

BIOLOGICAL RESOURCE ASSESSMENT

Imperial Irrigation District Cook Substation Project Thousand Palms, California



Prepared for:



Prepared by



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ATTACHMENT A: PHOTOGRAPHS

1.0 EXECUTIVE SUMMARY AND INTRODUCTION

EXECUTIVE SUMMARY

Argonaut Ecological, Inc. (Argonaut) conducted a biological assessment of a proposed 5.75-acre electric substation in Riverside County. The property is currently privately owned but will be subdivided and ownership will be purchased and owned by the Imperial Irrigation District (IID). The biological assessment included evaluating the types of habitats present and sensitive species associated with those habitats. The biological evaluation focused on surveying the proposed substation property (Study Area) to inspect the habitat types, and included a review of public and commercial databases, aerial photographs (current and historical), and other published information and available data.

The Study Area has limited habitat value, and there are no aquatic resources (jurisdictional or otherwise) within the Study Area or within or along access road. The Study Area is located within the plan area boundary of the Coachella Valley Multi-Species Habitat Conservation Plan but is outside any designated conservation area. The Study Area may provide some marginal habitat for two species, Coachella Valley fringed-toed lizard and the flat-tailed horned lizard.

1.1 INTRODUCTION

Argonaut conducted a biological resource assessment of a proposed Imperial Irrigation District (IID) substation in Thousand Palms, California (See Figure 1). This new substation has been identified as a high priority due to increased demand for electricity created by new developments within the region (Cities of Rancho Mirage and Palm Desert). The community of Thousand Palms, in addition to the Cities of Rancho Mirage and Palm Desert, all of which are in Riverside County, are experiencing a high demand for electricity as a result of new developments with large loading/capacity requirements. The proposed substation has been identified as part of the 10-Year Coachella Valley Transmission/Distribution Expansion Plan, mainly triggered by planned developments in this area. Developers are required to bear the cost for the substation, transmission line extensions, and distribution getaways in preparation for future distribution feeders. The IID, Riverside County, City of Rancho Mirage, and City of Palm Desert and developers in this area, are working together for the implementation of the proposed substation with 2-50 megavolt-amperes (MVA) transformers and associated equipment.

1.0 STUDY OBJECTIVES

This report describes the biological resources present within and adjacent to the Study Area, the area's biological characteristics, and evaluates the site's potential to support sensitive biological resources (such as wetlands, creeks/drainages, and special status species). The Study Area location is shown in Figure 1.

This report also evaluates the potential impacts of the proposed project on protected habitat, species protected by the Federal Endangered Species Act (ESA), or those protected under the California Environmental Quality Act (CEQA) or California Endangered Species Act. This biological assessment provides the baseline conditions within the Study Area.



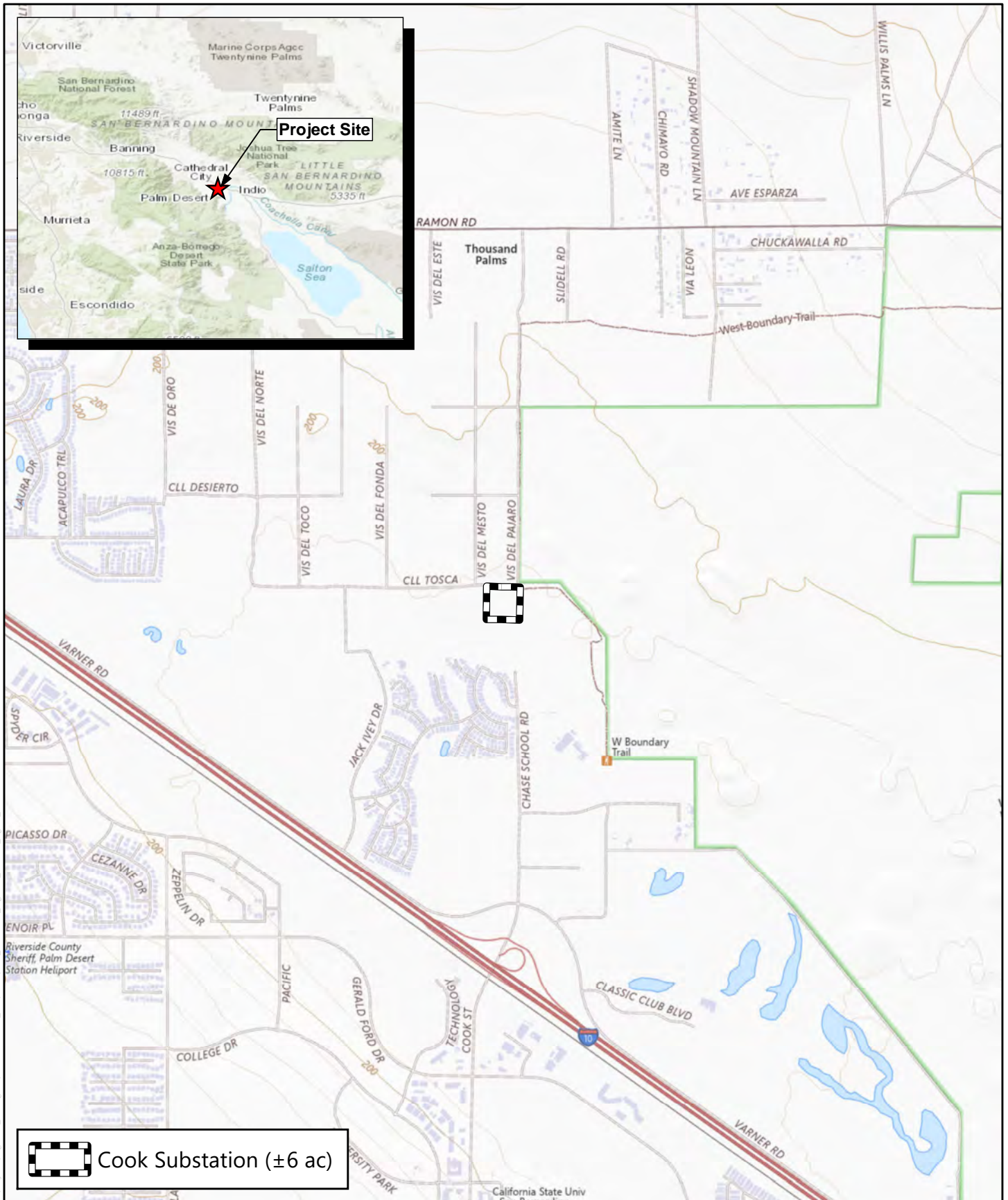


Figure 1

REGIONAL LOCATION AND VICINITY

IID COOK SUBSTATION PROJECT

Riverside County, CA

1.1 REGULATORY JURISDICTION AND BACKGROUND

Several agencies share regulatory jurisdiction over biological resources. The following is a brief description of the primary jurisdiction of each agency.

Wetland Protection

U.S. Army Corps of Engineers

Wetlands are a type of water in the U.S. The U.S. Army Corps of Engineers (Army Corps) and the U.S. Environmental Protection Agency (EPA) regulate the placement of fill into the Waters of the U.S. under Section 404 of the Federal Clean Water Act (CWA) and Section 10 of the Rivers and Harbor Act. For this purpose, “Waters of the U.S.” is legally defined under Section 404 of the Federal CWA and includes interstate streams, creeks, and adjacent wetlands. The Army Corps defines wetlands as “*those areas that are inundated or saturated by surface or groundwater 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*” (Environmental Laboratory 1987). In California, seasonally inundated areas that meet the criteria of all three wetland parameters (soils, hydrology, and vegetation), as defined in the recently issued Wetland Delineation Manual for the Arid West (USACE 2006), are also considered jurisdictional wetlands.

Since 2001, several U.S. Supreme Court rulings regarding the regulation of isolated, intrastate Waters by the Army Corps have limited the scope of federal jurisdiction under the CWA and excluded many California wetlands from federal regulation.

In December 2019, the U.S. EPA and the U.S. Army published the final rule to repeal the 2015 Clean Water Rule. The “Clean Water Rule” clarified what constitutes Waters of the U.S., presumably more precisely defined, and made permitting more predictable, thus less costly, and more straightforward.

After several challenges to the “Clean Water Rule,” the U.S. EPA and the Department of the Army proposed the pre-2015 (pre-Obama-era rules) definition “of Waters of the United States,” updated to reflect consideration of Supreme Court decisions. The new rule went into effect on May 23, 2023; however, on May 25, 2023, the U.S. Supreme Court issued a decision in the case of *Sackett v. Environmental Protection Agency* that rolled back the definition of Waters of the U.S. to better align with the original definition as included in the *Rapanos* decision. The new definition limits “Waters” as “limited geographic[al] features that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes’ and to ‘adjacent wetlands that are ‘indistinguishable’ from those bodies of water due to a continuous surface connection.” The prior use of a “significant nexus” was set aside by the Court.

