/cfwogis.html>.

³CNPS Rare Plant Program. (2023). Inventory of Rare and Endangered Plants of California (online edition, v9). Retrieved January 5, 2023, and August 16, 2023, from <http://www.rareplants.cnps.org>.

⁴USGS. (2023). The National Map, Advanced Viewer. U.S. Department of Interior. Retrieved January 5, 2023, and August 16, 2023, from <https://viewer.nationalmap.gov/advanced-viewer>.

⁵USFWS (2023). National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. Retrieved January 5, 2023, and August 16, 2023, from <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper>.

⁶CDFW. (2023). Biogeographic Information and Observation System. Retrieved January 5, 2023, and August 16, 2023, from <https://apps.wildlife.ca.gov/bios/>.

⁷Google Earth Pro V 7.3.4.8573. (2023). Retrieved January and August 2023.

Field Survey

On January 6, 2023, RBC associate biologist Alec Goodman conducted a field survey that included vegetation mapping of the project site plus a 100-foot buffer, a general biological survey, habitat assessments for special-status species, and a constraints-level aquatic resource assessment of the project site. An additional survey was conducted within the off-site improvements footprint on August 18, 2023 by RBC biologists Hannah Swarthout and Kelsey Woldt. This follow-up survey included vegetation mapping of the off-site improvements footprint plus a 100-foot buffer, a general biological survey, habitat assessments for special-status species, and a constraints-level aquatic resource assessment of the additional area.

Vegetation was mapped to determine the type and condition of habitats that occur on site. The potential for special-status plant and wildlife species to occur on the project site and off-site improvements footprint was based on habitat suitability and documented occurrences (e.g., CNDDDB and USFWS records) in the vicinity. No focused or protocol surveys for special-status species were conducted as part of this assessment.

If present, on-site areas with depressions, drainage patterns, wetland vegetation, or riparian vegetation were assessed for potential state and/or federal jurisdictional status, with focus on the presence of defined channels, soils, and hydrology. A formal jurisdictional aquatic resources delineation was not conducted as part of this task.

RESULTS

Coachella Valley Multiple Species Habitat Conservation Plan

The project site and off-site improvements footprint are located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) Plan Area, and the City of Indio is a participating jurisdiction in the plan. As such, any projects within the Plan Area would be subject to CVMSHCP requirements and would also be eligible for 'take authority' and simplified processing for potential take of Covered Species under the plan if needed.

The CVMSHCP includes mapping for targeted areas within the plan area for conservation, i.e., Conservation Areas. Such areas were determined through analysis of a combination of ecological and jurisdictional factors. The CVMSHCP also sets Conservation Goals and Objectives to ensure adequate preservation of the Covered Species and natural communities within the CVMSHCP Reserve System. Additionally, the CVMSHCP also designates areas of Core Habitat, Other Conserved Habitat, Essential Ecological Processes, and Biological Corridors and Linkages.

The project site and off-site improvements footprint are not located within or adjacent to a Conservation Area or Core Habitat, Other Conserved Habitat, Essential Ecological Process, or Biological Corridor and Linkage.

Per the CVMSHCP Section 5.2.1.1 *Local Development Mitigation Fee*, the project will be conditioned by the lead agency to pay a mitigation fee for the costs of mitigating impacts of the project. Based on the local development mitigation fee schedule for fiscal year 2024 (effective July 1, 2023 – June 30, 2024), fees for commercial and/or industrial development would be \$7,225 per acre⁸. The 'Local Development Mitigation Fees' are subject to change following each fiscal year. As such, the applicant shall refer to the updated fee amounts once the schedule for project construction is finalized.

⁸ Coachella Valley Conservation Commission. (2023). Local Development Mitigation Fee. Retrieved September 1, 2023, from <https://cvmshcp.org/ldmf/>.

As a Covered Activity located outside of and not directly adjacent to designated Conservation Areas, no additional regulatory compliance measures are required for compliance with the CVMSHCP.

