



**COACHELLA VALLEY  
CONSERVATION COMMISSION**  
Riverside County, California

**Final  
Environmental Impact Report**  
(SCH No. 2016021102)

**For The  
LA QUINTA  
PENINSULAR BIGHORN SHEEP  
BARRIER PROJECT**

**PREPARED FOR**

**Coachella Valley Conservation Commission  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, California 92260**

**PREPARED BY**



**TERRA NOVA PLANNING & RESEARCH, INC.®  
42635 Melanie Place, Suite 101  
Palm Desert, CA 92211**



**April 2019  
Certified:**

---

# TABLE OF CONTENTS

<b><u>SECTION</u></b>	<b><u>NUMBER</u></b>
<b>1.0 INTRODUCTION to the FINAL EIR .....</b>	<b>1-1</b>
1.1 Introduction.....	1-1
1.2 Organization of the Final EIR.....	1-2
1.3 Draft EIR Public Review Period.....	1-2
1.4 Certification and Project Selection Process .....	1-2
1.5 Consideration of Recirculation .....	1-3
1.6 Alternative A2: Proposed Project .....	1-3
1.6.1 Introduction and Proposed Project .....	1-3
1.6.2. Alternative A2 Assessment Summary .....	1-4
A. Land Use .....	1-4
B. Traffic/Circulation .....	1-6
C. Geology and Soils .....	1-6
D. Hydrology .....	1-7
E. Biological Resources .....	1-8
F. Cultural Resources .....	1-9
G. Air Quality and Greenhouse Gases.....	1-9
H. Noise .....	1-10
I. Visual Resources.....	1-10
J. Public Services and Utilities .....	1-10
K. Hazards and Hazardous Materials .....	1-11
L. Recreational Resources.....	1-12
1.6.3. Alternative A2: Unavoidable Significant Impacts .....	1-12
1.6.4. Alternative A2: Short-Term Use Versus Long-Term Productivity .....	1-13
1.6.5. Alternative A2: Irreversible and Irretrievable Commitment of Environmental Resources.....	1-14
1.6.6. Alternative A2: Growth-Inducing Impacts.....	1-15
<b>2.0 RESPONSE TO COMMENTS.....</b>	<b>2-1</b>
2.1 Introduction.....	2-1



2.2	Response to Comments.....	2-1
A.	California Department of Fish & Wildlife, March 3, 2017 (Leslie MacNair & Heather Pert) .....	2-2
B.	US Fish and Wildlife Service, March 3, 2017 (Kennon Cory).....	2-8
C.	City of La Quinta, March 3, 2017 (Gabriel Perez) .....	2-13
D.	US Bureau of Reclamation, February 23, 2017 (Julian DeSantiago) .....	2-14
E.	Coachella Valley Water District, February 21, 2017 (Steve Bigley) .....	2-15
F.	Worden Williams LLP, February 27, 2017 (D. Wayne Brechtel, Esq. for Sierra Club and Center for Biological Diversity) .....	2-16
G.	Agua Caliente Band of Cahuilla Indians, February 27, 2017 (Pattie Garcia-Plotkin).....	2-23
H.	The Quarry/PGA West Tradition Joint Letter, February 27, 2017 (Mark Scheibach (Quarry), Rich Hohman (PGA West, Al Castro (Tradition)).....	2-24
I.	Charles Nisbet, Ph.D., March 1, 2017 .....	2-28
J.	Doug Evans, President, Desert Riders Trails Fund, Inc., March 1, 2017 .....	2-34
K.	Brien Miller, March 3, 2017 .....	2-36
L.	Michael Bromley, February 11, 2017 .....	2-38
M.	James R. DeForge, Executive Director, Bighorn Institute, February 24, 2017 .....	2-39
N.	Mark L. Johnson, February 7, 2017 .....	2-41
O.	David Heltsman, February 10, 2017 .....	2-42
P.	Rich Jarvinen, March 3, 2017 .....	2-44
Q.	Susan Fry, February 27, 2017 .....	2-46
R.	Shirley Nichols and Gary Sharman, January 13, 2017 .....	2-47
S.	Dennis Gallifent, January 24, 2017.....	2-48
T.	B. Costello, February 6, 2017 .....	2-49
U.	Ian Gellatly, February 5, 2017 .....	2-50
V.	Jimmy Tucker, February 11, 2017 .....	2-51
W.	Pam Sklar, February 27, 2017.....	2-52
X.	Robert and Liz Waska, February 1, 2017 .....	2-53
Y.	Scott Connelly, February 8, 2017 .....	2-54
Z.	Scott Doyle, February 3, 2017 .....	2-55
AA.	Virginia Chadwick, February 27, 2017.....	2-56
BB.	Audrey Perkins, February 27, 2017.....	2-57
CC.	Betty Ann Haggard, February 27, 2017 .....	2-58
DD.	David Bennett, February 27, 2017 .....	2-59

EE. Ellen Alperstein, February 27, 2017 .....	2-60
FF. Henry C. Goodman, February 27, 2017.....	2-61
GG. Michael Byard, February 27, 2017 .....	2-62
HH. Sandy Emory, February 27, 2017 .....	2-63
II. Zara Bennett, February 27, 2017 .....	2-64
JJ. Dan Zeising, January 12, 2017 .....	2-65
KK. State of California Governor’s Office of Planning and Research, March 3, 2017 .....	2-66
<b>3.0 COMMENT LETTERS .....</b>	<b>3-1</b>
A. California Department of Fish & Wildlife, March 3, 2017 (Leslie MacNair & Heather Pert)	
B. US Fish and Wildlife Service, March 3, 2017 (Kennon Cory)	
C. City of La Quinta, March 3, 2017 (Gabriel Perez)	
D. US Bureau of Reclamation, February 23, 2017 (Julian DeSantiago)	
E. Coachella Valley Water District, February 21, 2017 (Steve Bigley)	
F. Worden Williams LLP, February 27, 2017 (D. Wayne Brechtel, Esq. for Sierra Club and Center for Biological Diversity)	
G. Agua Caliente Band of Cahuilla Indians, February 27, 2017 (Pattie Garcia-Plotkin)	
H. The Quarry/PGA West Tradition Joint Letter, February 27, 2017 (Mark Scheibach (Quarry), Rich Hohman (PGA West, Al Castro (Tradition))	
I. Charles Nisbet, Ph.D., March 1, 2017	
J. Doug Evans, President, Desert Riders Trails Fund, Inc., March 1, 2017	
K. Brien Miller, March 3, 2017	
L. Michael Bromley, February 11, 2017	
M. James R. DeForge, Executive Director, Bighorn Institute, February 24, 2017	
N. Mark L. Johnson, February 7, 2017	
O. David Heltsman, February 10, 2017	
P. Rich Jarvinen, March 3, 2017	
Q. Susan Fry, February 27, 2017	
R. Shirley Nichols and Gary Sharman, January 13, 2017	
S. Dennis Gallifent, January 24, 2017	
T. B. Costello, February 6, 2017	
U. Ian Gellatly, February 5, 2017	
V. Jimmy Tucker, February 11, 2017	
W. Pam Sklar, February 27, 2017	
X. Robert and Liz Waska, February 1, 2017	

Y.	Scott Connelly, February 8, 2017
Z.	Scott Doyle, February 3, 2017
AA.	Virginia Chadwick, February 27, 2017
BB.	Audrey Perkins, February 27, 2017
CC.	Betty Ann Haggard, February 27, 2017
DD.	David Bennett, February 27, 2017
EE.	Ellen Alperstein, February 27, 2017
FF.	Henry C. Goodman, February 27, 2017
GG.	Michael Byard, February 27, 2017
HH.	Sandy Emory, February 27, 2017
II.	Zara Bennett, February 27, 2017
JJ.	Dan Zeising, January 12, 2017
KK.	State of California Governor's Office of Planning and Research, March 3, 2017



# LA QUINTA PENINSULAR BIGHORN SHEEP BARRIER

---

## FINAL ENVIRONMENTAL IMPACT REPORT

### 1.0 INTRODUCTION TO THE FINAL EIR

---

#### 1.1 Introduction

The Final Environmental Impact Report (FEIR) consists of the Draft EIR (DEIR), comments received during the public comment period, and responses to those comments. The Coachella Valley Conservation Commission (CVCC) has prepared this EIR to evaluate the potential environmental impacts related to the construction of the La Quinta Peninsular Bighorn Sheep Barrier Project (Project) in the La Quinta area of the Coachella Valley, Riverside County. CVCC is the lead agency under the California Environmental Quality Act (CEQA) for the Project.

The EIR has been prepared in accordance with CEQA (as amended) (Public Resources Code §§21000-21189.3) and the 2016 State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§15000-15387). Under State CEQA Guidelines §15121 (Informational Document):

- a) An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.*
- b) While the information in the EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the EIR by making findings under Section 15091 and if necessary by making a statement of overriding consideration under Section 15093.*
- c) The information in an EIR may constitute substantial evidence in the record to support the agency's action on the project if its decision is later challenged in court.*

According to State CEQA Guidelines §15089 Final Environmental Impact Report:

- a) The Lead Agency shall prepare a Final EIR before approving the project. The contents of a Final EIR are specified in Section 15132 of these Guidelines.*
- b) Lead Agencies may provide an opportunity for review of the Final EIR by the public or by commenting agencies before approving the project. The review of a Final EIR should focus on the responses to comments on the Draft EIR.*

## 1.2 Organization of the Final EIR

As directed by State CEQA Guidelines §15132, the Final EIR consists of three sections presented in one volume:

**Section 1 – Introduction.** This chapter provides an introduction and summarizes CEQA requirements for preparation of responses to substantive public comments on the DEIR.

**Section 2 – Response to Comments.** This chapter includes comments received during the public comment period and CVCC’s response to each comment. Master Responses are used to address issues that were frequently cited in the comments on the DEIR.

**Chapter 3 – Errata to the Draft EIR.** Minor revisions to the DEIR are identified for clarification, to correct typographical errors or internal inconsistencies within the document. Replacement pages represent the edits to the DEIR by the Lead Agency. The pages have been designed for the reader to insert the Replacement pages into the DEIR, making the revised DEIR a stand-alone document. Replacement pages are formatted in revision fashion: strikeouts indicate deleted text and underlines indicate additional text.

## 1.3 Draft EIR Public Review Period

The public comment period for the DEIR began on January 13, 2017 with the distribution of the DEIR and Notices of Availability by CVCC to public agencies, nearby property owners, and individuals who had expressed an interest. In addition, a notice was published in the Desert Sun and La Prensa Hispana newspapers. Copies of the DEIR were also made available at the following locations:

CVCC Palm Desert office	La Quinta Public Library
La Quinta City Hall	

CVCC circulated the Notice of Completion/Notice of Availability and included a CD-copy of the DEIR to various federal, state and local agencies; California State Clearinghouse; Riverside County Clerk; nearby property owners; individuals; and interest groups. Copies of the DEIR were also made available at the Coachella Valley Conservation Commission offices, and on-line at CVCC’s website: [www.cvmshcp.org](http://www.cvmshcp.org).

On March 10, 2016, a public scoping meeting was held at the La Quinta City Hall regarding the DEIR. CVCC noticed the public meeting on the CVAG and CVMSHCP websites and in two newspapers: the Desert Sun and La Prensa Hispana. A presentation on the DEIR was provided, followed by questions from the attendees. A sign-up sheet was used to record attendees. Attendees were given a comment card and a speaker card to use if they chose to make comments. Please see DEIR Appendix A documenting the scoping meeting.

The public comment period closed on March 3, 2017. During the 45-day public review period, CVCC received a total of 36 comments, including 21 from individuals. Comments on the DEIR, including emails and other written comments were assigned a letter. The comment letters received from individuals, agencies, and organizations are provided in Section 2.0 Response to Comments, Table 2-1.

## 1.4 Certification and Project Selection Process

The Coachella Valley Conservation Commission will hold a public meeting on April 26, 2019, in the La Quinta City Council chamber, located at 78-495 Calle Tampico, La Quinta, CA 92253 to consider certification of the Final EIR.

In order to certify the Final EIR, the CVCC must find that:

- a) The Final EIR has been completed in compliance with CEQA;



- b) The Final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the Project; and
- c) The Final EIR reflects the Lead Agency's independent judgment and analysis. (CEQA Guidelines §15090a).

If the CVCC certifies the Final EIR, it would then consider Project approval.

## 1.5 Consideration of Recirculation

If significant new information is added to an EIR after public review the lead agency may be required to recirculate the revised document (CEQA Guidelines Section 15088.5). "Significant new information" includes, for example, a new significant environmental impact or a substantial increase in the severity of an impact. New information is not considered significant unless the document is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the proponent has declined to implement.

Under the standard found in CEQA Guidelines Section 15088.5, no significant new information has been added to this EIR after public notice was given of the availability of the DEIR for public review. Therefore, CEQA does not require recirculation of the DEIR.

## 1.6 Alternative A2: Proposed Project

### 1.6.1 Introduction and Proposed Project

In considering the issues and concerns raised by various parties of interest, the CVCC has developed a refined version of Alternative A that further addresses potential conflicts with surrounding land uses and physical challenges in constructing the fence in the vicinity of PGA West and the Coachella Canal. This alignment referred to as Alternative A2, is presented as the Proposed Project. Alternative A2 routes the fence over the ridge as shown in Figure 1. This route departs from Alternative A in the vicinity of the Coachella Canal drop structure within PGA West and proceeds upslope in a westerly direction, then in a southwesterly direction across CVWD lands east of CVWD storage reservoirs. The fence will proceed southeast along the west side of the north-south ridge separating the storage reservoirs and PGA West golf course and the Coachella Canal. The Alternative A2 alignment will then rejoin the original Alternative A alignment in the vicinity of the County Sheriff's shooting range and proceed south along the western edge of Lake Cahuilla County Park.

Alternative A2 eliminates approximately 5,391 linear feet of fencing along the toe of slope, immediately west of the Coachella Canal, and replaces it with approximately 5,728 linear feet of fencing beyond the ridgeline to the west. Alternative A2 would isolate approximately 112 acres of PBS habitat, in addition to the 130± acres of habitat isolated elsewhere in the project area by Alternative A, for a total of 242± acres.

As described in the CVMSHCP, "... the ultimate location of the fence shall be determined by the CVCC based on its ability to obtain permission to construct on the necessary lands." Construction of the Proposed Project will occur in several phases. As described in the DEIR (see for example Section H.4) the first phase will occur in the vicinity of PGA West and Lake Cahuilla, where PBS encroachment into urban areas has been most prevalent. The ability to install the fence along the Proposed Project A2 route is dependent in several locations on permission from private property owners for access.