Waters typically do not include prior converted cropland (those areas converted before December 23, 1985). Notwithstanding the classification of a wetland as a prior converted cropland by any federal agency for the CWA, the final authority to determine jurisdiction remains with the U.S. EPA

California State Water Resources Control Board

Since 1993, California has had a Wetlands Conservation Policy (a.k.a. Executive Order W-51 59- 93). It is commonly called the *No Net Loss policy* for wetlands, establishing a state mandate for developing and



adopting a policy framework and strategy to protect the State’s wetland ecosystems. The policy was to be implemented voluntarily and was expressly not to be implemented on a “project-by-project” basis (See EO W-59-93, Section III).

In 2020, California adopted the State Wetland Definition and Procedures for Discharges of Dredged or Fill Material to Waters of the State. The State definition of wetland differs from the Federal definition in that the state definition may include areas with no vegetation, assuming the other criteria are present. Wetlands of the State include 1) natural wetlands, 2) wetlands created by modification of Waters of the State (at any point in history), and 3) artificial wetlands that meet specific criteria. The State definition only exempts a few types of Waters. Water features excluded from the State’s definition include industrial or municipal wastewater, certain stormwater treatment facilities, agricultural crop irrigation, industrial processing or cooling, and fields flooded for rice growing.

Listed Protected Species and Habitat Protection

U.S. Fish and Wildlife Service

The U.S. Fish and Wildlife Service (USFWS) implements the Migratory Bird Treaty Act (16 USC Section 703-711), Bald and Golden Eagle Protection Act (16 United States Code [USC] Section 668), and Federal Endangered Species Act (FESA; 16 USC § 153 *et seq.*).

The **Migratory Bird Treaty Act (MBTA)** was first enacted in 1918 to protect migratory birds between the United States and Great Britain (acting on behalf of Canada). The MBTA makes it illegal for anyone to take, possess, import, transport, purchase, barter, offer for sale, or purchase any migratory birds, nests, or eggs unless a federal agency has issued a permit. The USFWS has statutory authority and responsibility for enforcing the MBTA. This act was revised in 2004 to include all species native to the U.S. or its territories due to natural biological or ecological processes (70 FR 12710, March 15, 2005). The MBTA does not include nonnative species whose occurrences in the U.S. result solely from intentional or unintentional human introduction. The USFWS maintains a list of bird species not protected under the MBTA.

In January 2021, the USFWS published a new rule in the Federal Register. Under the rule change, the unintentional killing of migratory birds does not violate the MBTA. Only the intentional “pursuing, hunting, taking, capturing, killing, or attempting to do the same ... directed at migratory birds, their nests, or their eggs” would be illegal under the changes.

The **Federal Endangered Species Act (FESA)** prohibits “take” “of any federally listed wildlife species (the destruction of federally listed plants on private property is not prohibited and does not require a permit). “Take” under the federal definition means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. “Incidental take” is harm or death that may occur during the implementation of an otherwise lawful activity. “Candidate Species” have the full protection of FESA. However, the USFWS advises project applicants that it is prudent to address these species since they could be elevated to “listed status” before the completion of projects with long planning or development schedules.

The Projects that would result in "take" "of any federally listed threatened or endangered species can obtain authorization from the USFWS through either Section 7 (interagency consultation) or Section 10(a) (incidental take permit) of FESA. The authorization process determines if a project would jeopardize a



'listed species' continued existence and what mitigation measures would be required to avoid jeopardizing the species.

An Incidental Take Permit (ITP) or Take Permit is required when an activity would either kill, harm, harass or interrupt a listed species' breeding or nesting. The FESA definition of "harm" is somewhat less definitive since it includes ubiquitous activities. In 1999, the USFWS clarified the term "harm" as it applies to the ESA in the Federal Register. As stated, the final rule defined the term "harm" "to include any act that causes actual harm (kills or injures fish or wildlife) and emphasizes that such actions may have significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.

California Department of Fish and Wildlife

The California Department of Fish and Wildlife (CDFW) is a Trustee Agency responsible under the California Environmental Quality Act (CEQA) for reviewing and evaluating project impacts on plant and wildlife resources. Under the Fish and Game Code Section 1802, the CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitats necessary for biologically sustainable populations. The California Fish and Game Code also provides authority for the CDFW to regulate projects that could result in the "take" of any species listed by the State as threatened or endangered (Section 2081). CDFW also has authority over all state streams, as described below.

Perennial and intermittent streams also fall under the jurisdiction of CDFW according to Sections 1601-1603 of the Fish and Game Code (Streambed Alteration Agreements). CDFW's jurisdictional extent includes work within the stream zone, including the diversion or obstruction of the natural flow or changes in the channel, bed, or bank of any river, stream, or lake. Before issuing a 1601 or 1603 Streambed Alteration Agreement, the CDFW must demonstrate compliance with CEQA. In most cases, CDFW relies on the CEQA review performed by the local lead agency. However, in cases where no CEQA review was required for the Project, CDFW would act as the lead agency under CEQA.

The CDFW also has the authority to protect state-listed species issues under Section 2081 Incidental Take Permit (ITP) if a project has the potential to negatively affect state-protected plant or animal species or their habitats, either directly or indirectly. Protected species include those "listed" by the State as endangered or threatened. Besides listed species, other species protection categories include "fully protected" and California Species of Special Concern (CSC). Adverse impacts to species that are "fully protected" are prohibited.

Under the California Fish & Game Code (FGC Section 3503), "it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird...." Birds of prey (falcons, hawks, owls, and eagles) get extra protection under the law (FGC Section 3503.5).

As with USFWS, CDFW does not have the authority to require a landowner to apply for an ITP authorizing take. Instead, the landowner is legally obligated to avoid taking state-listed species if it does not seek an ITP. CDFW (and USFWS) can initiate an enforcement action if they believe that an illegal take has occurred or will occur.

California Endangered Species Act

The California Endangered Species Act (CESA) protects candidate plants and animal species and those listed under CESA as rare, threatened, or endangered. CESA prohibits the taking of any such species unless



authorized. Section 2081 authorizes the State to issue ITPs. The state definition of taking applies only to acts that result in death or adverse impacts on protected species. The CESA mirrors the federal regulation as it relates to “take”; however, there is no State equivalent definition of “harm” or “harass.” Incidental take is also not defined by the CESA statute or regulation. Unlike FESA, CESA does qualify that incidental take “is not prohibited if it is the result of an act that occurs on a farm or ranch during an otherwise lawful routine and ongoing agricultural activity.” Where disagreement occurs (and in some cases, this has been the subject of court cases) is in the common understanding of “routine and ongoing agricultural activity.”

California Environmental Quality Act

The CEQA Guidelines require a review of projects to determine their environmental effects and identify mitigation measures to reduce impacts to a less than significant level. The Guidelines state that an effect may be significant if it affects rare and endangered species. Section 15380 of the Guidelines defines *rare* to include listed species and allows agencies to consider rare species other than those designated as State or Federal threatened or endangered but that meet the standards for rare under the Federal or State endangered species acts. On this basis, plants designated as rare by non-regulatory organizations (e.g., California Native Plant Society), species of special concern defined by CDFW, candidate species defined by USFWS, and other designations must be considered in CEQA analyses.

Land Use Entitlements

Imperial Irrigation District

The Imperial Irrigation District is the project sponsor and defined as the lead agency under CEQA. The IID provides electric power to roughly 165,000 customers in the Imperial Valley and parts of Riverside and San Diego counties. The IID is responsible for any required CEQA environmental review and will provide opportunity for responsible agencies and the public to provide input into the CEQA evaluation.

Coachella Valley Multi-Species Habitat Conservation Plan

The Coachella Valley Habitat Conservation Plan (CVMSHCP) intends to conserve over 240,000 acres of open space and protect 27 species. The plan provides a regional vision for balanced growth to meet the requirements of federal and state endangered species laws. The plan is administered by the Coachella Valley Conservation Commission, a joint powers authority of elected representatives, but it has no regulatory powers and no land use authority.

The Study Area lies within the community of Thousand Palms, which is an unincorporated community in Riverside County. Riverside County is signatory to the CVMSHCP and the Study Area lies within the boundary of the CVMSHCP.

Riverside County/Community of Thousand Palms

Riverside County is responsible for all local land-use decisions within its jurisdiction and is considered a responsible agency under CEQA for this project. IID will also work with the city to obtain any local land use authorizations required for the project.



2.0 RESOURCES CONSULTED AND METHODS

The following section describes the methods used to assess the Study Area and includes data review and evaluation, field studies, and aerial photograph interpretations. The Study Area includes the proposed approximately 5.75-acre project site (See Figure 2) . An additional 500-foot radius surrounding the Study Area was included in the biological field review.