Vegetation Communities

The vegetation on site consists primarily of highly compacted disturbed habitat. The project site also supports developed habitat, which includes the existing parking lot, adjacent golf course, and commercial areas with plantings of ornamental species (Figure 2). The off-site improvements area is less disturbed and supports some native habitats; vegetation within the off-site improvements footprint includes bush seepweed scrub, disturbed allscale scrub, mesquite thickets, and ornamental vegetation (Figure 2).

Bush seepweed scrub occurs at the western end of the off-site improvements footprint. Bush seepweed scrub within the off-site improvements footprint (0.02 acre) is composed primarily of bush seepweed (*Suaeda nigra*) and secondarily of allscale (*Atriplex polycarpa*). Bush seepweed is a wetland indicator plant species per the Army Corps of Engineers' *Arid West 2020 Regional Wetland Plant List*⁹.

Bush seepweed scrub (global ranking G4; state ranking S3) is recognized by CDFW as a sensitive natural community under CEQA¹⁰.

Developed land supports little to no native vegetation and is comprised of human-made structures (buildings, pavement, etc.) or human-made disturbances (vegetation clearing, mowing, vehicle disturbance, etc.). The developed land (2.4 acres) on the project site consists of landscaping, including plantings of non-native species such as Bermuda grass (*Cynodon dactylon*), fountain grass (*Pennisetum setaceum*), and Mexican fan palm (*Washingtonia robusta*). Developed land is also present in the off-site improvements footprint (0.04 acre) and includes primarily ornamental vegetation.

Developed land is not recognized by CDFW¹⁰; therefore, it is not considered a sensitive natural community under CEQA.

Disturbed land comprises the majority of the project site. The disturbed land on site (5.4 acres) has been previously graded and is composed of compacted gravelly soils. The disturbed land supports very little vegetation, including non-native herbaceous species such as puncture vine (*Tribulus terrestris*), Mediterranean grass (*Schismus* sp.), and nettle leaf goosefoot (*Chenopodium murale*). Disturbed land is also present in the off-site improvements footprint (0.6 acre) and is largely unvegetated due to grading, with the exception of a few allscale scrub plants.

Disturbed land is not recognized by CDFW¹⁰; therefore, it is not considered a sensitive natural community under CEQA.

Disturbed allscale scrub spans the majority of the eastern half of the off-site improvements footprint. Disturbed allscale scrub (0.03 acre) includes allscale scrub and fourwing saltbush (*Atriplex canescens*), as well as sparse bush seepweed. This vegetation community is similar in composition to allscale scrub; however, it has experienced disturbances which have degraded

⁹ U.S. Army Corps of Engineers. (2020). National Wetland Plant List, version 3.5. U.S. Army Corps of Engineers, Engineer Research and Development Center, Cold Regions Research and Engineering Laboratory, Hanover, MH. Retrieved August 2023, from <http://wetland-plants.usace.army.mil/>.

¹⁰ CDFW. (2023). California Natural Community List. California Department of Fish and Wildlife. Retrieved August 2023, from <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=153398&inline>.

its ecological quality. Disturbances on site include fire, grading, trash dumping, mounded dirt, and uprooted vegetation. Grading and dirt/vegetation mounds appear to be associated with construction of the adjacent road and sidewalk.

Allscale scrub (global ranking G4; state ranking S4) is not recognized by CDFW¹⁰ as a sensitive natural community under CEQA.

Mesquite thickets occur at the eastern end of the off-site improvements footprint. Mesquite thickets within the off-site improvements footprint (0.04 acre) is composed of a single species, honey mesquite (*Prosopis glandulosa*).

Mesquite thickets (global ranking G5; state ranking S3) is recognized by CDFW¹⁰ as a sensitive natural community under CEQA.