The cooperation of all potentially affected property owners is not assured. In their comment letter (H; a joint letter of The Quarry/PGA West/Tradition Joint Letter, February 27, 2017), some property owners have informed CVCC that, “. . . permission to access those properties . . . will ultimately be denied.” PGA West ownership has indicated a willingness to allow access for the portions of Alternative A2 that involve their land and negotiations are in progress. For segments of the fence that involve private property owned by The Quarry and/or the Tradition, permission of the landowners has not been obtained. CVCC will continue to work with private property owners to address concerns and where necessary, request access for fence construction. CVCC will work with landowners, wildlife agencies, and other partners to develop an adaptive management and monitoring plan to assess the response of PBS to the first phase of the fence. Construction of subsequent phases will be determined based on property owner input, route refinements and data on the movement and response of PBS.

The Project will involve field surveying and final alignment determination, which will be accomplished with the assistance of field biologists and archaeologists. Once final alignment staking has been accomplished, construction will begin. Monitoring to ensure avoidance and minimization of impacts to biological, cultural, and other sensitive resources will be required during construction.

### **1.6.2. Alternative A2 Assessment Summary**

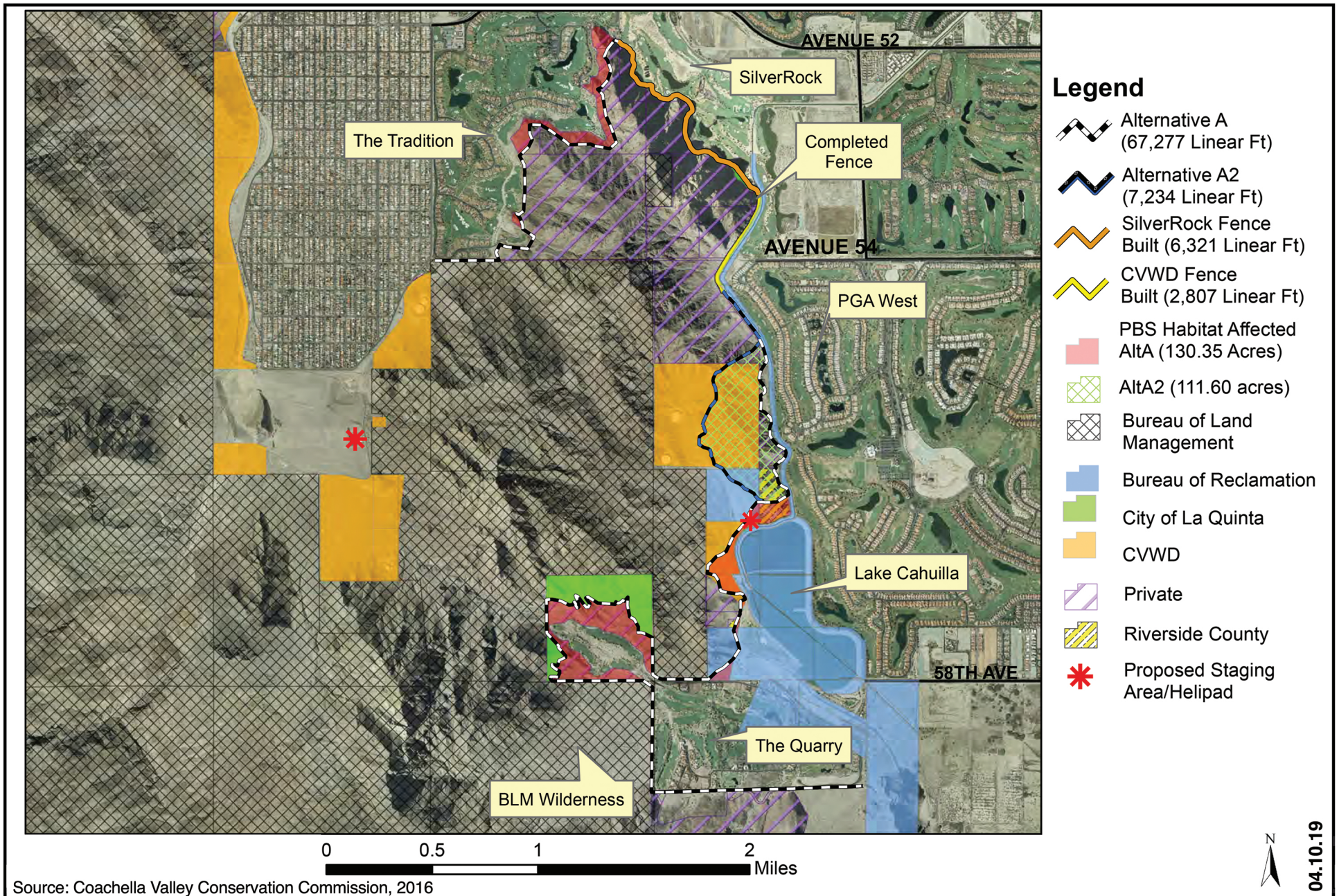
The environmental effects associated with the implementation of Alternative A were fully analyzed in the Draft EIR and further addressed in this Final EIR. Alternatives, including Alternatives B and C, were also fully analyzed in the Draft EIR. The proposed Alternative A2 alignment where it goes over the ridge west of PGA West follows a route essentially similar to a portion of the Alternative B: Ridgeline Alternative that was analyzed in the Draft EIR. The following summarizes the effects of Alternative A2 for the relevant categories in the Draft EIR. Also see related background and Alternative A analyses in Section III of the Draft EIR.

#### **A. Land Use**

The land use consequences of implementing Alternative A2 are essentially the same as those identified for Alternative A. Alternative A2 is consistent with and supports the intent of applicable land use policy documents, including habitat conservation plans and resource management plans. Section 8.2.4.1 (Management Action #14) of the CVMSHCP requires CVCC to cause construction of a PBS exclusion fence where PBS have been documented using artificial sources of food or water in unfenced areas of existing urban development within or near a Conservation Area. Such conditions have been documented in the project area, and Alternative A2 is consistent with this requirement. Task 1.2.1.1 of the Recovery Plan for PBS recommends constructing fences to exclude PBS from urban areas where they have begun or may begin using urban sources of food and water, and provides guidance pertaining to appropriate and effective fence height, materials, and spacing. The Coachella Canal Area Resource Management Plan identifies fencing as an acceptable land management policy to protect high value wildlife habitat and PBS.

Portions of the fence could occur along the boundaries of the Santa Rosa Wilderness Area and within the Santa Rosa and San Jacinto Mountains National Monument, both of which are managed by BLM. Alternative A2 will not result in changes to or conflicts with applicable land management policies or land use patterns. No change in land use or status would occur.







## **B. Traffic/Circulation**

The transportation impacts associated with Alternative A2 are the same as those associated with Alternatives A and B. Alternative A2 will not conflict with plans or policies pertaining to the performance of the circulation system. The A2 alignment for this fence segment is close to the same route identified under Alternative B west of PGA West and the Coachella Canal, and identical to Alternative A in all other locations. Like all other project alternatives, it is located in a remote area geographically removed from the existing circulation network. All major roads and intersections in the Project area currently operate at acceptable levels. No new access roads or transportation facilities are proposed. The Project will not permanently cross or interfere with the use of golf cart paths, bicycle paths, or mass transit facilities.

Temporary, short-term traffic increases from trucks and other vehicles accessing the Project area will occur on existing roads where access is granted during fence installation (e.g. Lake Cahuilla Recreation Area). Vehicle parking will occur on local roads or other areas in coordination with the City, County (for Lake Cahuilla Recreation Area), and private golf course communities. No construction-related traffic delays, closures, or detours are anticipated.

Based upon comparable projects, Alternative A2 would generate the same construction traffic as Alternative A. Long-term maintenance will involve periodic fence inspections and repairs. It is anticipated that inspections will be comparable to those required for Alternatives A and B. The impacts of project construction and maintenance traffic on the existing roadway network will be negligible and will not adversely impact existing roads or intersections, their operation, or levels of service. Impacts will be less than significant.

## **C. Geology and Soils**

As with Alternative A, Alternative A2 will involve final route surveying and alignment planning, fence and gate installation, and routine monitoring and repairs. Ground disturbances will be largely limited to digging holes for fence posts, which may be achieved with hand digging and/or light powered equipment (rock drill). Areas of disturbance will be limited to a narrow corridor along either side of the selected fence alignment and will largely be associated with foot traffic. Alternative A2 is not expected to result in grading, blasting of bedrock, mass import or export of soils, or the creation of manufactured slopes. Alternative A2 is not located within an Alquist-Priolo Earthquake Fault Zone and there are no known active or potentially active faults on site or within the immediate vicinity.

Given the proximity of active earthquake faults to the project planning area, moderate to severe ground shaking is considered the primary geologic hazard affecting the site. While strong seismic groundshaking could induce rockfalls upslope of and that impinge upon the fence and require repairs, Alternative A2 will not result in the construction of habitable structures that expose people or structures to substantial adverse effects, including the risk of loss, injury, or death. Therefore, impacts from seismic groundshaking will be less than significant.

The planning area is not subject to liquefaction or ground failure, and Alternative A2 will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death as a result of seismically-induced or related ground failure, including liquefaction. As with Alternative A, Alternative A2 is not located within a landslide hazard area. Along portions of the Alternative A2 alignment, the proposed barrier would be placed at or near the point of contact of eroded soils and bedrock, a zone that is susceptible to soil slumping, block slides, and rock falls. The rock fall hazard appears greatest along portions of the SilverRock Resort PBS exclusion fence (already built) but also occurs elsewhere along the toe of slope and in the intra-mountain area. Strong seismic groundshaking could result in slope instability and induce rockfalls upslope of the Alternative A2 alignment and impinge upon the fence and require repairs; however, Alternative A2 will not expose people or structures to substantial adverse effects, including the risk of loss, injury, or death. Therefore, impacts from landslides will be less than significant.

The Alternative A2 alignment will result in very limited ground disturbance that could subsequently be eroded by strong winds. Ground disturbance will be limited to the digging of postholes and incidental disturbance from construction crew foot travel. The Alternative A2 alignment will not result in substantial soil erosion or the loss of topsoil and will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death from the creation of such conditions.

The Alternative A2 Project will not require mass grading, excavation, blasting of bedrock, or other ground surface disturbances that would cause soils or geologic units to become unstable. Liquefaction susceptibility along most of the A2 alignment is considered low. Although it is considered moderate in the vicinity of PGA West, the hazard area is farther east on the valley floor than the Alternative A2 alignment, and potential impacts associated with liquefaction are not expected to be significant. Documented subsidence areas are located further east on the valley floor, away from the Project area. Impacts will be less than significant.

Soil types along the Alternative A2 alignment are not expansive and will not create substantial risks to life or property. Alternative A2 will not result in the construction of any buildings, structures, or major utility improvements that could sustain significant damage or pose significant human risks associated with settlement, and project-related impacts are expected to be less than significant.

Alternative A2 will not require connection to the sewer system or construction of a septic system. No impacts associated with soils or wastewater disposal systems will occur.

#### **D. Hydrology**

Alternative A2 involves the construction of the sheep exclusion fence along and in proximity to the toe of slope of the planning area foothills except for the segment that diverts west from the Alternative A alignment in the northern portion of PGA West. Where the A2 fence alignment crosses drainages, fence construction will be limited to digging one-foot by two-foot deep post-holes and anchoring fence posts in concrete. BMPs are an integral part of this project and include limiting the length of drainage encroachments, optimizing use of existing entrained channels for the location of hinged flapper gates, and minimizing excess material and use of same as an erosion control measure. In light of the methods to be used, fence construction will not result in any impact to surface or groundwater water quality, and there will be no wastewater discharge. Hinged flapper gates will be across incised drainages to ensure that larger flows and associated debris loads can pass through the fence. There will be no other permanent disturbance within Project area drainages and the proposed improvements will not result in any wastewater discharge or violate any water quality standard. Therefore, Alternative A2 would not violate any water quality standards or wastewater discharge requirements and impacts on water quality will be less than significant.

Alternative A2 will require approximately the same amount (199,319 gallons or 0.61 acre-feet) of water as Alternative A only during construction phase, which would be temporary and would not substantially deplete groundwater supplies. Access to construction water will be from metered CVWD hydrants located in the project vicinity and sourced from groundwater. Impacts will be less than significant.

As discussed above, Alternative A2 includes barrier alignments that cross several drainages, including channelized streams, braided stream flows, and sheet flows. Alternative A2 includes the installation of hinged flapper gates that will allow larger flows to pass through the barrier. The basic fence design and Alternative A2 alignment will not result in the alteration of any existing drainages or drainage patterns. It will not alter the course of any of the potentially affected streams, and it is not expected to result in any substantial erosion or siltation either within or outside the Project area. Therefore, in this regard, impacts to streams and drainages will be less than significant.

Alternative A2 improvements include fencing that will allow stormwater runoff, as well as sands and gravel, to pass through the barrier. The basic fence design elements, including hinged flapper gates, will not result in the alteration of any existing drainages or drainage patterns, it will not alter the course of any of the potentially affected streams, nor is it expected to result in an increase in stormwater runoff or result in flooding on- or off-site. Therefore, impacts to streams and drainages, and the potential for increased flooding, will be less than significant.



Alternative A2 would involve the construction of a fence barrier designed in a manner that does not increase the volume of stormwater runoff from adjoining lands. Alternative A2 would not exceed the capacity of stormwater drainage systems or be a source of polluted runoff. Therefore, in this regard, there will be no impact.

As discussed in Section III.K of the Draft EIR: Hazards and Hazardous Materials, and as noted above, the construction method planned will involve the use of in-hole dry concrete mix, which precludes the possible discharge of waste water that could affect surface or groundwater from this source. At Project staging areas, BMPs will preclude releases or discharges that could substantially degrade surface or groundwater quality. Therefore, Alternative A2 will not substantially degrade local surface or groundwater and the impact will be less than significant.

Like all of the “build” alternatives, Alternative A2 would be comprised of an 8-foot high fence mostly along and in proximity to the toe of slope of the Santa Rosa Mountains. The Project does not involve, nor would it result in, placing housing within a 100-year flood hazard area as mapped on a federal Flood Hazards Boundary map, Flood Insurance Rate Map, or other flood hazard delineation map.

Lake Cahuilla and Dike 2, both within the Project planning area, store canal water and stormwater runoff, respectively. The Alternative A2 fence alignment will be upslope or upstream of Lake Cahuilla and the Dike 2 impound area. Given the nature of the Project and how it will be constructed (with open fence fabric and hinged flapper gates), Alternative A2 would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of a levee or dam.

CVWD has four elevated water storage reservoirs within the project planning area. Alternative A2 will not affect these domestic water storage facilities, and will not expose people or structures to seiche, tsunami, or mudflows. Therefore, Alternative A2 will not expose people or structures to inundation by seiche, tsunami, or mudflows, and no impact will occur in this regard.