2.1 DATA AND LITERATURE REVIEW

Documents and sources of information used to prepare this evaluation include the following:

- Aerial photography (Google Earth®, Bing®, and historic aerials).
- California Department of Fish and Wildlife, California Natural Diversity Database (CNDDDB/RareFind – Recent version with updates).
- Coachella Valley Multi-Species Habitat Conservation Plan, 2007 and Plan Updates and the 2024 Annual Report and GIS mapping (August 2025).
- EcoAtlas 2025.
- U.S. Department of Agriculture, Natural Resources Conservation Service, Soil Survey of Riverside County (Soils mapper).
- U.S. Fish and Wildlife Service, National Wetland Inventory Map.
- U.S. Fish and Wildlife Service, Information Planning and Consultation (IPaC).
- U.S. Geological Survey, Historical Topographic Maps, Myoma Quadrangle.

Before conducting a site review, the California Natural Diversity Database/RareFind (CNDDDB) and the USFWS IPaC were consulted to determine the protected species (or species of concern) potentially present within the Study Area. The CNDDDB includes records of reported observations for special status plant and animal species and is queried based on a search radius of United States Geological Survey (USGS) quadrangle maps. The IPaC includes those species which have federal listing status.

2.2 AERIAL PHOTOGRAPHY AND WETLAND MAPPING

Aerial photographs of the Study Area from the 1980s were reviewed to identify site features and determine land-use changes over time. Wetland mapping and aerial photographs were also reviewed to determine if the Study Area recently, or historically, supported wetlands.

2.3 FIELD INVESTIGATION

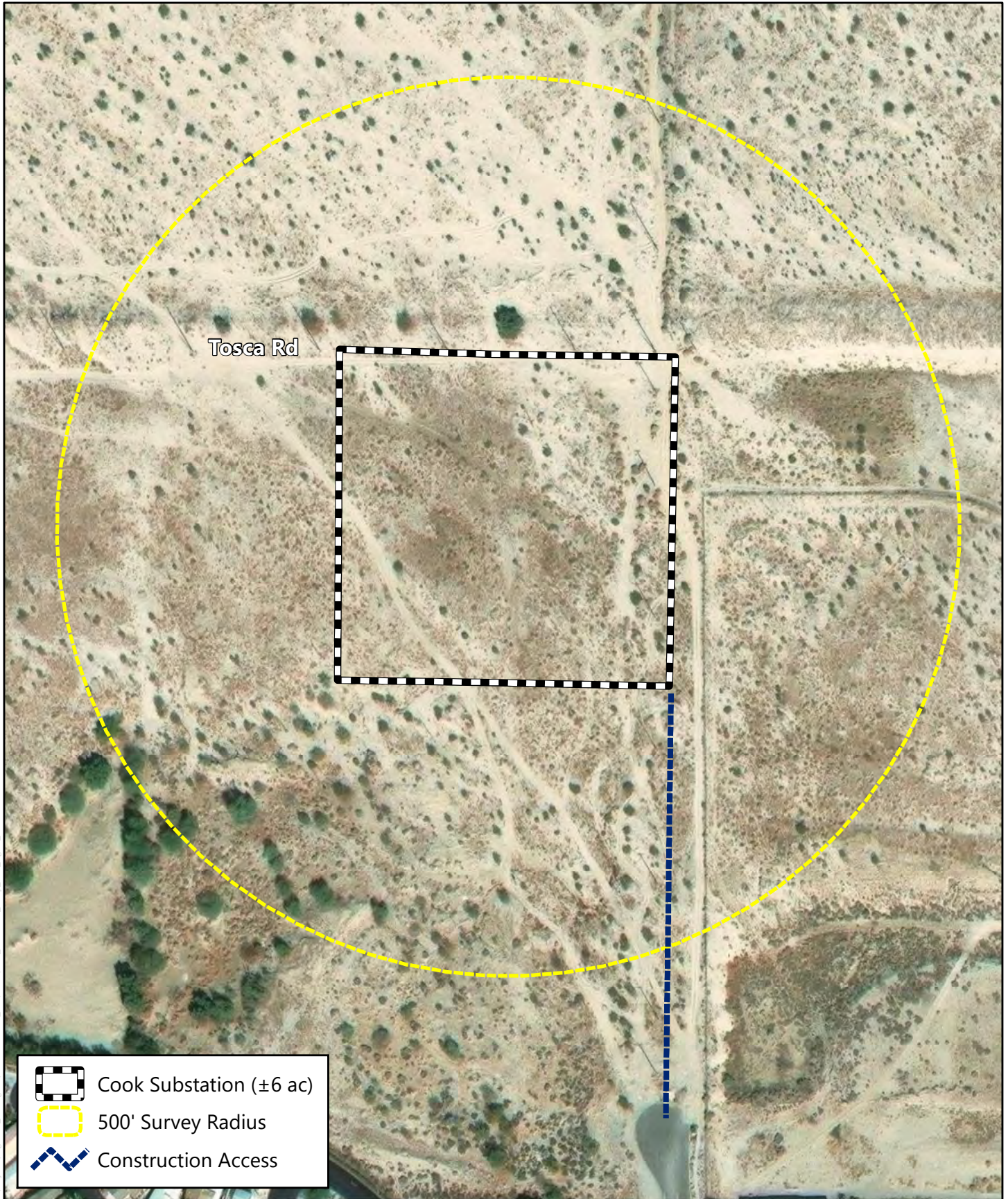
The Study Area (See Figure 2) was walked on July 25, 2025. The surveyor was Kathy Kinsland, a Senior Biologist with over 35 years of field experience. The Study Area includes the proposed substation site, an existing access road/trail, and the area immediately north of the substation site where ancillary equipment will be placed. Figure 2 shows all areas surveyed, which included a 500-foot radius around the Study Area. The biological field work focused surveying for reptile species during the early morning hours when



the species would be active. The Study Area was surveyed using a 5 yard grid pattern to provide for full coverage and included an approximately 500-foot survey radius¹.

¹ The survey radius extends into the Refuge, but no survey was performed within the survey boundary given the site is not accessible (fenced) or open for access/trespass.





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Figure 2

STUDY AREA/AERIAL
IID COOK SUBSTATION PROJECT
Riverside County, CA

3.0 RESULTS and CONCLUSIONS

Section 3.1, below, describes the physical features (i.e., land use, soils, vegetation, hydrology, etc.) and the study area's biological features. The physical components and land use strongly influence the types of plants and animals present. This section also describes the habitats present and the specific biological resources observed during the site review.

Section 3.2 presents conclusions, and Section 3.3 contains recommended avoidance and minimization measures to avoid potential impacts.

The following is not an exhaustive inventory of plants and animals present. Instead, the discussion provides sufficient information to characterize the habitat and habitat components present on site. The field survey identified the biological resources present. The biological evaluation discusses the habitat present and the potential for that habitat to support any species considered unique, sensitive, or protected by current law. The conclusion section (3.2) summarizes the results of the data review, fieldwork, and evaluation of biological resources and potential impacts. The conclusion sections also include recommendations for measures to minimize any potential impacts.

3.1 PHYSICAL RESOURCES

Climate

The Study Area lies within the Coachella Valley, which is characterized by long, hot, dry summers and cool, mild winters. Rainfall averages approximately 4.21 inches annually (Western Regional Climate Center, 2004).

Topography, Drainage, and Soils

Topography: Coachella Valley is the northernmost portion of the vast Salton Trough. The Study Area is at an elevation of roughly 173 feet sea level. Since 1904, the elevation of the Study Area has remained relatively unchanged. The alignment of Highway 10 was originally a rail line.

Drainage: Overall drainage is to the southeast. Within the Study Area drainage appears to be to the south, southeast.

Soils: According to the National Resource Conservation Service (NRCS), two soil types are mapped within the Study Area. These soils include Myoma fine sandy loams (0 to 5% and 5-15%) . Myoma fine sand, 0 to 5% slopes makes up 90% of the Study Area.

Land Use

Sometime before 1941, the area south of the Study Area was used as farmland (unspecified) and Highway 10 had been constructed. By 1984 residential development was constructed on the lands to the west and south (north/east of Highway 10). Sometime before 1996, the Ivy Ranch residential development and golf course had been built on the lands between the Study Area and Highway 10.

The Study Area has remained undeveloped. There is a transmission line along the northern boundary of



the Study Area, and a fence line along east side of the Study Area. Around 2006, a large school (Xavier College Preparatory High School) was constructed immediately southeast of the Study Area, on the east side of Cook St. and a community events building (Duncan Bridge Center) was constructed north of the school. There are access trails and off-highway vehicle (OHV) trails that bisect the Study Area through the center and along the eastern and northern edges. As observed during the site walk, portions of the site are used by a scattered homeless population. A few tents, debris, and other signs of encampment was observed, as well as individuals walking through the site.

As discussed in Section 2, the Study Area lies within the boundary of the CVMSHCP. The Study Area is outside any designated Conservation Area, so no consistency review is required. The nearest conservation area within the CVSMHCP is the Thousand Palms Conservation Area located immediately east of the Study Area (the conservation area near the Study Area is fenced) and the Coachella Valley National Wildlife Refuge. Payment of a mitigation fee or in-lieu payment fee may be required for any portion of the Study Area that was not disturbed prior to 1996². It is difficult to confirm, but based on aerial photographs, it appears portions of the Study Area have been disturbed (and portions disturbed prior to 1996) from infrastructure development (transmission line, access road, laydown for construction, etc.).