Ornamental vegetation borders the Indio Municipal Golf Course at the western end of the off-site improvements footprint. Ornamental vegetation is typically classified as an area containing landscaped, aesthetically appealing plant species. Ornamental vegetation within the off-site improvement area (0.03 acre) includes Mexican palo verde (*Parkinsonia aculeata*) and Mexican fan palm (*Washingtonia robusta*).

Ornamental habitat is not recognized by CDFW¹⁰; therefore, it is not considered a sensitive natural community under CEQA.

Sensitive Natural Communities

Bush seepweed scrub (G4/S3) and mesquite thickets (G5/S3) occur within the off-site improvements footprint. Vegetation communities with a state ranking of S1-S3 are considered sensitive natural communities by CDFW covered under CEQA. A S3 state ranking indicates that a vegetation community is “Vulnerable — At moderate risk of extirpation in the jurisdiction due to a fairly restricted range, relatively few populations or occurrences, recent and widespread declines, threats, or other factors”¹¹. Impacts to bush seepweed and mesquite thickets must be avoided with project implementation. If avoidance is not feasible, compensatory mitigation may be required.

Potential Aquatic Resources

The site does not support aquatic resources potentially jurisdictional by the Army Corps of Engineers, Regional Water Quality Control Board, or CDFW. Additionally, Section 10 navigable waters of the U.S. do not occur within the project site or off-site improvements footprint. No USGS NHD blue line streams or USFWS NWI aquatic features were identified within the project site or off-site improvements footprint during the project desktop review. No evidence of flows or drainage patterns were observed during the constraints-level assessments (e.g., no soil moisture or saturation, no ordinary high water mark indicators or swale/drainage patterns). Although several Mexican palo verde and bush seepweed, wetland indicator plant species per the Army Corps of Engineers’ *Arid West 2020 Regional Wetland Plant List*⁹, were observed within the off-site improvements footprint, no wetland hydrology indicators were documented in association. Therefore, these areas are not expected to qualify as wetland waters of the U.S./state or associated wetland habitat jurisdictional by CDFW.

¹¹ NatureServe. (2023). Definitions of NatureServe Conservation Status Ranks. Retrieved September 2023, from https://help.natureserve.org/biotics/content/record_management/Element_Files/Element_Tracking/ETRACK_Definitions_of_Heritage_Conservation_Status_Ranks.htm

Special-Status Species Habitat Assessments

No federally or state-listed as threatened or endangered plant or wildlife species were observed on site during the field surveys, and none have a moderate or high potential for occurrence. The federally threatened and state-endangered Coachella Valley fringe-toed lizard (*Uma inornata*), and the federally endangered Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*) have been documented within three miles of the project site and off-site improvements footprint, but suitable habitat is not present on site for the either species.

The CDFW Species of Special Concern (SSC) western yellow bat (*Lasiurus xanthinus*), though not observed during the survey, has a moderate potential to occur. The on-site Mexican fan palms (*Washingtonia robusta*) are suitable for roosting, and western yellow bats are often documented foraging in open, grassy areas with water features, such as those like the adjacent golf course.

With project implementation, direct impacts on western yellow bat could occur in the form of habitat destruction. Western yellow bat is a Covered Species under the CVMSHCP. Please note that this species was once considered to be a subspecies of southern yellow bat (*Lariius ega*) and the CVMSCHP documents use this former name. Through conformance with CVMSHCP regulations and guidelines, western yellow bat habitat would be adequately conserved through the establishment of CVMSHCP Conservation Areas.

Direct impacts on western yellow bat may also result from potential death, injury, or harassment during project construction. Avoidance and minimization measures are recommended to avoid direct take of this species. The project shall avoid removal or trimming of palm trees. If avoidance is not feasible, pre-construction surveys should be conducted to determine the presence or absence of roosting bats prior to any removal or trimming of on-site palm trees. If western yellow bats are observed, appropriate avoidance and minimization should be implemented and coordination with CDFW may be required. If bats are not documented during the pre-construction survey, no further measures would be required if palm removal or trimming is initiated immediately after the pre-construction survey.