## **E. Biological Resources**

Impacts associated with Alternative A2 are essentially the same as those associated with Alternative A, except that the modified A2 alignment in the vicinity of the Coachella Canal and PGA West further isolates sheep from these attractive nuisances and places steep intervening terrain between sheep and the canal and golf course. Alternative A2 will not modify the topographical or biological features of PBS habitat but will increase the amount of habitat isolated from sheep use by approximately 112 acres, resulting in isolation of a total of 242± acres versus the 130± acres isolated by Alternative A. Alternative A2 will also reduce the level of potential impacts to burrowing owl, avoiding much of the identified potential habitat for this species.

Field surveys conducted for this Project, including most of the A2 alignment segment, and the assessment of other resource studies and sites potentially associated with this Project indicate that there are no riparian habitat areas within the planning area. Nor are there any special status natural communities within the planning area. Therefore, Alternative A2 will have no substantial or significant adverse impact on riparian habitat or any other sensitive natural community.

As noted above, Alternative A2 will reduce sheep access to 242± acres of mountain habitat but will not interfere substantially with the movement of sheep or any other native resident or migratory fish or wildlife species. Neither will Alternative A2 affect wildlife movement along established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, including lambing areas. PBS habitat on the slopes above the canal and PGA West that would be isolated by the Alternative A2 alignment may have been used for lambing based on GPS collar data. The habitat there has the steepness and ruggedness appropriate for lambing habitat, but it is not known whether it was being used for lambing prior to ewes becoming habituated to the adjacent golf courses as a primary source of food and water.

The earlier natural sheep distribution would have been oriented toward the natural resources they were using, notably sources in the Santa Rosa Mountains southwest of the subject area. PBS would only have used the patches in the vicinity of PGA West if there was some special resource (e.g. water or good natural forage) nearby. While the Alternative A2 alignment does represent a loss of PBS habitat, removal of this small patch of habitat will not have a measurable effect on the population by making critical resources unavailable, including areas appropriate for and historically used for lambing. The habitat patches affected are a very small percentage of available habitat suitable for ewes to bear lambs and rear them when very young.

As with Alternative A, Alternative A2 is consistent with La Quinta General Plan goals and policies, and is meant to preserve native biological resources and their habitat. Alternative A2 also continues to implement the CVMSHCP, is based on species-specific surveys, provides for pre-construction surveys and compliance with the MBTA, and buffers sensitive biological resources from urban development. Based upon the need to respond to existing adverse conditions affecting PBS, and because it is consistent with City of La Quinta General Plan policies, the Alternative A2 alignment will not conflict with any local policies or ordinances protecting biological resources. The purpose of this Project, including the Alternative A2 alignment, is to bring the management and protection of PBS into harmony with the referenced conservation plans. Alternative A2 will not conflict with these conservation plans.

This alternative has a limited potential to significantly impact biological resources. The mitigation measures set forth in Section III-E.4.2 of the Draft EIR will ensure that impacts are less than significant. In addition to participation in the CVMSHCP, which is designed to mitigate potential Project impacts to covered special-status biological resources, the mitigation measures will avoid and minimize impacts to special-status biological resources.

Also please see Section III-E of the Draft EIR.

## **F. Cultural Resources**

Under Alternative A2, the fence will turn west into rising terrain west of the Coachella Canal, and will proceed in a southwesterly direction onto CVWD land in the vicinity of two water storage tanks. It will precede southerly along the west side of the ridge and rejoin the original Alternative A alignment in the vicinity of the County Sheriff's shooting range (see FEIR Figure 1). Cultural resource surveys conducted for the two Cahuilla II water storage tanks, including and in the vicinity of the A2 alignment, identified rock cairns to the west on alluvial fans that once led to the edge of ancient Lake Cahuilla. The A2 alignment segment would not encroach into these previously identified and mapped resources. The mitigation measures set forth in Section III-F.4.2 of the Draft EIR are also applicable to Alternative A2 and will ensure that impacts are less than significant. Also see Section III-F.4 of the Draft EIR.

## **G. Air Quality and Greenhouse Gases**

Air quality and greenhouse gas impacts would be similar to those generated under Alternative A. Alternative A2 will not conflict with or obstruct implementation of the AQMP for the SSAB, the PM10 SIP, or other applicable air quality management plan, and impacts would be less than significant. Construction-related emissions and those associated with long-term maintenance would not exceed any thresholds for criteria pollutants. Potential impacts as measured by Local Significance Thresholds (LST) are considered less than significant with application of standard dust control measures. Impacts from objectionable odors are expected to be less than significant. No emission thresholds would be exceeded.

GHG emissions associated with Alternative A2 will not exceed the existing SCAQMD 10,000 MTCO<sub>2</sub>e/year threshold or the recommended Tier 3 3,000 MTCO<sub>2</sub>e/year threshold. Therefore, impacts from Alternative A2 will be less than significant.

## **H. Noise**

Alternative A2 will have a substantially lower noise impact on surrounding sensitive receptors compared to Alternative A, reducing impacts to PGA West by moving limited construction maintenance noise further west and largely separating project noise from PGA West by intervening terrain. Alternative A2 will comply with City of La Quinta noise regulations. The Alternative A2 alignment does not constitute an urban development project that will generate long-term noise, but rather is a barrier that implements CVMSHCP Section 8.2.4.1 (which requires construction of a fence where PBS are using urban development adjacent to a Conservation Area). Section 4.5.4 of the CVMSHCP, therefore, does not apply to the proposed Project. No conflict with the CVMSHCP will occur. Alternative A2 will not result in permanent increases in noise levels. Long-term maintenance will be limited to periodic inspections and occasional repairs that will be short-lived. Otherwise, the Project will generate no permanent noise, and no adverse impacts will occur.

During construction, Alternative A2 could generate a substantial temporary or periodic increase in ambient noise levels without proper planning and mitigation. Potential impacts will be reduced to levels of insignificance through adherence to mitigation measures N-1 through N-5 set forth for Alternative A in Section H.4.2 of the Draft EIR. The Project site is not located in the vicinity of a private airstrip or public airport. No impacts associated with such facilities will occur.

## **I. Visual Resources**

Alternative A2 will move the alignment of the fence to traverse the ridgeline to the west of PGA West, for a distance of 5,728± feet. This segment replaces 5,391± feet of fencing proposed in Alternative A, along the toe of slope immediately west of the Coachella Canal and PGA West golf course. Fence height and materials will be the same as described for Alternative A, as will the inclusion of trail user, vehicle, and flapper gates where necessary. Visual impacts in all locations will be the same as those described for Alternative A, except in the west-central portion of PGA West where the fence will be constructed on the west side of the ridgeline approximately ⅓ mile farther west and out of view of residences and golfers at PGA West, resulting in considerably lower visual impacts in this area compared to Alternative A. The fence will not be noticeable or obtrusive to observers in these locations, except for the very limited area where it breaks the ridgeline. Construction would occur during permissible daytime hours, and no new lighting sources would be installed. Impacts to visual resources from development of Alternative A2 will be less than significant.

## **J. Public Services and Utilities**

Alternative A2 will have a less than significant impact on fire and police services. There will be no impacts to local schools, libraries, or parks. The Project will not generate any wastewater and will have no impact on wastewater treatment regulations or requirements. Alternative A2 will not require or result in the construction or expansion of new or existing water infrastructure. Alternative A2 would generate a water demand equivalent to demand associated with Alternative A, or approximately 199,319 gallons of water, for mixing concrete and staging area dust control. Water will be transported to the site via water trucks, and no new or expanded water infrastructure will be needed to serve the A2 alternative. The Project will not generate wastewater and will not require the construction of new wastewater treatment facilities or the expansion of existing facilities. No impacts to wastewater facilities will occur.

As with Alternative A, Alternative A2 will not require or result in the construction of new or expanded stormwater drainage facilities. Where drainage flows may be crossed along the alignment, flapper gates will be installed at the base of the fence to facilitate drainage and debris flows. The Alternative A2 alignment will not result in new or expanded stormwater facilities and there will be no associated environmental impacts.

## **K. Hazards and Hazardous Materials**

Alternative A2 will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials associated with construction or maintenance of the proposed fence. Only small quantities of fuels and lubricants would be brought to the project site, and their use can be well controlled through standard handling practices. Alternative A2 will involve the use of transport vehicles, including trucks, carts, and perhaps helicopters. Most fence access would be by foot and cart, following closely along the toe of slope. Helicopters and motor vehicles would operate from pre-approved staging areas. Therefore, the potential that Alternative A2 will create a significant hazard to the public or the environment involving the release of hazardous materials is less than significant.

Alternative A2 would not result in hazardous emissions or the handling of hazardous materials within 0.25 miles of an existing or proposed school. No schools have been identified within 0.25 miles of the toe of slope of the Santa Rosa Mountains in the project area. The nearest school is La Quinta Middle School, which is approximately one mile north of the Alternative A2 site. Therefore, Alternative A2 will emit no hazardous or acutely hazardous materials, substances, or waste within a quarter-mile of an existing or proposed school and will have no impact in this regard.

According to the environmental database review, the Alternative A2 route is not included on any lists of active, unmitigated hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, Alternative A2 would not create a significant hazard to the public or the environment. No impact to or from an identified hazardous materials site will occur.

Alternative A2 is not located within the boundaries of an airport land use plan or an airport where such a plan has been adopted. The closest airport is Jacqueline Cochran Regional Airport in Thermal, approximately 2.5 to 3.0 miles east of the Project planning area. The Bermuda Dunes Airport is located just south of US I-10, approximately 5.15 miles north of the Alternative A2 area.

As with Alternative A, Alternative A2 is likely to require occasional helicopter flights into the Santa Rosa Mountains above existing development to deliver fencing materials and possibly work crews along the A2 alignment. Helicopter operations are expected to be coordinated out of the aforementioned Jacqueline Cochran Airport. Alternative A2 will not result in a significant safety hazard for people residing or working in the project area, as helicopter operations will be based at pre-approved staging areas away from residential and golf course development.

Alternative A2 is not located within an adopted or designated emergency response planning area. Therefore, it would not interfere with an emergency evacuation plan. No impact will occur.

As noted in the Draft EIR, the project site is geographically isolated and portions of the mountains upslope of the Alternative A2 alignment are designated by CAL FIRE as “very high fire hazard severity zones” under federal responsibility. These include public lands west of Lake Cahuilla and south of the Tradition Golf Club. These areas are undeveloped and consist of rocky, sparsely vegetated slopes and narrow, typically dry drainages. While Alternative A2 could place the fence in areas where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, the fence is not expected to pose any new wildfire threat to structures or populations in the project area. Fires in proximity to structures and populations will be fought either within these developments or by air, the terrain being too steep and hillside vegetation too thin to effectively fight a hillside wildfire by hand. Numerous vehicle and pedestrian gates will be installed along the fence to facilitate emergency access.

## **L. Recreational Resources**

Alternative A2 will not increase the use of existing park or recreational facilities and will have no effect on the physical deterioration of such facilities. The Project does not propose new recreational facilities or features that would attract additional users to the area. A very limited number of workers will be involved in fence construction and maintenance, and the Alternative A2 Project will not trigger new growth or attract new residents to the area such that the use or physical deterioration of existing parks and recreational facilities would be affected.

Although portions of the Alternative A2 alignment would be built in proximity to golf course facilities, the proximity is substantially less than that which would occur under Alternative A. Alternative A2 moves a segment of Alternative A west and over intervening terrain. Alternative A2 will not attract new golfers to the area or have any impact on golf course attendance or usage. It will have no impact on park attendance or use of Lake Cahuilla Recreation Area, Santa Rosa and San Jacinto Mountains National Monument, or Santa Rosa Wilderness. The A2 alignment will not cross or otherwise affect the Lake Cahuilla main park gate, access road, or parking facilities. Pedestrian, equestrian and/or vehicle gates will be provided where the A2 alignment crosses the wash and the Cove to Lake trail near the southwest corner of Lake Cahuilla Recreation Area and near the horse camp at Lake Cahuilla. Trail usage will be otherwise unaffected by the project. The Alternative A2 alignment will restrict access to upslope land within the County Park boundary, but these areas are already off limits to the public. No impacts to recreational resources will occur.

### **1.6.3. Alternative A2: Unavoidable Significant Impacts**

#### **Biological Resources**

As noted in Section IV of the Draft EIR, over the past several decades, urban development at the base of the mountains in the Project area has displaced PBS from their traditional habitat. Analysis of PBS home range patterns indicates increasing use of urban lands in the wildland/urban interface over time, resulting in increased exposure to urban-related hazards.

Under Alternative A2, the barrier would directly cut off the local sheep population from access to the urban interface, and 242± acres of hillside habitat would be segregated from future sheep use. No unavoidable significant impacts will occur; however, a variety of general avoidance and minimization measures have been identified in Section III of the Draft EIR to ensure that impacts to special-status biological resources are further reduced. Among these are pre-construction surveys to ensure that the final fence alignment avoids significant biological resources, and the Transfer of Conservation Objectives to address the loss of sheep access to designated PBS habitat, consistent with the requirements of the CVMSHCP. Two additional mitigation measures, described below, have been added: BIO-13 provides for a post-construction PBS monitoring plan and BIO-14 provides for a post-construction strategic management plan. Two corresponding mitigation monitoring and reporting programs also have been added and are described below (they are assigned letters E and F to follow the numbering pattern on Draft EIR page III-124). With implementation of these measures, the Alternative A2 project will not result in any unavoidable significant impacts.

#### Additional Mitigation Measures

BIO-13: Prior to the completion of fence construction, CVCC and its partner agencies shall prepare a post-construction PBS monitoring plan for this portion of Recovery Region 3 that will provide for on-going evaluation of bighorn sheep movements and population effects associated with the fence.

BIO-14: Prior to fence construction, CVCC shall confer and coordinate with the wildlife agencies, Bighorn Institute, property owners and/or managers, and other parties, as appropriate, to develop and implement a post-construction strategic management plan that addresses:

- 1) hazing of PBS that become entrapped on the urban side of the fence, including establishment of a procedural process, methods of herding bighorn sheep, qualifications and availability of personnel, timelines for execution, funding, and methods to minimize disturbance to bighorn sheep,



2) ongoing fence inspection and maintenance, including identification of responsible parties, timelines, funding, access, and emergency plans for repair or hazing should PBS breach the fence.

Additional Mitigation and Monitoring Reporting Programs

- E. CVCC and its partner agencies shall jointly prepare a post-construction PBS monitoring plan consistent with mitigation measure BIO-13.  
Responsible Parties: CVCC, USFWS, CDFW  
Schedule: Completion and approval prior to fence construction
- F. CVCC shall confer and coordinate with the wildlife agencies and other appropriate parties to develop and implement the post-construction strategic management plan described in BIO-14.  
Responsible Parties: CVCC, USFWS, CDFW, Bighorn Institute, property owners and/or managers, other parties as appropriate  
Schedule: Completion and adoption prior to fence construction

**Visual Resources**

The Alternative A2 Project area includes and is adjacent to the foothills, ridges, and peaks of the Santa Rosa Mountains. Scenic vistas in the Project area are highly valued by the community, and potential impacts to them are addressed in local and regional regulations.