The CVMSHCP include “Take” authorization for specific activities that are within the plan boundary but outside a conservation areas. Specifically, the CVMHCP provides coverage for the proposed project as part of the following project category:

“Public facility construction, operations (not including groundwater withdrawal), and maintenance and safety activities by the Permittees for existing and future facilities, including both on and off site activities. Such facilities include, but are not limited to, publicly maintained roads and rights-of-way; materials pits; maintenance yards; flood control facilities; landfills, transfer stations, and other solid waste related facilities, including those for the processing of organic materials; public buildings; water development, production, storage, treatment, and transmission facilities; sewage treatment and transmission facilities; reclaimed water storage and transmission facilities; public parks; substations and electric transmission facilities; and other public utility facilities providing services essential to the health, safety, and welfare of the public.”

Habitat and Aquatic Resources

There are several California habitat classification systems. Most classification systems describe natural communities without established developed or agricultural habitat classifications. CALVEG is a US Department of Agriculture (USDA) Forest Service classification system that provides a comprehensive spatial dataset of existing vegetation covering California. The data were created using a combination of automated systematic procedures, remote sensing classification, photo editing, and field-based observations.

The Coachella Valley is influenced by low rainfall that occurs infrequently but results in periods of heavy rains and prevalent northwest winds. During rain events, sand and sediment is carried by flowing water (fluvial transport) from the surrounding hills and mountains and deposited in the Coachella Valley. The sand is often carried by the wind (aeolian transport) and deposited throughout the valley. Sand that has been subject to aeolian transport is often referred to as blow sand, which is generally very fine sand that creates a loose and unstabilized surface that is subject to movement and forms hummocks (mounds), dunes, and sandy plains.

² Peter Satin, Conservation Program Manager, Coachella Valley Association of Governments, email communication, 2/16/2024.



The Study Area lies within the Colorado Desert (which is part of the Sonoran Desert). CALVEG maps the Study Area as “barren,” which, not surprisingly, indicates there is no vegetative community present, but that is accurate given there is a plant community, albeit sparse.

The habitat would best be characterized and disturbed/active desert sand fields. There are sparse patches of vegetation that includes desert twinbugs (*Dicoria canescens*), Russian thistle (*Kali tragus sp.*), blue palo verde (*Cercidium floridum*), and kelch grass (*Schismus sp.*). Some honey mesquite (*Prosopis glandulosa*) was found immediately south of the Study Area in a low lying swale. No wetland features exist within the Study Area or along the access corridor. No wetland or other aquatic features are mapped by the National Wetland Inventory.

There are overhead electrical distribution lines along the north and east boundary of the Study Area. As mentioned previously, there are OHV trails and access trails that crosses through the Study Area. There is also evidence of homeless camps scattered within and around the Study Area.

Special Status Species

A query of the California Natural Diversity Database (CNDDDB) and the USFWS IPaC was performed to determine which special status species could be present within the Study Area (Table 3). No critical habitat exists for any species within the Study Area, however, critical habitat for two species occurs immediately east of the Study Area: Coachella Valley milk vetch (*Astragalus lentiginosus var. coachellae*), which is listed as Federally endangered and the Coachella Valley fringe-toed lizard (*Uma inornate*), which is also listed as endangered. The critical habitat designation for both species is located immediately east of the Study Area within the Coachella Valley National Wildlife Refuge (Refuge). The Refuge supports habitat for other species, such as the flat-tailed horned lizard (*Phrynosoma mcallii*). The Study Area and the Refuge are separated by a small embankment and chain link fence. The Refuge is known to support numerous species covered in the CVHCP. The Study Area is located outside any designated conservation areas but is located within an urbanized area within the CVHCP boundary.

The CNDDDB Bios mapping is shown in Figure 4. This map shows the location of known records of special status species near the Study Area. Table 1 includes a summary of the CNDDDB query result, listing status and the potential impacts and potential for occurrence within the Study Area. The CNDDDB identifies two species that are identified as potentially present: prairie falcon (*Falco mexicanus*) and the flat-tailed horned lizard (*Phrynosoma mcallii*). There are no specific records within the Study Area for either species, but the Study Area is included within a radius of a record(s) within the Refuge for these species.

The amount of existing and recurring disturbance within the Study Area (off road trail, access road, encampments, etc.) limits the habitat value of the Study Area. Numerous species included in the CVHCP are known to occur surrounding the Study Area, but there are no known records of these species within or near the Study Area. In addition, the Study Area does not have any published or unpublished CNDDDB records for any species of concern. The Study Area may provide some marginal suitable habitat, for any species of concern, but no occurrence of occupation was found during the field survey. Based on habitat requirements and the occurrence of records within the Refuge, the Study Area could potentially support some habitat for Coachella Valley flat-tailed horned lizard and Coachella Valley fringed-toed lizard.



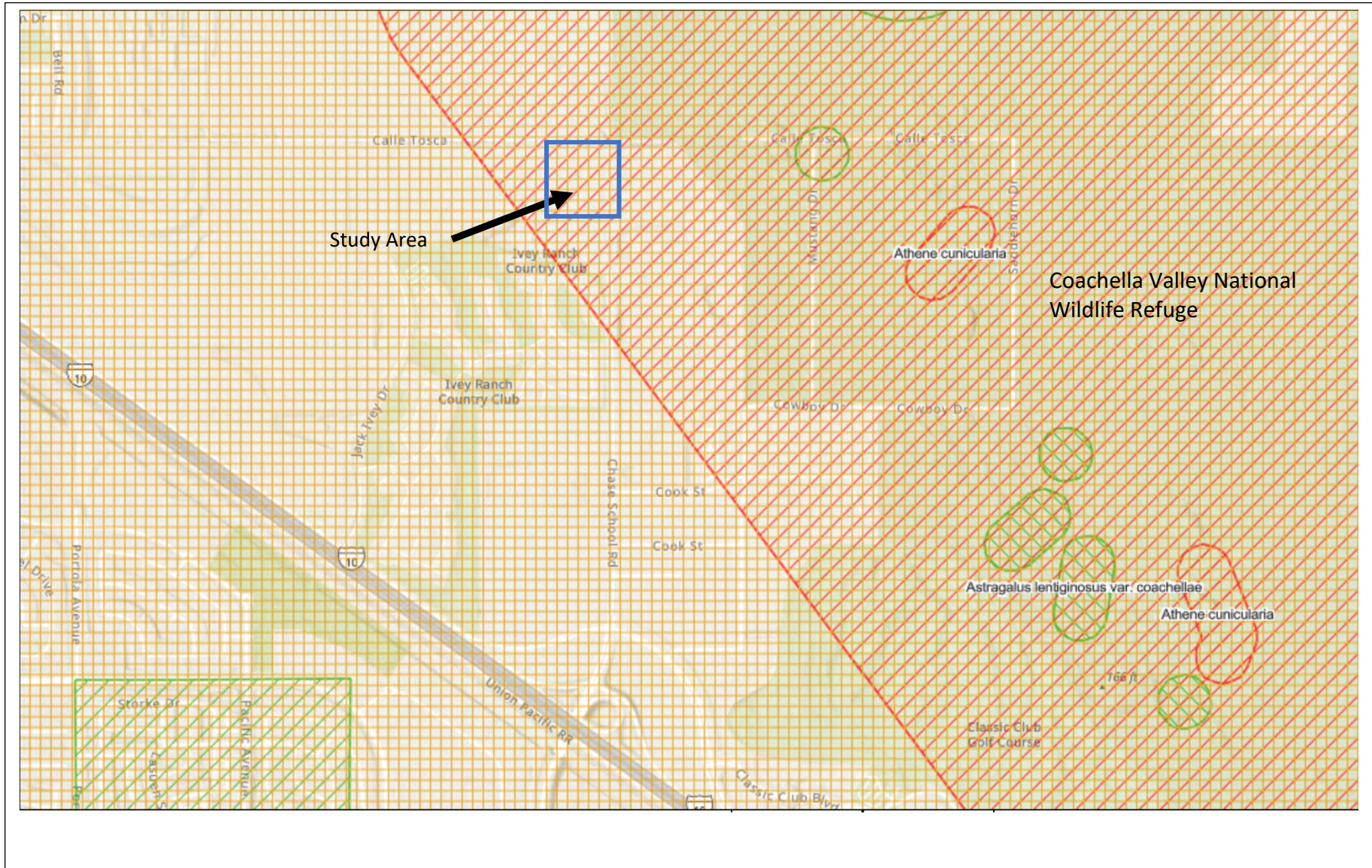


Figure 4

CNDDDB Rarefind BIOs Mapping

Project: IID Cook Substation Project

Legend:



