



JAMES W. CORNETT
ECOLOGICAL CONSULTANTS
(760) 320-8135 FAX (760) 320-6182

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Mr. Marvin Roos
MSA Consultants, Inc.
34200 Bob Hope Drive
Rancho Mirage, California 92270

Dear Mr. Roos:

This letter is my response to comments made on my biological surveys and impact analysis of the proposed Palm Springs Country Club project (PSCC) located within the city limits of Palm Springs, Riverside County, California. My report of findings was completed nearly two years ago, on May 23, 2013. The comments to which I am responding were made by an unnamed individual employed by Michael Baker International.

General Comments

The reviewer stated that my report should have mentioned the project site abuts the Tribal Habitat Conservation Plan area (THCP).

Today, the project site does abut the THCP area along a small portion of the project's eastern boundary. It also abuts a conservation area of the CVMSHCP as noted on page 9 of my report. In May of 2013 the THCP had not been approved by the U.S. Fish & Wildlife Service and so was not included in the report. Today the Tribe has approved and implemented the THCP independently of the USFWS. In any event, I could not identify any direct or indirect impacts to any HCP area. This finding included the fact that the entire project area had been graded and converted to a golf course in the recent past.

The reviewer believed the report should have mentioned critical habitat designations in the area: specifically, critical habitat for bighorn sheep and Coachella Valley milk-vetch.

My report did not mention critical habitat for a listed species because no critical habitat occurs within one mile of the project site. There will be no direct or indirect impact to the critical habitat of any species. Again, the project site had been previously graded and developed in the recent past.

Pages 3, 15, 17 and 18

The reviewer states that the burrowing owl is, in fact, a covered species.

Although the Plan appears to treat the burrowing owl as a covered species, technically and functionally it is not a covered species because the Plan permit from the U.S. Fish & Wildlife does not authorize the take of a non-listed migratory species (such as the burrowing owl). The permit portion of the Plan states:

“For other birds protected by the Migratory Bird Treaty Act (MBTA) and not listed under the Act **no take is authorized** under the MBTA (including killing and wounding of any such birds, or take of eggs and active nests). Prior to authorized ground disturbing activities, Permittees shall provide information to affected landowners regarding their responsibilities under the Migratory Bird Treaty Act.”

At the end of the day, a Covered Species is only officially covered if it is included in the Plan take permit prepared by the USFWS. The reviewer, understandably, missed this fact.

Page 11

The reviewer felt the report should disclose the geographic boundaries of the area under consideration

As stated on page 4 of the report, the area covered by the report included areas within and immediately adjacent to the project site” as well as areas “one hundred yards beyond site boundaries” (page 11). This was the geographic area considered unless record checks, pertinent literature or my own experience suggested (which they did not) that a broader region should be evaluated.

Pages 14-16

Animal discussions should be treated in the same way that plants are discussed.

More than half of all plant species cannot be observed or detected because they are ephemerals (annuals) that survive only as seeds or perennials that die back to ground level at the end of each growing cycle. For this reason, all sensitive plant species known to occupy habitat types on or adjacent to a project site are discussed. All vertebrate animal species, however, can be directly observed, detected or live-trapped, at least during the survey period. For this reason only those sensitive species detected or known to occupy the habitat type on or adjacent to a project site

are discussed. Biologists unfamiliar with a region in which they are conducting field surveys routinely include in their reports every known sensitive species within a hundred miles of a project site. This partially protects them from missing a species and not discussing it in their report. Unfortunately, this practice creates unmanageable documents that are cumbersome, often misleading and often difficult to interpret.

Pages 26-29

Table 2 is confusing.

The title of Table 2 is clearly stated and repeated correctly in the reviewer's comment. This issue is a matter of report style and I note the reviewer does not state or imply that this style issue affects the report findings or recommendations in any way.

The reviewer wanted to know if the woodrat listed in Table 2 was San Diego Desert Woodrat which is a California State Species of Special Concern?

No, I identified the woodrat as belonging to the subspecies *Neotoma lepida lepida* which is not a Species of Special Concern. Only a single woodrat was captured and no nests were found.

Should special dispensation be provided for the pallid bat because it is a California Species of Special Concern?

It is possible that the pallid bat may breed on or near the project site. It is equally possible that it may breed anywhere in Palm Springs. As the project proposal does not involve tearing down existing structures where bats might roost, I do not recommend specific mitigation.

This ends my responses to comments on the biological report. Please feel free to contact me should you have any additional questions or concerns.

Sincerely,

James W. Cornett
jwc/tb