The Alternative A2 Project will introduce a new fence where none currently exists and will change the visual landscape at lower elevations. The greatest impacts will be where the fence is in proximity to viewers (residents, golfers, and trail users) and does not benefit from a backdrop of terrain. However, impacts will be reduced by the avoidance of ridgelines, maximizing the terrain as a backdrop for the fence and the demonstrated visual blending of the fence with background landscapes, intervening topographic and landscaping features, directional orientation of nearby residences, and fencing materials and colors that allow for a high-quality appearance that further reduces adverse visual impacts. Compared to Alternative A, the Alternative A2 alignment will reduce potential impacts to PGA West residents and golfers by redirecting the alignment to the southwest and over an intervening ridge. In these ways, impacts associated with Alternative A2 will be reduced to less than significant levels. No unavoidable significant impacts to visual resources will occur.

**1.6.4. Alternative A2: Short-Term Use Versus Long-Term Productivity**

Short-Term Use

Short-term Alternative A2 effects would be limited to the construction phase, including increased vehicle and foot traffic by work crews, and noise generated by tools and helicopter operations (if needed). Construction could also result in some level of disturbance to Peninsular bighorn sheep, which may include exposing sheep to human presence and noise if they are in active fence construction areas, and possibly leading or “herding” them out of urban areas and up into the slopes as fencing segments connect to one another. However, construction would be timed and phased in such a manner that impacts to the species would be minimized. This topic is further discussed in the Draft EIR Section III-E: Biological Resources. Alternative A2 impacts would be temporary and would end once construction is complete. Limited quantities of water would be necessary for mixing concrete to secure fence posts. Limited quantities of fuel would be used by workers’ vehicles and helicopters during construction. No other short-term use of the Project area would occur.

Long-Term Productivity

Over the long-term, Alternative A2 would restrict PBS access to urban lands and hazards in the Project area, which is expected to minimize or eliminate unauthorized take of this endangered species. The project would restrict PBS access to approximately 242 acres of hillside habitat at lower elevations adjacent to Tradition Golf Club, PGA West, Lake Cahuilla Recreation Area, and the northwest portion of the Quarry Golf Club.

However, as discussed in Section III-E of the Draft EIR, thousands of acres of PBS habitat are available in the Santa Rosa Mountains adjacent to the Project area. Long-term Alternative A2 impacts associated with habitat loss will be mitigated through a Transfer of Conservation Objectives consistent with the CVMSHCP. The Alternative A2 project is not otherwise expected to affect the biological quality of land on either side of the fence, other than the potential minimal disturbance of rocks and/or vegetation, where necessary, to install fence posts.

The Alternative A2 project is not expected to result in long-term hydrological impacts. Flapper gates would be installed where hydrology concerns are identified to assure continued flow of runoff and debris (also see Section III-D of the Draft EIR).

The fence would restrict human access from the valley floor to the foothills and slopes, but extreme terrain conditions (steep slopes, presence of boulders and cobbles) already limit or preclude access along much of the alignment, and pedestrians do not typically have reason to access the slopes in the Project area, other than to use the Boo Hoff and Cove to Lake Trails. Pedestrian gates would be installed at trailheads and other strategic locations (determined by municipal, emergency, and other parties) to maintain continued access for recreational and emergency purposes. Vehicle gates would be installed where the fence crosses existing roads in Lake Cahuilla Recreation Area. No adverse long-term access issues are anticipated.

Alternative A2 would result in long-term visual impacts that would be most noticeable to residents, golfers, and trail users in proximity to the proposed alignment. However, impacts are considered less than significant, as described in Section III-I of the Draft EIR.

Foothills and slopes of the Santa Rosa Mountains are not designated for urban uses and, therefore, the Project would not affect or eliminate any future development potential or economic gains that could be generated onsite.

#### Short-Term Use Vs. Long-Term Productivity

PBS are a federal and state listed species, and their protection is mandated by the federal Endangered Species Act and California Endangered Species Act. The proposed barrier is required by the Coachella Valley Multiple Species Habitat Conservation Plan and the PBS Recovery Plan as a means of achieving species protection. The temporary, short-term impacts of the construction phase (traffic, noise, etc.) are considered less than significant in the context of the long-term protection of PBS.

### **1.6.5. Alternative A2: Irreversible and Irretrievable Commitment of Environmental Resources**

Alternative A2 is the longest of the four build alternatives. Demand for materials, including metal fencing, hardware, concrete mix, and limited quantities of water (for mixing concrete and securing fence posts) would be essentially the same as for Alternative A. Onsite transportation of materials would be accomplished primarily by foot or cart, which would result in no consumption of nonrenewable resources. Some gasoline and oil would be consumed by vehicles used during employee commutes to and from the project area and possible helicopter lifts, but vehicle trips will be temporary and limited in number. During long-term operation, fuel consumption would depend on the frequency of inspections and need for repairs.

The Alternative A2 project would not involve short- or long-term transport, use, or storage of hazardous materials, other than limited and standard use of vehicle fuels and oils during the construction phase, and no such environmental hazards or accidents that could damage environmental resources are anticipated.

The Alternative A2 project would eliminate Peninsular bighorn sheep access to 242± acres of potential hillside habitat, and of the three build alternatives would result in the second least acreage lost to sheep access. Alternative A2 would not damage the biological resources on the land or remove it from open space uses. PBS would be able to access other available and more appropriate habitat, including water sources, in the Santa Rosa Mountains. The project would not result in substantial alteration, degradation, or removal of biological or topographical resources, such as rock outcroppings, cliffs, soils, or vegetation.

Alternative A2 would not facilitate or encourage access to open space lands that are currently inaccessible to humans. Gates would be installed in appropriate locations to assure continued access to the mountains for recreational and emergency purposes, but the Alternative A2 project would not attract additional human use of the area. Neither would A2 result in substantial degradation of visual resources when viewed at close- or mid-range. Potential visual impacts are less than those associated with Alternative A, and would be further minimized by the use of natural fence colors that complement surrounding terrain and permeable (“see-through”) fence materials that allow views beyond the fence. Alternative A2 impacts on distant views and broader-scale scenic vistas are not expected to be substantial.

#### **1.6.6. Alternative A2: Growth-Inducing Impacts**

Alternative A2 would not result in growth-inducing impacts. The alignment would create a linear barrier along the urban-mountain interface for the purpose of excluding Peninsular bighorn sheep from urban lands. It would not directly or indirectly alter or affect existing or future land uses, land use designations, or development intensities. It would not create new housing units or affect the number or location of the existing housing stock, and would not attract new permanent populations to the area. It does not propose and would not require the extension or expansion of any utility infrastructure or services that could encourage or remove obstacles to growth.

Much of the Project planning area is located within open space that is not directly accessible by roads. Access to the Alternative A2 alignment would be taken from existing roads, including those in adjacent golf course communities and at the Coachella Canal and Lake Cahuilla Recreation Area. Construction supplies would be transported from staging areas by foot and cart, and depending on terrain conditions, helicopter drops could be needed. The Alternative A2 project would not require construction of new roads, or expansion of existing roads or other transportation facilities.

Alternative A2 would create a very limited number of new jobs associated with surveying, fence construction, annual inspections, and occasional repairs, and it is anticipated that the local labor force would fill jobs. The Project would not significantly impact employment, generate a new revenue stream, or otherwise act as an economic stimulus.



# **LA QUINTA PENINSULAR BIGHORN SHEEP BARRIER FINAL ENVIRONMENTAL IMPACT REPORT**

## **2.0 RESPONSE TO COMMENTS**

### **2.1 Introduction**

The Response to Comments on the DEIR for the CVCC La Quinta Peninsular Bighorn Sheep Barrier Project has been prepared in accordance with Sections 15088, 15089 and 15132 of the California Environmental Quality Act (CEQA) Guidelines. The following lists the agencies and interested parties that have commented on the DEIR. This Section of the Final EIR contains reproduced correspondence (letters and emails) and verbatim and restated comments made during oral presentations. These represent all comments from agencies and other interested parties warranting a response.

### **2.2 Response to Comments**

The following comments were received on the DEIR transmitted to various public agencies and interested parties and warranting a response. These comments concern aspects of the DEIR, including clarification of information, adequacy of data and analysis, methods of mitigation and similar issues. The complete letter/email of each written comment is included in the following section. Each letter or email has “brackets” on the right-hand side with a corresponding number to signify the comment number.

**A. California Department of Fish & Wildlife, March 3, 2017 (Leslie MacNair & Heather Pert)**

- A-1: Comment noted. The commenter voices support for Alternative A (Toe-of-Slope) and opposition to Alternatives B, B2, and C.
- A-2: The commenter expresses concern regarding the appropriateness of some of the project objectives set forth in the Draft Environmental Impact Report (DEIR), particularly those that do not specifically address protection of PBS. There is no question that the primary objective of the Project is to protect PBS by preventing them from accessing and coming to harm from using artificial sources of food and water in urban lands, including golf courses and residential landscapes, and water bodies. As discussed in CEQA Guidelines Section 15021 and elsewhere, the DEIR attempts to balance the project's objectives with those of the public. Specifically, Section 15021 (d) states: *"CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors....."* Comments received by the CVCC from residents and others in the area during the public scoping period cited concerns for the aesthetic effects of the fence, as well as its impacts on the County Park and area trails. Concerns for the effects of the fence on surrounding property values were also raised. No greater weight has been given to the non-biological objectives. As stated at the beginning of this Final EIR, the concerns for PBS are primary in evaluating the environmental impacts of the proposed fence. However, given the presence of private lands within the Project area and the need to obtain approval for access to these lands, objectives related to concerns identified during public scoping are consistent with CEQA requirements. The Proposed Project A2 was selected because it limits loss of habitat as much as possible and does not interrupt habitat connectivity and bighorn sheep movement. Please also see Responses F-1, F-2, and F-3.
- A-3: Contrary to the Department's statement, the reliance upon the Transfer of Conservation Objectives from the CVMSHCP to mitigate for the loss of accessible PBS habitat is not a deferral of mitigation. The use of Transfer of Conservation Objectives as the appropriate solution to meet the requirements of the CVMSHCP was discussed with the Department and the US Fish and Wildlife Service as a reasonable mitigation measure prior to completion of the DEIR. In that all essential habitat for Peninsular bighorn sheep (PBS) was included in the Santa Rosa and San Jacinto Mountains Conservation Area, protection of additional habitat not already within Conservation Areas is not feasible. No other options for mitigation have been identified by the commenter.
- The use of a Transfer of Conservation Objectives is described as a Minor Amendment requiring Wildlife Agency Concurrence in Section 6.12.3 of the CVMSHCP and in Section 20.4.3 of the CVMSHCP Implementing Agreement (incorrectly referenced as Section 11.7 in the DEIR and hereby corrected by reference). The requirements for a Transfer of Conservation Objectives are described as follows:
- "Transfer of Conservation Objectives for conserved natural communities and/or identified Covered Species between Conservation Areas or between Recovery Zones in the Santa Rosa and San Jacinto Mountains Conservation Area may occur if the following is demonstrated:*
- *The transfer does not reduce the number of acres anticipated by the Plan of the natural community or the species' habitat conserved.*
  - *The transfer does not reduce the conservation value of the lands that will be conserved based on natural community patch size, configuration, and juxtaposition within the matrix of Conserved Habitat and is of greater or equal habitat value.*
  - *There is no reduction in conservation and no increase in Take.*
  - *Transfers must be within kind (for a Covered Species or natural community). Any shifts must be species-specific and meet the above criteria."* (CVMSHCP Section 6.12.3 Minor Amendments)

The Wildlife Agencies and affected Parties are provided the opportunity to comment on the proposed Minor Amendments in writing within sixty (60) days of receipt of formal notice. For the Minor Amendments requiring Wildlife Agencies' concurrence, any non-concurrence must occur within 60 days of receipt of written notice as referenced above. If the Wildlife Agencies concur, or if they fail to respond within the 60-day period, the Minor Amendment may be approved. The Wildlife Agencies have been provided with a draft of the Minor Amendment, although this does not constitute formal notice. The draft Minor Amendment provides a summary of the proposed Transfer of Conservation Objectives, an analysis of environmental effects, and describes how the proposed Transfer of Conservation Objectives would meet CVMSHCP criteria. As stated on Draft EIR page III-118, mitigation monitoring and reporting program D, the Transfer of Conservation Objectives must occur prior to issuance of authorization to proceed with construction. No site disturbance or Project construction may be initiated until the Minor Amendment has been approved. Also, please see Response B-2.

A-4: Through a Transfer of Conservation Objectives, the authorized disturbance identified in Section 4.1.26 of the CVMSHCP could be used to mitigate the loss of habitat made unavailable by the fence. The City of La Quinta has 159 acres of PBS habitat within Recovery Zone 3, and Riverside County has 683 acres of authorized disturbance. To complete the entire fence along the Alternative A2 route, a total of approximately 242± acres would be needed. To complete the first phase of the fence adjacent to PGA West, 112± acres of authorized disturbance, or take, is needed. A request to approve the transfer of 112± acres will be submitted to the City of La Quinta for consideration during a regularly scheduled city council meeting. A request for the remaining authorized disturbance (130± acres) will be submitted to the County of Riverside prior to construction of later phases of the fence.

The CVCC analysis requested by the commenter will be provided in the Minor Amendment for the Transfer of Conservation Objectives to be submitted to the Wildlife Agencies. The Transfer of Conservation Objectives has been prepared for the Project with Alternative A2.

A-5: There is no need, as suggested by the commenter, to revise Mitigation Measure BIO-12 to require compensatory mitigation. The commenter further states that compensatory mitigation should be provided, despite clarification in the DEIR that comparable replacement habitat is not available since all essential habitat for PBS was included in the conservation area. Consistent with the CVMSHCP and the Implementing Agreement BIO-12 identifies the Transfer of Conservation Objectives as the appropriate means to mitigate for the loss of access to designated PBS habitat resulting from the barrier. Section 20.4.3 of the Implementing Agreement specifically identifies a Transfer of Conservation Objectives for “. . . identified Covered Species between Conservation Areas or between Recovery Zones in the Santa Rosa and San Jacinto Mountains Conservation Area. . .” With selection of Alternative A2 as the Proposed Project, a Transfer of Conservation Objectives analysis has been completed addressing the criteria described in the CVMSHCP and a draft Minor Amendment has been submitted to CDFW and USFWS. Through the transfer, PBS habitat in Recovery Region 3 will be conserved because the authorized disturbance/take will essentially be “used up.” This mitigation measure will be implemented prior to installation of the relevant phase of the proposed barrier (please see Mitigation Monitoring and Reporting Program D in Section III-E of the DEIR).