Prairie falcon



Coachella Valley fringed tailed lizard & prairie falcon



Table 3
Summary of Special Status Species, Potential Occurrence, and Impact

<i>Common Name</i>	<i>Scientific Name</i>	<i>Status¹</i>	<i>Effects²</i>	<i>Potential Occurrence in the Study Area</i>
Mammals				
Pallid San Diego pocket mouse	<i>Chaetodipus fallax pallidus</i>	--/--	NE	Absent. Prefers rocky/gravelly areas with yucca overstory, and in desert scrub near or in pine-juniper belt. No suitable habitat present.
Earthquake Merriam's kangaroo rat	<i>Dipodomys merriami collinus</i>	--/--	NE	Likely absent. Merriam's kangaroo rat can be found in chaparral and Coastal scrub habitat. No records within the vicinity of the Study Area.
Palm Springs pocket mouse	<i>Perognathus longimembris bangsi</i>	--/-- SSC	NE	Absent. Grassland and alkali desert scrub habitat. Suitable habitat is not present given recurring disturbance within alignment.
San Diego desert woodrat	<i>Neotoma lepida intermedia</i>	--/-- SSC	NE	Absent. Prefers shrub desert habitat with a preference for large cactus patches and rock outcroppings. No suitable habitat present within the Study Area.
Pam Springs round-tailed ground squirrel	<i>Oerospermophilus tereticaudus chlorus</i>	-/--	NE	Absent. No ground squirrels were observed within the Study Area, and no suitable habitat was present.
Birds				
Burrowing owl	<i>Athenean cucularia</i>	--/-- SSC	NE	Absent. Associated with ground burrowing mammals (i.e., ground squirrels). No ground squirrels or underground burrows (or suitable nesting areas) were found within the Study Area.
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	FE/CE	NE	Absent. Occurs in vegetation in riparian and wetland habitats within arid regions. No suitable habitat present.
Prairie falcon	<i>Falco mexicanus</i>	--/--	NE	Absent. Medium sized falcon which is typically non-migratory. Nests in cliffs but forage over a wide area with suitable prey. No suitable nesting habitat within or near the Study Area.
Loggerhead shrike	<i>Lanis ludovicianus</i>	--/--	NE	Absent. Occurs in open country with scattered shrubs and trees. Occurs throughout California but regionally declining in some areas. Species breeds mainly in scrublands or open woodlands with a fair amount of grass cover and bare ground. No evidence of occupation was found.
Amphibians, Reptiles, and Invertebrates				
Coachella Valley fringe-toed lizard	<i>Uma Inornata</i>	FT/CE	ME	Potentially Present. Species restricted to habitats with fine, windblown sand deposits in the sandy plains—present within the Coachella Valley. Marginal habitat in small areas potentially present within the Study Area.



Coachella giant sand treader cricket	<i>Macrobaenetes valgum</i>	--/--	NE	Likely Absent. According to the Coachella giant sand treader cricket model, with one occurrence south of the Study Area and west of Indio. Occurs on wind swept ridges. The Study Area is not predicated within the Study Area based on the Coachella Valley giant sand treader cricket habitat model.
Cheeseweed owlfly	<i>Oliarces clara</i>	--/--	NE	Absent. Only known from a few locations in California. Larva associated with roots of creosote bush. Species likely not present.
Flat-tailed horned lizard	<i>Phrynosoma mcallii</i>	--/-- SSC	ME	Potentially Present. Typical habitat is sandy desert hardpan or gravel flats with scattered, sparse vegetation. Suitable habitat is present within the Study Area, but no evidence of occupation was found.
Coachella giant sand treader cricket	<i>Macrobaenetes vaigum</i>	--/--	NE	Likely absent. According to the Coachella giant sand treader cricket model, with one occurrence south of the Study Area and west of Indio. Occurs on wind swept sand ridges and suitable habitat does not appear to be present within the Study Area.
Algondones supargia	<i>Euparagla unidentata</i>	--/--	NE	Likely Absent. Record from 1973 and little information about potential occurrence within the Study Area.
Plants				
Chaparral sand-verbena	<i>Abronia villosa var. aurita</i>	--/-- 1B.1	NE	Absent. No individuals observed and the majority of the Study Area is disturbed.
Coachella Valley milk-vetch	<i>Astragalus lentiginosus var. coachellae</i>	FE/-- 1B.2		
Gravel milk-vetch	<i>Astragalus sabulonum</i>	--/--		
Triple-ribbed milk vetch	<i>Astragalus tricarinatus</i>	FE/-- 1B.2		
Booth's evening-primrose	<i>Eremothera boothii ssp. boothii</i>	--/-- 2B.2		
Abrams' spurge	<i>Euphorbia abramsiana</i>	--/-- 2B.2		
Arizona spurge	<i>Euphorbia arizonica</i>	--/-- 2B.3		
Flat-seeded spurge	<i>Euphorbia platysperma</i>	--/-- 1B.2		
Narrow-leaf sandpaper plant	<i>Petalonyxlinearis</i>	--/-- 2B.3		
Mecca-aster	<i>Xylorhiza cognata</i>	--/-- 1B.2		



1 Status= Listing of special status species, unless otherwise indicated

CE: California listed as Endangered

CT: California listed as Threatened

CC: California candidate species

SSC: California Species of Special Concern

FE: Federally listed as Endangered FT: Federally listed as Threatened

1B.X California Native Plant Society, Rare Plant Ranking

- Plants with a California Rare Plant Rank of 1B are rare throughout their range, with most endemic to California. Most of the plants that are ranked 1B have declined significantly over the last century.
- California Rare Plant Rank of 2B is rare in California but standard in other states.

2 Effects = Effect determination

NE: No Effect

ME: May Effect, not likely to adversely affect

3 Species are not included within the CNDDDB Query but are included in the IPaC data query.

Definition of Occurrence Indicators:

Present/Potentially: Species recorded in the area and some habitat elements in the Study Area similar to known occurrences.

Absent/Likely Absent: Species not recorded in Study Area and suitable or critical habitat components are absent.

Source: CNDDDB = California Natural Diversity Database provided by CDFG and U.S. Fish and Wildlife Service, Information for Planning and Consultation (IPaC). Accessed online, July 2025.



CONCLUSIONS

CONCLUSIONS

- i. The proposed approximately 5-acre substation is located within an urbanized area immediately adjacent to the Coachella Valley National Wildlife Refuge. Land uses within and immediately south of the Study Area include public infrastructure (transmission lines, access road), and residential, golf course, and school.
- ii. The Study Area appears to be within an area previously disturbed by construction of the public infrastructure and grading for housing/golf courses and appears to be subject to recurring disturbance from encampments.
- iii. There are no aquatic resources (jurisdictional or otherwise) within the Study Area or within or along the connection corridor.
- iv. The Study Area is located within the boundary of the CVMSHCP but is not located within any designated conservations areas. There are no known records of special status species occurrence within the site. There are numerous special status records immediately adjacent to the Study Area within the Coachella Valley National Wildlife Refuge. The Study Area may provide some marginal suitable habitat for the Federally endangered and State threatened Coachella Valley fringed-toed lizard and the flat-tailed horned lizard, which is a species of special concern (but not listed). No evidence of occupation by these species was found during the grid survey, but we cannot rule out potential presence. The likelihood of presence is relatively low given the availability of high quality suitable habitat within the adjacent Refuge.