No other special-status wildlife species are considered to have a moderate or high potential for occurrence on site. The burrowing owl (*Athene cunicularia*), a CDFW SSC, is known from the region; however, suitable habitat and burrows necessary to support this species were not documented on the site or in surrounding areas. Additionally, the species nor their sign was observed during the field surveys. As such, burrowing owl is considered to have a low potential for occurrence.

Wildlife Movement Corridors

A wildlife corridor can be defined as a physical feature that links wildlife habitat, often consisting of native vegetation that joins two or more larger areas of similar wildlife habitat. RBC reviewed the CDFW BIOS database to determine if the project site is located within an Essential Connectivity Area, as mapped through the California Essential Habitat Connectivity Project. The project site and off-site improvements footprint do not occur within a mapped wildlife corridor, and the nearest recognized corridor is roughly five miles northwest of the site.

Nesting Birds

The project site and off-site improvements footprint have the potential to support avian nests, which would be protected by the Migratory Bird Treaty Act (MBTA). If vegetation removal or ground-breaking activities are proposed during any potential future projects, these should occur outside of the breeding season (generally February 15 to August 31) to avoid direct impacts on raptors and/or native/migratory birds. If removal of habitat in the proposed area of disturbance must occur during the breeding season, a pre-construction survey would be required to

determine the presence or absence of nesting birds in the proposed area of disturbance. If nesting birds are observed, appropriate avoidance and minimization should be implemented and coordination with CDFW/USFWS may be required. If nesting birds are not documented during the pre-construction survey, no further measures would be required if site disturbance is initiated immediately after the pre-construction survey.

CONCLUSIONS

The project site is composed primarily of disturbed and developed habitat and supports minimal native habitat. The off-site improvements footprint includes two CDFW sensitive natural communities, bush seepweed and mesquite thickets. Impacts to bush seepweed and mesquite thickets should be avoided if possible. If avoidance of these sensitive natural communities is not feasible, compensatory mitigation may be required. No potentially jurisdictional aquatic features were identified within the project site or off-site improvements footprint during the desktop review or constraints-level aquatic resource assessment. Assuming impacts are as shown in Figure 2, no formal jurisdictional delineation or associated reporting is recommended.

The project site and off-site improvements footprint are not located in any CVMSHCP-designated special conservation areas and does not have a high likelihood of supporting any 'red flag' protected plant or wildlife species. Burrowing owl occurs in the general region; however, the project site and off-site improvements footprint lack suitable habitat and burrows, therefore the potential for this species to occur on site is low.

Any future development would be subject to the CVMSHCP Local Development Mitigation Fee because the project site and off-site improvements footprint occur within the Plan Area and the City of Indio is a participant in the plan. In addition, western yellow bat and standard nesting bird avoidance measures would be required during construction activities.

This memo is a constraints-level summary of biological and aquatic resources and is intended for initial land/site planning purposes. Note that vegetation mapping and habitat assessments performed for this analysis could be used for future preparation of a biological technical report, including impact analysis, once a specific project/site plan is developed; such survey information is typically considered valid for one to two years.

ATTACHMENTS

Figure 1. Project Location

Figure 2. Vegetation



RIVERSIDE COUNTY

INDIO

Monroe St

Jackson St

Ave 42

Golf Center Pkwy

Whitewater River

Ave 43



Ave 44

Indio Blvd

Golf Center Pkwy

Ave 46



Project Boundary



FIGURE 1




Project Location

THE GREENS INDIO



Aerial Photo: USDA NAIP 2022



-  Project Site Boundary
-  Off-Site Improvements Footprint Boundary
-  Survey Area







- Vegetation**
-  Mesquite Thickets
 -  Bush Seepweed Scrub
 -  Disturbed Allscale Scrub
 -  Ornamental
 -  Disturbed
 -  Developed

FIGURE 2

Vegetation
THE GREENS INDIO



Aerial Photo: Nearmap 2023