It is unclear why the commenter has stated that Transfer of Conservation Objectives is not a feasible mitigation measure (Comment A-3) when the necessary analysis had not been submitted to CDFW for review and consideration at the time the DEIR was released. CVCC is concerned that the Department has required CVCC to install a fence or other suitable barrier to benefit PBS but at the same time indicates that the proposed mitigation through a Transfer of Conservation Objectives is not a feasible mitigation measure (comment A-3) yet proposes no feasible alternative mitigation.

- A -6: The Department's support for Alternative A is acknowledged. A fence alignment along the west edge of the canal was evaluated and discussed on numerous occasions with Reclamation and CVWD. Both agencies stated that such an alignment would interfere with their ability to access, manage, and maintain the canal; neither Reclamation nor CVWD was supportive of a fence along the canal. Also, this alignment would not have removed bighorn sheep from those portions of the golf course located between the canal and the mountain slope. Since disease transmission is one of the primary concerns with respect to PBS using urban areas, continued access to artificial sources of food and water would not be advisable. As the commenter stated, "The primary purpose of the project is to create and maintain a barrier that prevents Peninsular bighorn sheep (PBS) from accessing developed areas, including golf courses, residential lots and other urban development located at and beyond the toe of slope of the Santa Rosa Mountains . . ." The commenter's proposal for the fence to be constructed along the canal, even if it were possible given the lack of support from the owner (Reclamation) and manager (CVWD) of the Coachella Canal, does not meet the project objectives.
- A-7: The alignment of the proposed fence along the toe of the slope in the PGA West area was discussed from the inception of this project. The property "routed around the existing golf course development on the western side of the canal" is under the ownership of PGA West. As noted in Comment H-9, golf course property owners including the Quarry and PGA West, denied access to their property for the fence in their comment letter. The Proposed Project Alternative A2 was developed in consultation with PGA West to address their concerns and identify a solution that would allow installation of the proposed fence while eliminating the fewest acres of habitat from bighorn sheep access. Please also see Response H-9.
- A-8: It was never the intent of the DEIR to "trivialize" the potential loss of accessible PBS habitat; however, the issue of the scale of the loss in the context of PBS habitat that is conserved has been raised. It is acknowledged that the further loss of any PBS habitat is an important consideration. Alternative A2, the Proposed Project alignment, would result in 242± acres of habitat which would no longer be available to PBS. A Transfer of Conservation Objectives with the support of La Quinta and Riverside County would provide acceptable mitigation for this impact. According to the CVMSHCP 2017 Annual Report, no authorized disturbance has been permitted in PBS Recovery Zone 3. Therefore, sufficient authorized take is available. The Department's reiterated concern for the preservation of lambing habitat is also acknowledged.
- A-9: The Department declares that Alternatives B and B.2 are unacceptable due to the amount of habitat access that would no longer be available to the bighorn sheep. As noted in the Department's comment letter, up to 963 acres of authorized disturbance within Recovery Region 3, where the Project is located, is allowed while meeting the PBS conservation goals set forth in the CVMSHCP. Under the Alternative B (Ridgeline) alignment, the fence would cut off PBS from 422± acres of habitat, while 742± acres would be cut off under Alternative B2 (Public Lands) alignment. This is still less than the 963 acres of allowable disturbance in Recovery Region 3. Alternatives B and B2 were analyzed to provide a feasible route for the fence/barrier in the event access to private lands along the Alternative A toe-of-slope alignment could not be obtained. The CVCC does not concur with the Department's conclusion that this alternative is unacceptable.
- With respect to the potential of Alternatives B and B2 to substantially affect two core habitat areas, the referenced East Group Core Area includes the canal and significant portions of PGA West golf course and residential areas. There is also a very strong correlation between the identified east area and the PGA West and SilverRock developments. These areas and the ewe group they attract are essentially artifacts of the attractive nuisance (golf course and residential development) which were not as heavily used by PBS prior to golf course development. It is at least possible that the entire rocky peninsula has historically been occupied by a single group (CSRM South Sheep Home Range) and that once these bighorn sheep are isolated from the golf courses and residential areas this artificial separation of groups will disappear.

- A-10: The Proposed Project has been precipitated by the attraction to and use by PBS of inappropriate habitat for foraging and water. The barrier Project is proposed to result in a net benefit to Peninsular bighorn sheep and some loss of habitat due to the rugged terrain and land ownership pattern is inevitable. A substantial portion of the area designated as the *East Core Group Area* includes the PGA West and SilverRock golf courses and residential areas, as well as the canal. This is not superior habitat but rather a potential extinction vortex, as described in Section III.-E of the DEIR and associated biological resource reports (please see Appendix B of the DEIR). The Department implies that suitable habitat to meet the requirements of Transfer of Conservation Objectives is not likely to be approved by the Department prior to reviewing an analysis of potential habitat that could be used in a transfer, a premature conclusion. The CVCC asks that the Department approach this evaluation with an open mind; no other alternatives for mitigating potential loss of PBS habitat have been identified as feasible. The Department offers no recommendations for feasible mitigation. Please see Responses A-9 regarding the availability of authorized available disturbance. Regarding the application of the CVMSHCP Transfer of Conservation Objectives to Alternatives B and B2 as being deferred mitigation, please see Response A-5.
- A-11: The Department's strong opposition to Alternative C is acknowledged. This alignment was not selected as the Proposed Project. The Proposed Project following the Alternative A2 alignment minimizes the impacts to PBS habitat while addressing concerns of some property owners. Alternatives B, B2, and C were proposed to provide options in the event that property owner access along the toe-of-slope (Alternative A) was ultimately denied. The Proposed Project A2 was selected because it limits loss of habitat as much as possible and does not interrupt habitat connectivity and bighorn sheep movement. Also note that the Transfer of Conservation Objectives is not deferred mitigation but rather the application of a certified program identified in the CVMSHCP to allow a certain amount of take. With regard to the potentially affected lambing areas please see Response A-3 and 9.
- A-12: It is possible that during and following construction bighorn sheep may end up on the "wrong" (golf course) side of the future fence. The purpose of Mitigation Measure BIO-9 is to ensure that there is adequate access through the fence to address this issue and to facilitate fence maintenance and access for emergency responders (fire). The installation of gates was recommended by the Bighorn Institute and Kevin Brennan of CDFW. Mitigation Measure BIO-8 addresses the concerns raised by the Department in its comment. As requested, Mitigation Measure BIO-9 is revised as follows (added language is underlined):
- "BIO-9 The final design and alignment selection shall identify locations for entry gates that provide access necessary to retrieve PBS on the wrong side of the fence and to avoid take of PBS, to maintain the fence and to address other issues within the area bounded by the fence."*
- Mitigation Measure BIO-14 has been added to address the need for post-construction management; please see Response B-10. This will also be an opportunity for the details of relocating bighorn sheep, including authorized parties, to be set forth. It is expected that with the cooperation and coordination of CDFW and USFWS, take will be avoided. Fencing of some occupied PBS habitat is inevitable due to the rugged terrain and land ownership. Given disease transmission concerns, it may be beneficial to provide a buffer between the fence and urbanized areas including golf courses. It should be noted that the Rancho Mirage fence was placed away from the edge of developed areas in many locations, resulting in loss of PBS access to these areas.
- A-13: The existing condition of PBS taking advantage of unfettered access to golf courses, urban landscapes, and hazardous water sources has been identified as a potential extinction vortex for this local ewe group. These urban lands are also mapped by the Department as a part of the *East Core Group* (habitat) *Area*; however, much of this is the very "habitat" from which we are attempting to



permanently remove PBS. Therefore, the subject exclusionary fence will have a beneficial effect on the long-term viability of the local ewe group and PBS generally. With respect to Alternative C, please see Response A-11.

A-14: Comment noted. Please see Responses A-3, A-9, A-11 and A-13.

A-15: The commenter expresses the need to maintain access for PBS to natural habitat to the south and southwest. The movement of bighorn sheep through the area is important to ensuring healthy populations that are safe from human impacts. The importance of desert wash habitat as a particularly rich source of nutritious forage and nearby areas as important seasonal sources of water are also mentioned. This discussion is prelude to the Department's concern regarding the development and use of "social trails", that is trails that are ad hoc and that have not been authorized. The Department's concern for this issue is acknowledged. Enforcement of trail regulations is outside the scope of this Project and no mitigation measure is proposed. It should be noted that the City of La Quinta, in partnership with CVCC Trails Management Subcommittee and Friends of the Desert Mountains, is adding signage and removing social trails. The City is issuing citations for dogs on the trail among other measures. The CVCC Trails Management Subcommittee has established a working group to deal with the issue of dogs off leash on trails in PBS habitat.

A-16: Sections 2081 and 4700 of the California Fish & Game (CFG) Code are cited on page III-110 of the DEIR. While the NCCP Act (CFG Code Section 2800 et seq.) is not directly discussed, it is referenced in the full name of the CVMSHCP footnote and is an essential part of that plan. The EIR hereby also acknowledges and incorporates into the DEIR by reference, CFG Code Sections 3503, 3503.5, and 3513, as well as State Game Refuge CFG Code Sections 10500 et seq. (take of a protected species). The Department's referenced CFG Code Section 10837 establishes the Department's District 4D boundaries. With regard to the applicability of Section 1600 of the CFG Code, which is hereby included in the EIR by reference, Section III-D of the DEIR discusses project area drainages and the project's possible effects at length. The DEIR concludes that the Project will not violate any water quality standard, deplete groundwater resources, substantially alter existing drainage patterns, result in substantial erosion or siltation, or substantially increase surface runoff. As discussed in the DEIR, the fence will not alter drainage patterns of the functional or biological value of such drainages, and flapper gates will be installed within drainages at locations where higher storm flows currently occur. Also see Response A-17, below.

A-17: As discussed in detail in Section III-D of the DEIR, the Proposed Project will have a very limited and essentially de minimis impact on local drainages. In addition to evaluating the Project drainages and the possible fence alignment, a detailed assessment was also conducted of various portions of the PBS fence constructed in Rancho Mirage and Cathedral City several years ago. Methods of construction within drainages and on sloping terrain were evaluated and their effects noted; this process informed the design considerations for the subject La Quinta bighorn sheep fence.

Section III-D of the DEIR describes the hydrologic conditions in the planning area and evaluates the potential effects of the fence along the various alignments analyzed. The Project was analyzed for its potential to divert or obstruct flows in any drainage, whether it would substantially change or use materials from the streambed, channel or bank, or whether it would dispose of debris, wastes or other materials containing most forms of pavement. Section I-F.4 of the DEIR describes and illustrates the various elements of the proposed fence, including those portions that would cross drainages. As a part of the fence design, flapper gates will be used where the potential for larger flows exists. It was determined that the Project would not have such effects on local drainages as warrant a regulatory permit from either the Department or the US Army Corps of Engineers. The need for a streambed alteration permit was discussed with staff from the Bermuda Dunes office of CDFW and it was indicated that impacts to streambeds would be de minimis and no streambed alteration agreement was warranted.

- A-18: Comment noted. Please see Section III-E of the DEIR, which analyzes the potential impacts of the Project on birds covered under the Migratory Bird Treaty Act (MBTA). Mitigation Measures BIO-4 and BIO-7 require MBTA and burrowing owl surveys, which satisfy both federal and state requirements.
- A-19: Comment noted. The legal status of PBS is well understood. As noted in Section III-E.3.1, “*PBS is listed as “endangered” under the federal Endangered Species Act (FESA) and “threatened” under the California Endangered Species Act (CESA). It is also a fully protected species under California Fish and Wildlife Code 4700.*” (DEIR p. III-100) As a fully protected species, PBS may not be taken or possessed at any time and no license or permit can be issued for the take of PBS except for necessary scientific research, including efforts to facilitate the species’ recovery. While PBS is a covered species and benefits from the implementation of the CVMSHCP and the Natural Communities Conservation Plan (NCCP), which is an integral part of the CVMSHCP, take of this species is nonetheless not authorized under the CVMSHCP or the NCCP.
- Specific to the Department’s reference to Section 2835, this code section states the following: “*At the time of plan approval, the department may authorize by permit the taking of any covered species, including species designated as fully protected species pursuant to Sections 3511, 4700, 5050, or 5515, whose conservation and management is provided for in a natural community conservation plan approved by the department.*” (Amended by Stats. 2011, Ch. 596, Sec. 3. Effective January 1, 2012.)
- A-20: Please see Response A-17. Based upon comparable bighorn sheep fence development in the Coachella Valley and the proposed design of the subject fence, it was determined that the subject fence would not substantially divert or obstruct the natural flow of any drainage, will not substantially change or use any material from the bed, channel, or bank of any of the potentially affected drainages, nor will it deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement, regardless of whether it would pass into any river, stream, or lake. As discussed in Section III-D of the DEIR, the various drainages that the subject fence might cross are small and originate in areas defined by the varying terrain comprising the rocky peninsula and lands to the southwest. As shown on Exhibits I-3 and I-4, and in Appendix E of the DEIR, the type and design of fencing proposed within drainages is the same as that which performs very well within the East Cathedral Canyon Wash drainage in Cathedral City and across a variety of smaller drainages in Rancho Mirage. As with that project, there will be no substantial diversion or obstruction of flows and channel materials will not be compromised.
- A-21: Comment noted and appears to apply to future CVCC actions rather than the subject Project. Nonetheless, as noted in Responses A-17 and A-20, the Project does not trigger the need for a Lake and Streambed Alteration agreement, the impacts on all potentially affected drainages being de minimis. Therefore, jurisdictional mapping is not necessary, as none of the criteria that define streambed alteration, as set forth in California Fish and Game Code 1600-1616, would be met by the Project.

**B. US Fish and Wildlife Service, March 3, 2017 (Kennon Cory)**

B-1: It is acknowledged that the US Fish & Wildlife Service (USFWS) supports Alternative A (toe-of-slope), on the basis that it minimizes the amount of habitat made unavailable to PBS. The USFWS also emphasizes the point that the fence is needed to shift PBS behavior back to use of natural habitat to reduce lamb mortality and avoid a declining population trend. The Proposed Project seeks to protect PBS and preserve their habitat, following the Alternative A2 alignment which eliminates the fewest acres of habitat from bighorn sheep access.

B-2: The Transfer of Conservation Objectives provided for in the CVMSHCP was established as a means of mitigating for the loss of habitat in Conservation Areas. In the subject case, the transfer would be used to mitigate for the loss of habitat accessible to PBS. Through a Transfer of Conservation Objectives, the authorized disturbance identified in Section 4.1.26 of the CVMSHCP could be used to mitigate the loss of habitat made unavailable by the fence. The City of La Quinta has 159 acres of PBS habitat within Recovery Zone 3, and Riverside County has 683 acres of authorized disturbance. For the entire length of Alternative A2, a total of approximately 242± acres would be needed. A request to approve the transfer of 112± acres to complete the first phase of the fence adjacent to PGA West will be submitted to the City of La Quinta for consideration during a regularly scheduled city council meeting. A request for the remaining authorized disturbance (130± acres) will be submitted to the County of Riverside prior to construction of later phases of the fence.