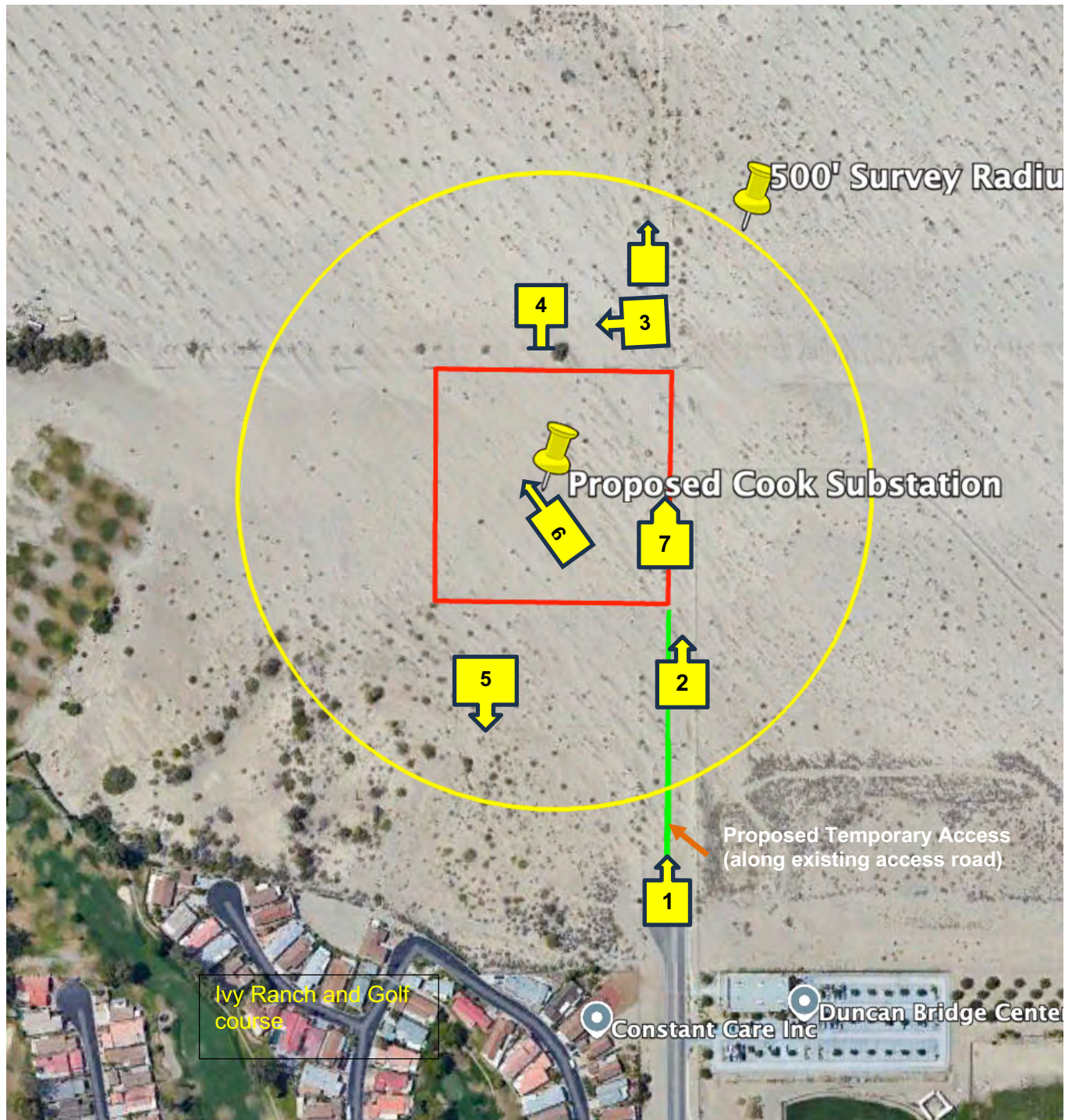


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Attachment A: Photographs



Attachment A: Photograph Key

Project: IID Cook Substation Project



Date: July 19, 2025

Project: IID Cook Substation Project



Photograph 1: View of existing access road, looking north from end of Cook Rd.



Photograph 2: View along eastern edge of Project Site along existing access road, looking north.



Photograph 3: View looking of west across area to the north of the Project Site (outside project site), but within the 500-ft survey radius.



Photograph 4: View looking south from area north of Project site, looking across Project Site. Ivy Ranch residential development in the background.



Photographic Documentation



Photograph 5: View taken within from Project Site looking south toward Ivy Ranch subdivision across swale area (south of Project Site).



Photograph 6: View looking northwest along existing trail/road that appears frequently used.



Photograph 7: View looking north along access showing area with embankment between Project Site and Wildlife Refuge land.

4.4 Required Avoidance, Minimization, and Mitigation Measures

This section describes certain avoidance, minimization, and mitigation requirements for Covered Activities within the Conservation Area, in addition to Conservation Area specific measures described in the Conservation Area subsections in Section 4.3. The measures described in this section do not apply to single-family homes, emergency response activities, and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot. To assist Permittees with implementation of these measures, CVCC will maintain maps of modeled Habitat and a natural communities map and will provide them to each of the Permittees. CVCC will also maintain a list of Acceptable Biologists who may be used to conduct surveys for specified Covered Species identified in this section. Any Permittee may submit the names of biologists for inclusion in the initial list of Acceptable Biologists. The list shall be updated at least annually. CVCC will develop procedures for individual biologists to submit their name for inclusion on the list. Individuals conducting survey activities for listed endangered or threatened species or species for which a state or federal protocol exists must have the appropriate permit (i.e., in accordance with the federal Endangered Species Act, Section 10(a)(1)(A), or state Endangered Species Act, California Fish and Game Code, Section 2081(a)) to conduct such surveys. Annually, or whenever the list is revised, CVCC shall submit the list to the Wildlife Agencies for review. The Wildlife Agencies shall have thirty (30) days to provide input on the qualifications of any biologists on the list. If the Wildlife Agencies have not responded within thirty days (30) of receipt of the list from CVCC, the biologists on the list shall be deemed acceptable.

In the event that a survey of a parcel is required pursuant to the MSHCP, it will be conducted by an Acceptable Biologist. The survey shall be conducted in the appropriate season, in accordance with established accepted protocols if they exist. Within one (1) year of Permit issuance, the Wildlife Agencies and the MPA, in consultation with CVCC, shall develop survey protocols for those species for which a protocol is required. CVCC will maintain a list of accepted survey protocols. For those species for which protocols do not exist at the time surveys are needed, the Acceptable Biologist shall use a survey protocol generally accepted by biologists familiar with the species. Survey results shall be documented in both mapped and text form and shall be presented for review by the appropriate Permittee and CVCC. Wildlife Agencies' concurrence or acceptance of the surveys and/or the results contained therein is not required by the MSHCP.

Biological Corridors. Specific roads in Conservation Areas, where culverts or undercrossings are required to maintain Biological Corridors, are delineated in the Section 4.3 subsections on individual Conservation Areas.

Burrowing Owl. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities other than levees, berms, dikes, and similar features that are known to contain burrowing owl burrows. O&M of

roads is not subject to this requirement. For other projects that are subject to CEQA, the Permittees will require burrowing owl surveys in the Conservation Areas using an accepted protocol (as determined by the CVCC in coordination with the Permittees and the Wildlife Agencies). Prior to Development, the construction area and adjacent areas within 500 feet of the Development site, or to the edge of the property if less than 500 feet, will be surveyed by an Acceptable Biologist for burrows that could be used by burrowing owl. If a burrow is located, the biologist will determine if an owl is present in the burrow. If the burrow is determined to be occupied, the burrow will be flagged and a 160-foot buffer during the non-breeding season and a 250-foot buffer during the breeding season, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the burrow. The buffer will be staked and flagged. No Development or O&M activities will be permitted within the buffer until the young are no longer dependent on the burrow.

If the burrow is unoccupied, the burrow will be made inaccessible to owls, and the Covered Activity may proceed. If either a nesting or escape burrow is occupied, owls shall be relocated pursuant to accepted Wildlife Agency protocols. A burrow is assumed occupied if records indicate that, based on surveys conducted following protocol, at least one burrowing owl has been observed occupying a burrow on site during the past three years. If there are no records for the site, surveys must be conducted to determine, prior to construction, if burrowing owls are present. Determination of the appropriate method of relocation, such as eviction/passive relocation or active relocation, shall be based on the specific site conditions (e.g., distance to nearest suitable habitat and presence of burrows within that habitat) in coordination with the Wildlife Agencies. Active relocation and eviction/passive relocation require the preservation and maintenance of suitable burrowing owl habitat determined through coordination with the Wildlife Agencies.

Within one (1) year of Permit issuance, CVCC will cooperate with County Flood Control, CVWD and IID to conduct an inventory of levees, berms, dikes, and similar features in the Plan Area maintained by those Permittees. Burrowing owl burrow locations will be mapped and each of these Permittees will incorporate the information into its O&M practices to avoid impacts to the burrowing owl to the maximum extent Feasible. CVCC in cooperation with County Flood Control, CVWD, and IID will prepare a manual for maintenance staff, educating them about the burrowing owl and appropriate actions to take when owls are encountered to avoid impacts to the maximum extent Feasible. The manual will be submitted to the Wildlife Agencies for review and comment within two (2) years of Permit issuance. In conjunction with the Monitoring Program, the maps of the burrowing owl locations along the above-described levees, berms, dikes, and similar features will be periodically updated.

Covered Riparian Bird Species. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot. Riparian Habitat here refers to the following natural communities: southern arroyo willow riparian forest, Sonoran cottonwood-willow riparian forest, desert fan palm oasis woodland, and southern sycamore-alder riparian woodland in the Cabazon, Stubbe and Cottonwood Canyons,

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Whitewater Canyon, Upper Mission Creek/Big Morongo Canyon, Thousand Palms, Indio Hills Palms, Joshua Tree National Park, Mecca Hills and Orocopia Mountains, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas. Covered Activities, including O&M of facilities and construction of permitted new projects, in riparian Habitat will be conducted to the maximum extent Feasible outside of the March 15 – September 15 nesting season for least Bell's vireo, and the May 1 – September 15 nesting season for southwestern willow flycatcher, summer tanager, yellow warbler, and yellow-breasted chat. If Covered Activities must occur during the nesting season, surveys shall be conducted to determine if any active nests are present. If active nests are identified, the Covered Activity shall not be conducted within 200 feet of an active nest. If surveys conducted during the nesting season document that Covered nesting riparian bird Species are not present, the Covered Activity may proceed.