The subject transfer would be accomplished through a Minor Amendment Requiring Wildlife Agencies' Concurrence to the CVMSHCP (Section 6.12.3). The Minor Amendment requires that CVCC prepare a description of the proposed transfer, an explanation of why it is necessary, an analysis of the transfer's environmental effects, and describe why the transferred lands:

- (1) are not significantly different from, and are biologically equivalent to, the terms in the CVMSHCP as originally adopted;
- (2) substantially conform to the terms in the CVMSHCP as originally adopted; and
- (3) will not significantly reduce the ability to acquire the Additional Conservation Lands.

The Wildlife Agencies have been provided with a draft of the Minor Amendment, although this does not constitute formal notice. The draft Minor Amendment provides a summary of the proposed Transfer of Conservation Objectives, an analysis of environmental effects, and describes how the proposed Transfer of Conservation Objectives would meet CVMSHCP criteria. The Transfer of Conservation Objectives has been prepared for the Proposed Project Alternative A2.

The Wildlife Agencies and affected Parties are provided the opportunity to comment on the proposed Minor Amendments in writing within sixty (60) days of receipt of formal notice. For the Minor Amendments requiring Wildlife Agencies' concurrence, any non-concurrence must occur within 60 days of receipt of written notice as referenced above. If the Wildlife Agencies concur, or if they fail to respond within the 60-day period, the Minor Amendment may be approved. As stated on Draft EIR page III-18, mitigation monitoring and reporting program D, the Transfer of Conservation Objectives must occur prior to construction. No site disturbance or Project construction may be initiated until the Minor Amendment has been approved. Also see Response A-3.

B-3: Comment noted. The reader may have overlooked the general biological resource and PBS-specific discussions starting on page III-91 of the DEIR, including Exhibit III-11 that identified vegetation types present in the planning area. As mapped and discussed in the DEIR (see pages III-92 through III-98), the planning area (exclusive of golf course and urban landscape) is comprised of Sonoran creosote bush scrub with limited areas of desert dry wash woodland. As noted in the comment, these plant communities provide a relatively open landscape with high visibility and unfettered access to escape terrain. In addition to forage areas, the subject habitat also provides bedding areas, lambing habitat and natural water sources (to the south and southwest).

B-4: The commenter accurately clarifies that as of March 2017, six lamb deaths were recorded on La Quinta golf courses, one in 2015 and five in 2016. Since the comment was submitted, additional lamb deaths occurred on adjoining golf and residential properties, bringing the total to thirteen lamb deaths. The causes of death for these lambs were as follows: eleven due to disease, one due to drowning, and one lamb was euthanized. The yearling recruitment rates presented in DEIR Table III-8 (page III-106) are from data provided by Janene Colby of CDFW to Dr. John Wehausen. These data were also reported in the CDFW Peninsular Bighorn Sheep Annual Reports for 2015 and 2016/2017. There are some minor discrepancies between the data reported in the DEIR and the CDFW annual report; the annual report is expected to be more accurate as it is more recent. The 2016 lamb to yearling recruitment from Table III-8 of the DEIR for wild bighorn sheep in the Central Santa Rosa Mountains ewe group (33%) differ slightly from the numbers reported in the CDFW annual reports, where the rate is 36% and is reported as the rate for 2015. The recruitment rate in the 2016-2017 CDFW annual report (Table 6) for 2016 is 67% (0.67) for the urban ewe group and 43% (0.43) for the wild ewe group. This rate suggests a more sustainable level of recruitment but data for subsequent years is needed to determine the trend. With respect to the methods used to compare data between years, CDFW states in their annual reports that, “Three-month lamb survival was calculated from lamb: ewe ratios from group observations obtained from May-June of the year lambs were born and matched with yearling: ewe ratios (recruited) from January - June of the following year.” Therefore, the recruitment rates should be comparable among years. CVCC does not have access to the raw data for these calculations to make the suggested comparisons.

B-5: The area of potential disturbance associated with fence construction will be minimal. The PBS exclusion fence constructed in Rancho Mirage provides evidence of the very limited and temporary impacts associated with this type of barrier. For the Alternative A2 alignment, construction access to much of the fence route would be from adjacent lands below the toe of slope. As discussed in Section I-F and throughout Section III, fence construction on ridges and upslope rocky terrain would be accomplished by hand crews supplied by a lift helicopter that would ferry equipment and materials along the alignment where necessary. Along some areas where the fence would cross a wash or be located in proximity to already disturbed lands (county park, CVWD well site, golf course areas, existing authorized trails), small pickup trucks and/or carts would be used to access the alignment. No new roads and trails would be created as a consequence of fence construction.

The potential of the Proposed Project to disturb designated PBS critical (and other) habitat has been in the forefront of CVCC planning of this barrier. Minimizing impacts to habitat has been an important consideration throughout and important lessons have been learned by a careful examination of other bighorn sheep fencing in the valley and consultation with agency biologists and staff at the Bighorn Institute. Information, data, and experience gained from the Rancho Mirage fence installation has been used to plan for minimal impacts. The Proposed Project intersects critical habitat to a very limited extent. Based on the proposed methods of accessing the fence alignment and constructing the fence, the following permanent impacts to and isolation of critical habitat have been estimated for each build alternative.

Permanent PBS Critical Habitat Disturbance

- |   |           |
|---|-----------|
| • Alternative A: Toe-of-Slope:                    | 0.22± ac. |
| • Alternative A2: Toe-of-Slope w “Over the Ridge” | 0.22± ac. |
| • Alternative B: Ridgeline:                       | 0.14± ac. |
| • Alternative B2: (Public Lands Only):            | 0.03± ac. |
| • Alternative C: Cove to Lake:                    | 0.09± ac. |

PBS Critical Habitat Isolated

• Alternative A: Toe-of-Slope:	0.00± ac.
• Alternative A2: Toe-of-Slope w “Over the Ridge”	0.00± ac.
• Alternative B: Ridgeline:	14.5± ac.
• Alternative B2: Ridgeline:	19.6± ac.
• Alternative C: Cove to Lake:	1,108.7± ac.

With regard to how the loss of critical habitat would be mitigated, please see the Transfer of Conservation Objectives discussion set forth in Responses A-3 and B-2.

B-6: Comment noted and hereby acknowledged that only USFWS and CDFW staff are authorized to engage in actions that may inadvertently harass bighorn sheep. Therefore, if PBS must be handled, “retrieved” or herded (harassed) as part of ensuring that they are safe and on the “wild” side of the fence, such action shall only be conducted by authorized personnel.

It is clear that it will take a concerted and incremental effort to progressively close off the bighorn sheep from the urban interface and keep them on the “wild” side of the fence. For the Proposed Project A2, clearing the areas that will not be accessible to PBS once the fence is installed will be done slowly and carefully. CVCC expects to rely on the assistance and expertise of the USFWS and CDFW staff who have authority to handle and, if necessary, herd the bighorn sheep. The same challenges were faced when the SilverRock fence was installed, as well as in Cathedral City and Rancho Mirage when that fence was erected. Alternatives B, B2 and C are not being considered for fence installation at this time.

B-7: The referenced 401 acres on page III-118 is an error and is hereby corrected by reference to read 422.62± acres. Based upon a GIS-analysis of the planning area and the fence boundary, and as documented in the DEIR text and exhibits, Alternative B would result in the isolation of 422.62± acres of PBS habitat.

B-8: Section I, including Sections F.4.1, F.4.2 and F.4.3, as well as Exhibits I-6, 7 and 8, note the length of the fence and the resulting area of isolated habitat for each. These same data are discussed throughout the DEIR.

B-9: To address the need for post-construction monitoring, the following mitigation measure and mitigation monitoring and reporting program are hereby incorporated in the Biological Resources section:

*Mitigation Measure BIO-13: Prior to the completion of fence construction, CVCC and its partner agencies shall prepare a post-construction PBS monitoring plan for this portion of Recovery Region 3 that will provide for on-going evaluation of bighorn sheep movements and population effects associated with the fence.*

*E. CVCC and its partner agencies shall jointly prepare a post-construction PBS monitoring plan consistent with mitigation measure BIO-13.*

*Responsible Parties: CVCC, USFWS, CDFW*

*Schedule: Completion and approval prior to fence construction.*

CVCC welcomes the USFWS’s offer to assist in the design of a project post-construction monitoring plan and the coordinated collection and sharing of data. PBS in the La Quinta area are monitored using GPS collars, including some installed in fall 2017. CVCC will work with USFWS and CDFW to evaluate the need for additional PBS collars for the urban ewe group to track their movements following installation of the fence.

- B-10: CVCC plans to implement a fence inspection and repair program. Existing PBS fence installations in Rancho Mirage and at SilverRock are sources of information on estimated costs associated with periodic inspection and repairs of these fences. The Bighorn Institute staff, who provide periodic inspection of the Rancho Mirage PBS fence, will be consulted about fence inspection schedule and estimated costs. City of La Quinta staff also have a fence inspection and repair program for their PBS fence and can provide cost information. Several factors will affect the cost and practicability of inspections and repairs, including the hydraulic and geologic stability of the ground being crossed, fence accessibility, materials used and other factors.

To address these concerns, the following mitigation measure and mitigation monitoring and reporting program are hereby incorporated, by reference, into the EIR:

*Mitigation Measure BIO-14: Prior to fence construction, CVCC shall confer and coordinate with the wildlife agencies, Bighorn Institute, property owners and/or managers, and other parties, as appropriate, to develop and implement a post-construction strategic management plan that addresses:*

- 1) hazing of PBS that become entrapped on the urban side of the fence, including establishment of a procedural process, methods of herding bighorn sheep, qualifications and availability of personnel, timelines for execution, funding, and methods to minimize disturbance to bighorn sheep,*
- 2) ongoing fence inspection and maintenance, including identification of responsible parties, timelines, funding, access, and emergency plans for repair or hazing should PBS breach the fence.*

*F. CVCC shall confer and coordinate with the wildlife agencies and other appropriate parties to develop and implement the post-construction strategic management plan described in BIO-14.*

*Responsible Parties: CVCC, USFWS, CDFW, Bighorn Institute, property owners and/or managers, other parties as appropriate*

*Schedule: Completion and adoption prior to fence construction*

The maintenance needs for periodic repair along the Rancho Mirage/Cathedral City fence were initially more intense as insistent trail users cut the fence so they could access the adjoining foothills. This activity has been greatly reduced over time and was associated with a variety of “social” trails that remained in the adjoining foothills. This circumstance is essentially absent from the La Quinta fence project, where the social trails lie outside the boundaries of fence alignments for the Proposed Project. The post-construction management plan will include a repair program that will be incorporated into CVCC’s ongoing management activities. CVCC has an existing inspection and maintenance program for fences installed elsewhere in the CVMSHCP reserve system.

- B-11: Comment noted. The commenter is citing Figure 5 of the PBS Recovery Plan, which identified essential bighorn sheep habitat and recovery regions, not ewe groups. A total of eight (8) ewe groups are identified throughout the referenced Recovery Plan, although Figure 3 identifies a total of eleven (11) groups, including four sub-groups (2a, 2b, 6a and 6b). Ewe group structure appears to be somewhat dynamic. The CDFW annual reports for 2015, 2016/2017, and 2017/2018 identify more than one ewe group in some recovery regions. They identify two (2016/2017, 2017/2018) to four (2015) ewe groups in the Central Santa Rosa Mountains recovery region, including the urban ewe group in the La Quinta area. They also identify four ewe groups in the Carrizo Canyon recovery region. Other recovery regions have more than one ewe group.

- B-12: Comment noted and revised language hereby incorporated by reference. To clarify, Section 1.2.1.1 of the Recovery Plan cites as one of the recommended recovery actions that appropriate parties, “Construct fences to exclude bighorn sheep from urban areas where they have begun or may begin using urban sources of food and water.” The CVMSHCP, in part, serves to help implement the PBS Recovery Plan and serves as the basis for the federal take permit.

---

**C. City of La Quinta, March 3, 2017 (Gabriel Perez)**

- C-1: During the course of Project planning, CVCC has had numerous discussions with all stakeholders, including CDFW and USFWS regarding the need for a final field survey to establish the fence alignment. This can only be accomplished once the final alignment has been determined by CVCC. A field survey and alignment staking process comparable to that used at SilverRock is envisioned although a second walk of the alignment is not anticipated to be necessary.
- C-2: Please see Section I-F.3: Project Description – Common Elements, which includes a detailed description of construction materials and methods. Also see Appendix E of the DEIR, which provides numerous photographs of construction methods for a comparable bighorn sheep fence project. Please also see Response B-5. The recommendations for clarification on the requirements for a biological monitor will be taken into account.
- C-3: It is understood that CDFW and the USFWS may require a wildlife biologist from CDFW to “handle” or “capture” bighorn sheep and then only in the interest of their health and protection. A bighorn sheep monitor with authority to capture and/or handle bighorn sheep is not expected to be needed until the construction phase of this project. PBS biologists from both agencies have been involved in the development of the subject fence plan. Once the final fence alignment has been established, CVCC will coordinate with the wildlife agencies to ensure that qualified individuals are included in the construction phase to manage the bighorn sheep and make sure they are safely on the “wild” side of the fence. Please also see Response B-6.
- C-4: Comment noted. The possibility for construction of the PBS fence to be constrained by CVCC’s ability to obtain access to private lands has been considered since the onset of this effort. The DEIR discusses this concern and identifies alternatives that address the issue of property owner permission. Alternative B was developed to provide flexibility and an option to avoid potential impacts to the adjacent residential and golf course areas (DEIR page I-19). Alternative B2 (Public Lands Only) was included in the DEIR to provide an alignment that relies wholly or in part on avoidance of privately-owned lands (DEIR page I-17). The CVCC, wildlife agencies, the City of La Quinta and private property owners have continued to meet and discuss options to protect the bighorn sheep and to accommodate the fence. The Proposed Project along the Alternative A2 alignment is the result of these discussions.
- C-5: The intent of the proposed fence is to limit access by PBS to areas of artificial food and water and shift them back to using natural habitat areas. As described in Appendix B (DEIR, Appendix B.1, page 8), the ewe groups identified in the La Quinta area have shifted their use pattern to urban areas apparently since 2012. These females are associated with the Deep Canyon and Martinez Canyon ewe groups. There is no evidence that the PBS ewe group in the Rancho Mirage area has shifted to the La Quinta area. For a more comprehensive discussion of bighorn sheep population dynamics and movement, please see Appendix B of the DEIR. The CVMSHCP and the PBS Recovery Plan also provide important information on PBS habitat use.
- C-6: Please see Response C-5



**D. US Bureau of Reclamation, February 23, 2017 (Julian DeSantiago)**

- D-1: Comment noted. The Proposed Project Alternative A2 will avoid impacts to Reclamation facilities and will not impede access or constrain Reclamation or CVWD from operations and maintenance (O&M) of these facilities. CVCC concurs with Reclamation's right to ensure that canal operations are not impacted. CVCC will work with Reclamation and CVWD to quickly remedy any conflicts or impacts.
- D-2: The Proposed Project is not expected to impede CVWD's current or future O&M activities along the Coachella Canal or its associated facilities. The Alternative A2 alignment was developed in close coordination with CVWD and Reclamation to address the physical challenges of constructing the fence in the vicinity of the Coachella Canal. The alignment departs from Alternative A in the vicinity of the Coachella Canal drop structure and proceeds away from the canal and upslope in a southwesterly direction across CVWD lands east of the CVWD storage reservoirs. This route places the fence well west of CVWD's canal access road and allows continued access, operation, and maintenance of the Canal without being impeded by the fence. The Alternative A2 alignment follows the ridgeline west of and upslope of the canal, and east of CVWD's storage reservoirs, on rugged rocky terrain that is not used for access, operations, or maintenance of any CVWD facility. A vehicle gate will be installed where the fence crosses the access road near Lake Cahuilla leading to the reservoirs; access will be otherwise unaffected.
- D-3: CVCC has and will continue to coordinate closely with CVWD on this Project and its implementation.

**E. Coachella Valley Water District, February 21, 2017 (Steve Bigley)**

- E-1: Comment noted. Section 19 is hereby included by reference in the matrix (M-1) and page I-4 of the DEIR.
- E-2: Comment noted and hereby incorporated by reference in Section I of the EIR. The subject shooting range is described in Section II: Environmental Setting and in all relevant sections of the impact analysis (Section III). CVCC has and will continue to coordinate closely with CVWD on this Project and its implementation.
- E-3: Comment noted. Land ownership information from Riverside County indicates that the Sheriff's shooting range is located primarily on lands owned by the Riverside County Regional Parks and Open Space District, with a small corner appearing to occur on CVWD and Reclamation lands.
- E-4: The District's concern that Alternative C could have an adverse impact on CVWD facilities and access to same is hereby noted. This alignment was not selected as the proposed project. However, CVCC will continue to work with CVWD to ensure that access to any and all CVWD facilities is not impacted or otherwise encumbered by the Proposed Project. Similarly, with respect to La Quinta trails that would cross the fence alignment, provision is made for appropriate pedestrian and equestrian gates to be installed.
- E-5: Comment noted. The referenced site is located in the upper La Quinta Cove on the alluvial fan and includes two CVWD domestic water storage tanks. The subject reservoir site and La Quinta fence staging area are on lands owned by CVWD. The Final certified EIR will reflect CVWD ownership as requested.
- E-6: CVCC will continue to coordinate and consult with CVWD as fence and construction staging plans are finalized and will ensure that CVWD's access points/roads and facilities are not impacted and access is not restricted. CVCC will apply for an encroachment permit for all CVWD lands where the proposed fence alignment occurs.

**F. Worden Williams LLP, February 27, 2017 (D. Wayne Brechtel, Esq. for Sierra Club and Center for Biological Diversity)**

F-1: The commenter's support for Alternative A is hereby acknowledged. Alternative A2 has been developed to minimize the loss of habitat accessible to PBS while compensating for access restrictions on private property. The commenter's support for placing the fence at "... the lowest possible location on the landscape, ..." is also acknowledged.

F-2: The commenter questions the appropriateness of some of the project objectives set forth in the Draft Environmental Impact Report (DEIR), particularly those that do not specifically address protection of PBS. The primary objective of the Project is to protect PBS by preventing them from accessing and coming to harm from using urban lands, including golf courses and landscaping, artificial water bodies, and roadways.

As discussed in CEQA Guidelines Section 15021 and elsewhere, the subject DEIR attempts to balance the Project's objectives with those of the public. Specifically, Section 15021 (d) states:

*"CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors....."*

Comments received by the CVCC from residents and others during the public scoping period cited concerns for the aesthetic impacts of the fence, as well as its impacts on the County Park and area trails. Concerns for the effects of the fence on surrounding property values were also raised. No greater weight has been given to the non-biological objectives. As stated at the beginning of this Final EIR, the concerns for PBS are primary in evaluating the environmental impacts of the proposed fence. However, given the presence of private lands within the Project area and the need to obtain approval for access to these lands, objectives related to concerns identified during public scoping are consistent with CEQA requirements.

F-3: Comment noted. It is agreed that protection of PBS is the primary objective of the Project. It is also recognized that CEQA requires that the issues raised by other stakeholders with legitimate environmental and other concerns must be addressed. The erection of a fence to keep PBS out, should they be found to be using artificial sources of food and water in urban lands, is set forth as a CVMSHCP management provision (CVMSHCP, page 4-162). However, the CVMSHCP cannot have anticipated nor did its environmental analysis evaluate all of the possible issues that could arise from implementing such a management measure. The commenter notes that the CVMSHCP provision allows the selection of the fence location based on property access, not visual or aesthetic concerns. Based on input from property owners, the potential for access to be denied is based on visual and aesthetic concerns, as well as impacts to property values. Also, please see Response F-2.

F-4: The commenter takes issue with the inclusion of Alternatives B and C to avoid potential impacts of the fence on aesthetic values of the area or on adjoining land uses, including golf courses, residences, trails, and water and stormwater facilities. While consideration has been given to the legitimate interests of potentially affected property owners, undue consideration was not given to aesthetic considerations and alternatives were not selected solely or primarily on this basis.

While minimizing the isolation of habitat is a priority, the ability to obtain landowner permission to construct a fence on their land is necessary to implement Alternative A2. Proposed Project A2 has been selected in part because it addresses concerns of private landowners at PGA West whose permission for access is necessary for fence construction. The commenter also indicates that private landowners may be required by conditions of approval to grant access to private lands for

construction. CVCC is not aware of any such existing conditions of approval and since release of the DEIR some of the private landowners have stated that they will deny such access (see Comment H-9). Installation of a fence along the Proposed Project A2 alignment relies on the permission for access from private property owners. Inclusion of Alternatives B and C in the DEIR anticipated challenges with obtaining permission for property access from private landowners. Concerns about aesthetic and property value impacts had been expressed at the March 2016 public scoping meeting and in comment letters submitted during scoping comment period (see DEIR, Appendix A). Since the release of the DEIR, some property owners have expressed concerns about Alternative A. The commenter is referred to Comment Letter H from representatives of the Quarry, PGA West and Tradition Golf Club. Despite the conclusions of the DEIR, as indicated in Comment H-9, it is the opinion of these property owners that impacts of a PBS barrier to enjoyment and value of adjacent golf course and residential properties “will be substantial” and the property owners have informed CVCC that, “. . . permission to access those properties . . . will ultimately be denied.” Please also see Responses A-2, A-7, and F-2.

The comment that some of the project alternatives increase impacts to bighorn sheep appears to be based on the supposition that the potential loss of accessible habitat is the only criteria for determining the appropriateness of an alternative. Though considered a net benefit to this species, it has been recognized that installation of a fence would result in some habitat becoming inaccessible to PBS given the rugged terrain and private landownership. The bighorn sheep are faced with a variety of hazards, including poisoning, drowning and vehicular collisions. Add to this the diverse array of uses within and adjacent to the planning area and their effects on habitat use, including Lake Cahuilla County Park, Sheriff’s shooting range, water storage facilities, stormwater levees and basins, golf course maintenance facilities that are also impacting the bighorn sheep. These too were given consideration in the development of project alternatives.

F-5: The commenter’s concurrence with the DEIR’s land use conclusions is acknowledged. It should be noted that the referenced gates that are a part of the Proposed Project are to allow for fence maintenance and monitoring and bighorn sheep/habitat management and monitoring. As noted by the commenter, there are also locations where gates to accommodate hikers and/or equestrian riders would be needed. The Bureau of Land Management and Bureau of Reclamation, though cooperating partners in this Project, are not signatories to the CVMSHCP.

F-6: Consideration was given to a fence alignment that would extend farther south along the canal from the existing CVWD fence. CVCC conferred with Reclamation and CVWD who are jointly responsible for the Coachella Canal about this option. Concerns about access to the canal for maintenance purposes were cited by both agencies; neither agency supported a fence along the canal south of its proposed A2 alignment. PGA West management did not support a fence along the canal at this location, citing the location of the canal between tee and green areas and the impacts a fence would have to golf course play. It should also be noted that such an alignment would still allow PBS access to those portions of the golf course located between the canal and the mountains. This could concentrate the problem but would not cure it even if it were feasible. Also, please see Responses A-6 and D-1.

The commenter also indicates that private landowners may be required by conditions of approval to grant access to private lands for construction. CVCC is not aware of any such conditions of approval and since release of the DEIR some of the private landowners have stated that they would deny such access (see Comment H-9).

F-7: The CVMSHCP does not attempt to exclude from consideration the potential adverse effects that could be associated with implementation of this Project. Based on input during the scoping process and numerous meetings between property owners, CVCC, City of La Quinta and wildlife agency

staff, it became clear that CVCC's ability, "... to obtain permission/access to the necessary lands . . ." (CVMSHCP, page 4-162) was intimately tied to visual/aesthetic concerns. The legitimate environmental interests of potentially affected landowners cannot be ignored. It is also important to note that three of the four major developments within or bounding the planning area, not to mention the canal and Lake Cahuilla Regional Park, were built before PBS was listed under the federal Endangered Species Act and do not have any conditions of approval requiring a PBS barrier. Alternative A2 has been selected as the Proposed Project in part because it addresses concerns of private landowners at PGA West whose permission for access is necessary for fence construction. Also, please see Responses F-3 and F-4.

F-8: The commenter references CVMSHCP requirements identified for the Santa Rosa and San Jacinto Mountains Conservation Area for new development. The criteria apply to projects submitted to local Permittees with land use authority and project applicants with ownership or control of lands for a development project. CVCC proposed Alternative A to meet these criteria but is constrained by our lack of control over lands upon which the fence would be constructed, including those owned and/or managed by Reclamation and CVWD. CVCC does not own any lands in the Project area and is dependent on permission of property owners for the ultimate fence route. Since some property owners have limited (or might deny) access to their lands, the Proposed Project A2 alignment will adhere to the referenced criteria to the extent possible.

F-9: The primary objective of the Project is to safely exclude bighorn sheep from urban lands. The commenter states that the PBS barrier is required because the CVMSHCP requires consistency with the 2000 PBS Recovery Plan. The U.S. Fish and Wildlife Service has commented that it is more accurate to state that, "... the CVMSHCP is consistent with the Recovery Plan and thus helps implement it." USFWS also notes that the Recovery Plan does not require a fence/barrier (see Comment Letter B, Comment B-12). The commenter's reference to "violation" of the Recovery Plan is not accurate in that the Recovery Plan is not a regulatory document but makes recommendations to achieve recovery. The Project will be installed and monitored to ensure that fencing at the urban interface does not entangle PBS. Alternatives B and C were proposed to provide options in the event that property owner access along the toe-of-slope (Alternative A) is ultimately denied. Alternative A2 was selected as the Proposed Project because it limits loss of habitat as much as possible and does not interrupt habitat connectivity and bighorn sheep movement. While minimizing the isolation of habitat is a priority, the ability to obtain landowner permission to construct a fence on their land is necessary to implement Alternative A2.

Please also see Responses A-15, B-9, and C-5.

F-10: It is acknowledged that most of the bighorn sheep habitat in the planning area is "essential habitat" as identified in the 2000 PBS Recovery Plan. Some of this PBS habitat is subject to existing and ongoing edge effects. The CVCC is the Lead Agency referenced in Section 15065 of the CEQA Guidelines and is responsible for making the subject significance findings. CVCC has developed and reviewed substantial data and information on the local PBS population, use of area habitat, and hazards they have encountered in the urban interface area. CVCC also reviewed the potential loss of accessible bighorn sheep habitat within the context of the local ewe groups, the Recovery Region and the Peninsular Range in general in collaboration with USFWS and CDFW. It should also be noted that guidance under CEQA is based on the rule of reason, and these judgments of significance are not solely based on whether each alternative would substantially reduce habitat.

As applied to the current case, the loss of PBS access to some essential habitat is necessary to achieve the Project objective to, "Provide a fence or other functional equivalent that effectively excludes Peninsular bighorn sheep from accessing urbanized lands adjacent to PBS habitat . . ." (DEIR page I-8). It is also worth noting that the CVMSHCP does provide for authorized

disturbance, consistent with conservation objectives in Section 4.21. Through a proposed Transfer of Conservation Objectives, the amount of habitat loss does not exceed what is authorized in the CVMSHCP.

- F-11: Comment noted. The distinction was not meant to diminish the value of the designated essential habitat. It was discussed to clarify the habitat designation associated with the bighorn sheep's listing.
- F-12: Comment noted. The area of allowable disturbance of bighorn sheep habitat is understood, as is the possible need to go beyond the City of La Quinta's allowed disturbance area to meet the mitigation requirements for the Proposed Project. Riverside County has 683 acres of authorized disturbance in Recovery Zone 3 which could be available through a Transfer of Conservation Objectives if approved. Also, please see responses A-3, A-4, A-5, and A-8.
- F-13: Comment noted. Alternative A2 satisfies the three Project objectives related to protection of PBS and minimizes the amount of habitat that is inaccessible as a result of the fence. The CVMSHCP ensures that adequate, appropriate habitat is preserved to provide for the recovery and long-term persistence of the species in the wild. Also, please see Responses A-3, A-5, A-11, and B-5.
- F-14: Whether and to what degree reduced habitat access will impact the local ewe group or PBS in general has been well documented in Section III-E EIR Appendix B.1 of the DEIR. The current circumstance of unrestricted access to golf courses, residential areas, roads and other hazards is placing the bighorn sheep at significant risk. The first and most urgent goal is to isolate the bighorn sheep from this area with the expectation that they will become re-habituated to the wild habitat and its use. Given the limitations on access to private lands, alternatives that reduced the impacts below the level of Alternative A were not feasible. Please also see Responses A-3, A-5, A-11, and B-5.

Again, it must be noted that while the potential aesthetic impacts of the fence have been a consideration of the EIR analysis, it was not a determining factor. The claim that visual impacts were a driver to the development of alternatives is contradicted by the DEIR finding that Alternative A alignment would not have a significant adverse impact on the aesthetic values of or as viewed from surrounding lands.