Crissal Thrasher. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. In modeled crissal thrasher Habitat in the Willow Hole, Thousand Palms, Indio Hills Palms, East Indio Hills, Dos Palmas, and Coachella Valley Stormwater Channel and Delta Conservation Areas, surveys will be conducted by an Acceptable Biologist prior to the start of construction activities during the nesting season, January 15 – June 15, to determine if active nest sites for this species occur on the construction site and/or within 500 feet of the construction site, or to the edge of the property boundary if less than 500 feet. If nesting crissal thrashers are found, a 500-foot buffer, or a buffer to the edge of the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction activities will be permitted within the buffer during the breeding season of January 15 – June 15 or until the young have fledged.

Desert tortoise. This measure does not apply to single-family residences and any non-commercial accessory uses and structures, including but not limited to second units on an existing legal lot, or to O&M of Covered Activities for Permittee infrastructure facilities. Within Conservation Areas, the Permittees will require surveys for desert tortoise for Development in modeled desert tortoise Habitat. Prior to Development, an Acceptable Biologist will conduct a presence/absence survey of the Development area and adjacent areas within 200 feet of the Development area, or to the property boundary if less than 200 feet and permission from the adjacent landowner cannot be obtained, for fresh sign of desert tortoise, including live tortoises, tortoise remains, burrows, tracks, scat, or egg shells. The presence/absence survey must be conducted during the window between February 15 and October 31. Presence/absence surveys require 100% coverage of the survey area. If no sign is found, a clearance survey is not required. A presence/absence survey is valid for 90 days or indefinitely if tortoise-proof fencing is installed around the Development site.

If fresh sign is located, the Development area must be fenced with tortoise-proof fencing and a clearance survey conducted during the clearance window. Desert tortoise clearance surveys shall be conducted during the clearance window from February 15 to

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June 15 and September 1 to October 31 or in accordance with the most recent Wildlife Agency protocols. Clearance surveys must cover 100% of the Development area. A clearance survey must be conducted during different tortoise activity periods (morning and afternoon). All tortoises encountered will be moved from the Development site to a specified location. Prior to issuance of the Permits, CVCC will either use the *Permit Statement Pertaining to High Temperatures for Handling Desert Tortoises* and *Guidelines for Handling Desert Tortoises During Construction Projects*, revised July 1999, or develop a similar protocol for relocation and monitoring of desert tortoise, to be reviewed and approved by the Wildlife Agencies. Thereafter, the protocol will be revised as needed based on the results of monitoring and other information that becomes available.

For O&M activities in the Conservation Areas, the Permittees shall ensure that personnel conducting such activities are instructed to be alert for the presence of desert tortoise. If a tortoise is spotted, activities adjacent to the tortoise's location will be halted and the tortoise will be allowed to move away from the activity area. If the tortoise is not moving, it will be relocated by an Acceptable Biologist to nearby suitable Habitat and placed in the shade of a shrub. To the maximum extent Feasible, O&M activities will avoid the period from February 15 and October 31.

Utility development protocols have been developed to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road right-of-way projects, such as the installation and maintenance of water, sewer, and electric lines and roadway maintenance. The objectives of these protocols are to provide reliable and consistent direction on utility development within the Conservation Areas. Two utility development protocols, inactive and active season, provide specific direction on site preparation and construction phases of utility projects in the Conservation Areas. The protocols include steps to be followed during the desert tortoise active and/or inactive season. The inactive season protocol must be used for utility maintenance or development within the November 1 to February 14 time frame; the active season protocol must be used for utility maintenance or development within the February 15 to October 31 time frame. Deviations from these time frames must be presented to the RMOC.

Inactive Season Protocol. This protocol is applicable to pre-construction and construction phases of utility Covered Activity projects occurring between November 1 and February 14. These protocols apply only to the site preparation and construction phases of projects. The project proponent must follow the eight pre-construction protocol requirements listed below.

1. A person from the entity contracting the construction shall act as the contact person with the representative of the appropriate RMUC. He/she will be responsible for overseeing compliance with the protective stipulations as stated in this protocol.
2. Prior to any construction activity within the Conservation Areas, the contact person will meet with the representative of the appropriate RMUC to review the

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- plans for the project. The representative of the appropriate RMUC will review alignment, pole spacing, clearing limits, burrow locations, and other specific project plans which have the potential to affect the desert tortoise. He or she may recommend modifications to the contact person to further avoid or minimize potential impacts to desert tortoise.
3. The construction area shall be clearly fenced, marked, or flagged at the outer boundaries to define the limits of construction activities. The construction right-of-way shall normally not exceed 50 feet in width for standard pipeline corridors, access roads and transmission corridors, and shall be minimized to the maximum extent Feasible. Existing access roads shall be used when available, and rights-of-way for new and existing access roads shall not exceed 20 feet in width unless topographic obstacles require greater road width. Other construction areas including well sites, storage tank sites, substation sites, turnarounds, and laydown/staging sites which require larger areas will be determined in the pre-construction phase. All construction workers shall be instructed that their activities shall be confined to locations within the fenced, flagged, or marked areas.
 4. An Acceptable Biologist shall conduct pre-construction clearance surveys of all areas potentially disturbed by the proposed project. Any winter burrows discovered in the Conservation Areas during the pre-construction survey shall be avoided or mitigated. The survey shall be submitted to the representative of the appropriate RMUC as part of plan review.
 5. All site mitigation criteria shall be determined in the pre-construction phase, including but not limited to seeding, barrier fences, leveling, and laydown/staging areas, and will be reviewed by the representative of the appropriate RMUC prior to implementation.
 6. A worker education program shall be implemented prior to the onset of each construction project. All construction employees shall be required to read an educational brochure prepared by the representative of the appropriate RMUC and/or the RMOC and attend a tortoise education class prior to the onset of construction or site entry. The class will describe the sensitive species which may be found in the area, the purpose of the MSHCP Reserve System, and the appropriate measures to take upon discovery of a sensitive species. It will also cover construction techniques to minimize potential adverse impacts.
 7. All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the supervision of an Acceptable Biologist.
 8. If there are unresolvable conflicts between the representative of the appropriate RMUC and the contact person, then the matter will be arbitrated by the RMOC and, if necessary, by CVCC.

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The following terms are established to protect the desert tortoise during utility-related construction activities in the Conservation Areas and are to be conducted by an Acceptable Biologist.

- An Acceptable Biologist shall oversee construction activities to ensure compliance with the protective stipulations for the desert tortoise.
- Desert tortoises found above ground inside the project area during construction shall be moved by an Acceptable Biologist out of harm's way and placed in a winter den (at a distance no greater than 250 feet). If a winter den cannot be located, the USFWS or CDFG shall determine appropriate action with respect to the tortoise. Tortoises found above ground shall be turned over to the Acceptable Biologist
- No handling of tortoises will occur when the air temperature at 15 centimeters above ground exceeds 90 degrees Fahrenheit.
- Desert tortoise burrows shall be avoided to the maximum extent Feasible. An Acceptable Biologist shall excavate any burrows which cannot be avoided and will be disturbed by construction. Burrow excavation shall be conducted with the use of hand tools only, unless the Acceptable Biologist determines that the burrow is unoccupied immediately prior to burrow destruction.
- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- For electrical transmission line and road construction projects, only burrows within the right-of-way shall be excavated. Burrows outside the right-of-way, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the right-of-way. Installation and removal of such barrier fencing shall be under the direction and supervision of an Acceptable Biologist.
- Tortoises in the Conservation Areas are not to be removed from burrows until appropriate action is determined by USFWS or CDFG with respect to the tortoise. The response shall be carried out within 72 hours.
- Blasting is not permissible within 100 feet of an occupied tortoise burrow.

During construction, contractors will comply with the mitigation and minimization measures contained within this protocol. These measures are:

- All trenches, pits, or other excavations shall be inspected for tortoises by an Acceptable Biologist prior to filling.
- All pipes and culverts stored within desert tortoise Habitat shall have both ends capped to prevent entry by desert tortoises. During construction, all open ended pipeline segments that are welded in place shall be capped during periods of

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construction inactivity to prevent entry by desert tortoises.

- Topsoil removed during trenching shall be re-spread on the pipeline construction area following compaction of the backfill. The area shall be restored as determined during the environmental review.
- All test pump water will be routed to the nearest wash or natural drainage. The route will be surveyed by an Acceptable Biologist. If tortoises are found in the drainage area the Acceptable Biologist will remove the tortoises.
- Powerlines associated with water development, such as to provide power for pumps, should be buried underground adjacent to the pipe. All above ground structures deemed to be necessary shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds, and shall adhere to the electrical distribution protocol which follows.
- In order to perform routine O&M of the water systems such as wells, pumps, water lines and storage tanks, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by an Acceptable Biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the reserve.
- All disturbance areas around poles or concrete pads will be reduced to a size just large enough for the construction activity.
- Areas disturbed around poles or construction pads will be restored as determined during the pre-construction process.
- Poles or other above ground structures necessary for electrical distribution development shall be minimized as much as possible. All above ground structures shall be equipped with functional anti-perching devices that would prevent their use by ravens and other predatory birds.
- In order to perform routine O&M of the electrical distribution systems such as transmission lines and poles, substations, etc., employees are to be trained in the area of desert tortoise education. This training will be performed on a regular basis by a qualified biologist for those personnel not previously trained. The training will include at a minimum the following: identification of tortoises, burrows, and other sign; and instructions on installing tortoise barrier fencing. During the course of basic O&M, desert tortoise will be avoided. Untrained employees shall not perform maintenance operations within the non-Take areas.
- All trash and food items shall be promptly contained and removed daily from the project site to reduce the attractiveness of the area to common ravens and other desert tortoise predators.
- Construction activities which occur between dusk and dawn shall be limited to areas which have already been cleared of desert tortoises by the Acceptable Biologist and graded or located in a fenced right-of-way. Construction activities

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shall not be permitted between dusk and dawn in areas not previously graded.

Active Season Protocol. This protocol is applicable to pre-construction and construction phases of utility development projects occurring between February 15 and November 1. It is identical to the Inactive Season Protocol with the following additions:

- Work areas shall be inspected for desert tortoises within 24 hours of the onset of construction. To facilitate implementation of this condition, burrow inspection and excavation may begin no more than seven (7) days in advance of construction activities, as long as a final check for desert tortoises is conducted at the time of construction.
- All pre-construction activities which could Take tortoises in any manner (e.g., driving off an established road, clearing vegetation, etc.) shall occur under the overall supervision of an Acceptable Biologist. Any hazards to tortoises created by this activity, such as drill holes, open trenches, pits, other excavations, or any steep-sided depressions, shall be checked three times a day for desert tortoises. These hazards shall be eliminated each day prior to the work crew leaving the site, which may include installing a barrier that will preclude entry by tortoises. Open trenches, pits or other excavations will be backfilled within 72 hours, whenever possible. A 3:1 slope shall be left at the end of every open trench to allow trapped desert tortoises to escape. Trenches not backfilled within 72 hours shall have a barrier installed around them to preclude entry by desert tortoises. All trenches, pits, or other excavations shall be inspected for tortoises by a biological monitor trained and approved by the Acceptable Biologist prior to filling.
- If a desert tortoise is found, the biological monitor shall notify the Acceptable Biologist who will remove the animal as soon as possible.
- Only burrows within the limits of clearing and surface disturbance shall be excavated. Burrows outside these limits, but at risk from accidental crushing, shall be protected by the placement of deterrent barrier fencing between the burrow and the construction area. The barrier fence shall be at least 20 feet long and shall be installed to direct the tortoise leaving the burrow away from the construction area. Installation and removal of such barrier fencing shall be under the direction and supervision of the biological monitor.
- If blasting is necessary for construction, all tortoises shall be removed from burrows within 100 feet of the blast area.

Disposition of Sick, Injured, or Dead Specimens. Upon locating dead, injured, or sick desert tortoises under any utility or road project, initial notification by the contact representative or Acceptable Biologist must be made to the USFWS or CDFG within three (3) working days of its finding. Written notification must be made within five (5) calendar days with the following information: date; time; location of the carcass; photograph of the carcass; and any other pertinent information. Care must be taken in handling sick or injured animals to ensure effective treatment and care. Injured animals shall be taken care of by the Acceptable Biologist or an appropriately trained

veterinarian. Should any treated tortoises survive, USFWS or CDFG should be contacted regarding the final disposition of the animals.

Fluvial Sand Transport. Activities, including O&M of facilities and construction of permitted new projects, in fluvial sand transport areas in the Cabazon, Stubbe and Cottonwood Canyons, Snow Creek/Windy Point, Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, Mission Creek/Morongo Wash, Willow Hole, Long Canyon, Edom Hill, Thousand Palms, West Deception Canyon, and Indio Hills/Joshua Tree National Park Linkage Conservation Areas will be conducted in a manner to maintain the fluvial sand transport capacity of the system.

Le Conte's Thrasher. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. In modeled Le Conte's thrasher Habitat in all the Conservation Areas, during the nesting season, January 15 - June 15, prior to the start of construction activities, surveys will be conducted by an Acceptable Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. If nesting Le Conte's thrashers are found, a 500 foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. No construction will be permitted within the buffer during the breeding season of January 15 - June 15 or until the young have fledged.

Mesquite Hummocks and Mesquite Bosque Natural Communities. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. Construction activities in the Cabazon, Willow Hole, Thousand Palms, Indio Hills Palms, East Indio Hills, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas will avoid mesquite hummocks and mesquite bosque to the maximum extent Feasible.

Peninsular Bighorn Sheep Habitat. Completion of Covered Activities in Peninsular bighorn sheep Habitat in the Cabazon, Snow Creek/Windy Point, and Santa Rosa and San Jacinto Mountains Conservation Areas will be conducted outside of the January 1 - June 30 lambing season unless otherwise authorized through a Minor Amendment to the Plan with concurrence from the Wildlife Agencies. O&M of Covered Activities, including but not limited to refinishing the inside of water storage tanks, shall be scheduled to avoid the lambing season, but may extend into the January 1 – June 30 period if necessary to complete the activity, upon concurrence with the Wildlife Agencies.

For new projects in the above listed Conservation Areas, no toxic or invasive plant species may be used for landscaping. For existing public infrastructure facilities which have landscaping in Peninsular bighorn sheep Habitat in the Cabazon, Snow Creek/Windy Point, and Santa Rosa and San Jacinto Mountains Conservation Areas, the

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Permittees who have such facilities will, with respect to those facilities, develop and implement a plan and schedule to remove or prevent access to oleander and any other plants known to be toxic to Peninsular bighorn sheep. The plan and schedule will be prepared within one (1) year of Permit issuance.

Triple-ribbed milkvetch. This measure does not apply to single-family residences and any non-commercial accessory uses and structures including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. It is understood that O&M for infrastructure developed as part of a private development approved in compliance with the MSHCP that is later transferred to a public entity is included as a Covered Activity. For Covered Activities within modeled triple-ribbed milkvetch Habitat in the Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, and Santa Rosa and San Jacinto Mountains Conservation Areas, surveys by an Acceptable Biologist will be required for activities during the growing and flowering period from February 1 - May 15. Any occurrences of the species will be flagged and public infrastructure projects shall avoid impacts to the plants to the maximum extent Feasible. In particular, known occurrences on a map maintained by CVCC shall not be disturbed.

Palm Springs Pocket Mouse. To avoid impacts to the Palm Springs pocket mouse and its habitat in the Upper Mission Creek/Big Morongo Canyon and Willow Hole Conservation Areas, Flood Control-related construction activities will comply with the following avoidance and minimization measures.

- **Clearing:** For construction that would involve disturbance to Palm Springs pocket mouse habitat, activity should be phased to the extent feasible and practicable so that suitable habitat islands are no farther than 300 feet apart at any given time to allow pocket mice to disperse between habitat patches across non-suitable habitat (i.e., unvegetated and/or compacted soils). Prior to project construction, a biological monitor familiar with this species should assist construction crews in planning access routes to avoid impacts to occupied habitat as much as feasible (i.e., placement of preferred routes on project plans and incorporation of methods to avoid as much suitable habitat/soil disturbance as possible). Furthermore, during construction activities, the biological monitor will ensure that connected, naturally vegetated areas with sandy soils and typical native vegetation remain intact to the extent feasible and practicable. Finally, construction that involves clearing of habitat should be avoided during the peak breeding season (approximately March to May), and activity should be limited as much as possible during the rest of the breeding season (January to February and June to August).
- **Revegetation:** Clearing of native vegetation (e.g., creosote, rabbitbrush, burrobush, cheesebush) should be followed by revegetation, including natural reestablishment and other means, resulting in habitat types of equal or superior biological value for Palm Springs pocket mouse.
- **Trapping/Holding:** All trapping activity should be conducted in accordance with accepted protocols and by a qualified biologist who possesses a Memorandum of

Understanding with CDFG for live-trapping of heteromyid species in Southern California.

- **Translocation:** Should translocation between distinct population groups be necessary, as determined through the Adaptive Management and Monitoring Program, activity should be conducted by a qualified biologist who possesses a Memorandum of Understanding with CDFG for live-trapping of heteromyid species in Southern California. Trapping and subsequent translocation activity should be conducted in accordance with accepted protocols. Translocation programs should be coordinated by or conducted by the CVCC and/or RMOC to determine the appropriate trapping, holding, marking, and handling methods and potential translocation sites.

Little San Bernardino Mountains Linanthus. This measure does not apply to single-family residences and any non-commercial accessory uses and structures, including but not limited to second units on an existing legal lot, or to O&M of Covered Activities. To avoid and minimize impacts to this species as much as possible, the following avoidance and minimization effort shall occur:

- **Salvage:** Salvage of top soil and/or seeds should occur prior to ground disturbance in accordance with Section 6.6.1. Salvage should be conducted by or in cooperation with the CVCC.