- F-15: It is correct that Alternatives B, B2, and C result in the isolation of progressively greater amounts of habitat, including essential and critical habitat. However, the current threat to the bighorn sheep is significant and the need to obtain permission from private landowners for access to construct a fence required a balanced consideration of all legitimate interests. Nevertheless, the selection of Alternative A2 as the Proposed Project addresses the concerns expressed by the commenter. The extent to which lambing areas were present prior to the habituation of bighorn sheep to adjacent golf courses is not known. Understanding the impact of use of urban areas on recruitment is complex as indicated by the recruitment rate described in the CDFW 2016-2017 annual report (See Table 6) of 67% for the urban ewe group and 43% for the wild ewe group. Please also see Response B-4.
- F-16: The statement that additional disturbance or loss of PBS habitat was not contemplated in the CVMSHCP is not correct. The CVMSHCP identified 169,904 acres of modeled essential habitat for PBS in conservation areas (See CVMSHCP Table 9-34). The CVMSHCP will ensure the conservation of 165,856 (97%) acres of this essential habitat. Approximately 135,630 acres (78%) of the essential habitat is within existing conservation lands and is managed as part of the CVMSHCP Reserve System. The Plan conserves an additional 30,226 acres (19%) of the essential habitat for PBS. The CVMSHCP 2017 Annual Report indicates that 24,767 acres of this goal have been conserved in the Santa Rosa and San Jacinto Mountains Conservation Area. The CVMSHCP allows up to 3,802 acres of disturbance of essential habitat (See CVMSHCP Table 9-34). The

amount of habitat that would be inaccessible to PBS does not exceed the amount contemplated in the CVMSHCP. The location of the habitat that will be inaccessible, the urban hazards in proximity, and the need to re-habituate the bighorn sheep to wild sources or forage and water may offset the negative effects of losing access to some of this habitat. Also, please see Responses A-3, A-9, and F-15.

- F-17: The US Bureau of Land Management (BLM) is a major public lands manager in the Coachella Valley and its lands in the region are managed under the California Desert Conservation Area (CDCA) Plan. The BLM played a major role in the development of the CVMSHCP and the Santa Rosa and San Jacinto Mountains Trails Plan. BLM is a member of the CVCC's Reserve Management Oversight Committee. Adaptive management is a hallmark of the CVMSHCP and is described in a variety of contexts in the plan. It is correct that BLM conserved lands are an important part of the conserved PBS habitat, which is managed by all parties to achieve the conservation goals for the bighorn sheep set forth in the CVMSHCP. BLM concerns voiced during consultations have been limited to the potential effects of the Project on BLM lands designated "wilderness", which prohibits structures. Alternative A2, the Proposed Project, does not result in excluding bighorn sheep from hundreds or thousands of acres of BLM land. Thus, the Proposed Project will not violate either the CVMSHCP or the CDCA Plan.
- F-18: The DEIR does not conclude that the various alternatives will not have potentially significant effects. Rather, the DEIR concludes that the potential impacts can be mitigated to levels of insignificance and in conformance and consistent with the CVMSHCP. As discussed in Section E.4.1 of the DEIR, provision is made in the CVMSHCP for up to 3,802 acres of disturbance across all PBS Recovery Regions and several jurisdictions in the Santa Rosa & San Jacinto Mountains Conservation Area. Within Recovery Region 3, where the Project is located, 963 acres of authorized disturbance is allowed while meeting the PBS conservation goals set forth in the CVMSHCP. Under the Alternative B (Ridgeline) alignment, the fence would cut PBS off from 422± acres of habitat, while 742± acres would be cut off under Alternative B2 (Public Lands) alignment. This is still less than the 963 acres of allowable disturbance in Recovery Region 3. Preventing bighorn sheep access to the hazardous urban interface will significantly reduce the threats faced by this local ewe group. The Proposed Project (Alternative A2) results in 112± acres becoming inaccessible habitat near PGA West. However, the loss of habitat is expected to be offset with the use of Transfer of Conservation Objectives, which assures that the minimum acreage of conservation land for PBS required under the CVMSHCP will not be compromised. Please also see Response A-9.
- F-19: The commenter argues that the use of the Transfer of Conservation Objectives to mitigate habitat impacts associated with Alternatives B, B2 and C is uncertain, and that mitigation might not be possible. It is correct that a Minor Amendment would be needed to accomplish a transfer. The objectives associated with a transfer would have to be met. The transfer would not reduce the acreage that must be conserved for PBS. Neither would the use of a transfer reduce conservation values due to inadequate natural community patch size, or a configuration or relationship to other conserved lands. It would not result in a reduction in required conservation and would not increase take; rather the primary objective of all the build alternatives, including the Proposed Project, is to reduce take of PBS. The transfer will be in kind within the same PBS Recovery Zone 3, and there will be no net loss in the amount of quality of habitat as required under the CVMSHCP. An analysis of the environmental effects has been prepared according to the requirements in the CVMSHCP for a Minor Amendment Requiring Wildlife Agencies' Concurrence. A draft of the Minor Amendment has been submitted to the wildlife agencies for the Proposed Project with Alternative A2. As Alternatives B, B2 and C have not been selected, a Minor Amendment is not necessary for these alternatives. Please also see Responses A-3, A-5, A-11, B-2, F-16, and F-18.



- F-20: The commenter's objections to the use of a Transfer of Conservation Objectives for Alternatives B, B2 and C are duly noted. It is incorrect to characterize the use of this process as providing the City of La Quinta with "another bite of the apple." The City's obligation would not be lessened nor has the City expressed an interest in reducing its obligations under the CVMSHCP. A Transfer of Conservation Objectives does not shift the burden elsewhere; such a transfer essentially uses the take allocated to other properties within the same recovery zone and thus maintains the same level of conservation. CVCC will submit a request to the City asking for their approval to allow a portion of their acres of authorized disturbance to be used for a Transfer of Conservation Objectives for this project; such a transfer must occur before construction of the fence begins. Rather than shifting the City's obligation with regard to the provision of bighorn sheep habitat, the purpose of the Transfer of Conservation Objectives is to provide a mechanism that will address the loss of habitat such as will occur from the Proposed Project. Please also see Response B-2.
- F-21: Comment noted. The issue of copper deficiencies and their effects on bighorn sheep are discussed in detail in Section E.4.1 on page III-106 and in Appendix B.1 of the DEIR.
- F-22: It has never been the intent of the CVCC to "mislead" the public or decision makers with regard to the need to evaluate other environmental issues associated the construction of the subject PBS fence. These issues have not been used to negate Project requirements under the CVMSHCP. In fact, the DEIR did not find that aesthetic or land use conflicts precluded the application of Alternative A or any of the build alternatives.
- While the protection of the bighorn sheep is the primary objective of the Project, it is also recognized that the issues raised by other stakeholders with legitimate environmental concerns must be addressed. This is particularly the case where the lands on which the fence is proposed are privately owned and not under the control of CVCC. While the erection of a fence to keep bighorn sheep out of urban lands is set forth as a CVMSHCP management provision, the CVMSHCP cannot have anticipated nor did its environmental analysis evaluate all of the possible issues that could arise from implementing such a mitigation or management measure. Also, please see Response F-2.
- F-23: Comment noted.
- F-24: The post-construction monitoring needs associated with the Project have been well informed by the more than ten years of experience with the Rancho Mirage fence, a portion of which is regularly monitored by the Bighorn Institute. CVCC will consult with the CDFW, USFWS, Bighorn Institute and others in the design of the Project post-construction monitoring plan and the coordinated collection and sharing of data. To this end, please refer to Response B-9 and the addition of Mitigation Measure BIO-13 and its corresponding mitigation monitoring and reporting program:
- Mitigation Measure BIO-13: Prior to the completion of fence construction, CVCC and its partner agencies shall prepare a post-construction PBS monitoring plan for this portion of Recovery Region 3 that will provide for on-going evaluation of bighorn sheep movements and population effects associated with the fence.*

The following Mitigation Monitoring and Reporting Program is hereby added to the EIR.

*E. CVCC and its partner agencies shall jointly prepare a post-construction PBS monitoring plan consistent with mitigation measure BIO-13.*

*Responsible Parties: CVCC, USFWS, CDFW*

*Schedule: Completion and approval prior to fence construction*

- F-25: Comment noted. The number and placement of gates is an important consideration that will be addressed in the final fence design. The flapper gates planned across certain drainages may also serve as a means of getting bighorn sheep on the “wild” side of the fence when such occasions arise. It is part of the plan to include “break-away” fence sections in the final fence design to facilitate bighorn sheep relocation, consistent with the commenter’s suggestion. It should also be noted that, as mentioned by the commenter, fence locations adjacent to elevated terrain will be designed in such a manner as to preclude bighorn sheep jumping or attempting to jump over the fence.

**G. Agua Caliente Band of Cahuilla Indians, February 27, 2017 (Pattie Garcia-Plotkin)**

- G-1: Comment noted. A space separating paragraphs is missing.
- G-2: The following footnote is hereby added to the referenced discussion in Section III-F.3, page III-134-135 of the DEIR:
- “Identification and Evaluation of Historic Properties, La Quinta Peninsular Bighorn Sheep Fence Project”, CRM TECH. August 30, 2016 and “Addendum to Historical/Archaeological Resources Survey”, CRM TECH. September 1, 2016.*
- This is a confidential report that has been provided to local Native American Tribes. Exhibit III-14 of the DEIR also maps the Project planning area and the numerous cultural resource surveys that have been conducted in this area.
- G-3: Comment noted. The referenced report which was published in 2016 may not have been available to the Project archaeologists. While not having a direct bearing on the Project planning area, the dates of the last stand of ancient Lake Cahuilla could be important in identifying Native American occupancy and other sites associated with the retreat of the lakeshore.
- G-4: The commenter is correct that the DEIR does not directly reference the U.S. General Land Office (GLO) and the land survey plats it generated of the Coachella Valley between 1856 and 1905. The Project cultural report states, in part, *“The Coachella Valley is a historical center of Native American settlement, where U.S. surveyors noted large numbers of Indian villages and rancherias, occupied by the Cahuilla people, in the mid-19th century.”* (CRM TECH, 2016) The 1856 GLO maps included in the report showed no villages or rancherias in proximity to the planning area.
- G-5: Comment noted. A space separating paragraphs is missing.
- G-6: Comment noted.
- G-7: It is assumed that the referenced site is 33-019788. As discussed in Section F.4 of the DEIR, and as shown in the cultural resources report appendices, a copy of which the Tribe has, the subject site was mapped by the California Department of Parks and Recreation in March 2011 (also see CA-RIV-10074). The mapped site now lies behind the northern portion of the CVWD bighorn sheep fence and its closest approach to the proposed fence alignment is approximately 50 feet to the north and approximately 15 feet lower in elevation than the subject site.
- G-8: Comment noted. The referenced discussion is associated with Site 33-024894 (CA-RIV-12339H), which is located adjacent to golf tees hugging the toe of slope west of the canal. These historic resources date to about 1913, comprised of approximately 30 rusted cans and one glass fragment. The cans include sanitary cans, condensed milk cans, and hole-in-cap cans. The refuse deposit may be associated with prospectors. This site represents human mining activities typical during this period, is not associated or identified with a person or event of historic significance, nor does it demonstrate any archaeological data potential or other special merit. It was determined that the site is not eligible for listing in the National Register or the California Register and does not qualify as an “historic property” or “historical resource.” No further studies are recommended for Site 33-024894. In the vicinity of this site, the Alternative B alignment proceeds north along the west side of the first ridgeline west of PGA West, thereby avoiding impacts to this resource site. Therefore, there would be no impacts to Site 33-024894 from development of Alternative B. Please see DEIR Section III-F.5 and Appendix C of the DEIR.

---

**H. The Quarry/PGA West Tradition Joint Letter, February 27, 2017 (Mark Scheibach (Quarry), Rich Hohman (PGA West, Al Castro (Tradition))**

- H-1: Bighorn sheep populations fluctuate over time, and although the local bighorn sheep population may increase over short periods, it is clear that bighorn sheep do not benefit in the long-run from access to urbanized areas. CVCC and its fellow resource management agencies have developed and reviewed substantial data and information on the local bighorn sheep population, its use of area habitat, and hazards they have encountered in the urban interface area. Relevant data on the local ewe group is provided in Section III-E.3 and in Appendix B.1 of the DEIR. The DEIR describes the death of lambs on the golf courses and the presence of severe respiratory disease in post-mortem analyses. Use of urban habitat appears to have exacerbated a respiratory disease process that could spread in this ewe group. In addition, relevant data were also provided by the California Department of Fish and Wildlife (CDFW) that were used in the subject analysis. The hills and mountains of the La Quinta region provide suitable habitat for PBS, with numerous natural water sources and a variety of forage occurring at different times and at different locations. PBS have occupied the region continuously for thousands of years. The attraction of PBS to urban lands, including golf courses, for forage and water has made them vulnerable to hazards including the canal, oleander poisoning, vehicles, and the spread of disease. While bighorn sheep populations will fluctuate, conditions that are found in urban areas are detrimental to the long-term health of the local herd and the species. Also please see Response C-5.
- H-2: The referenced discussion uses the terms “residential” and “golf course” areas in part because in the La Quinta area, golf courses and residential areas are immediately adjacent to each other and are difficult to separate. Golf courses are what attracts PBS because they offer forage and water adjacent to their natural habitat. Visits to the golf courses bring PBS into proximity with hazards such as the canal and roads. The relationship of PBS use of the urban landscape, including golf courses, and associated adverse effects are well documented, and were the basis for the fencing provision of both the 2000 PBS Recovery Plan and the CVMSHCP. The issue of copper deficiencies associated with grazing on golf course grasses and these effects on PBS are discussed in detail in Section E.4.1 on page III-106 and in Appendix B.1 of the DEIR. The DEIR describes a range of other protection measures in Section V that were considered to address the problem of PBS in urban areas. These alternatives were found to not meet the Project objectives and were not further analyzed.
- H-3: Comment noted.
- H-4: As stated in the DEIR (Section F.2) the primary objective of the Project is to prevent bighorn sheep from accessing developed areas and to encourage them to return to use of their natural habitat. The concern that PBS excluded from La Quinta golf courses will find their way to golf courses in Indian Wells, Palm Desert or Rancho Mirage is not supported by previous bighorn sheep fence projects. A fence has already been constructed in Rancho Mirage and has demonstrated that, once cut off from convenient access to urban sources of water and forage, PBS readapted to their local native habitat. As the commenter notes, bighorn sheep are observed in these other areas. However, the level of use by PBS on La Quinta golf courses adjacent to the mountains has been far greater than other locations mentioned by the commenter, although the reasons for this are not fully understood. Groups of 30± bighorn sheep visiting PGA West cause damage by eating landscape plants and trampling landscaped areas to the point where homeowners are asking for a fence to keep the bighorn sheep in their natural habit. Some residents have expressed concern about safety hazards to humans associated with bighorn sheep walking on and crossing residential roads. Much of the alluvial fan habitat was previously used by PBS before human settlement in the Coachella Valley, and some of this habitat remains accessible to them today. The surrounding foothills and mountains

also provide varied, diverse and seasonal sources of forage that PBS have adapted to over thousands of years. There are also a variety of natural waters sources to the south and southwest within their mountain habitat. Please also see Response H-1.

H-5: The potential impacts of the proposed fence on other wildlife was evaluated in the DEIR. For instance, see Section III-E.4, which states in part:

*“It is also important to note that only the movement of larger mammals will be affected by the fence, which will not pose a barrier to smaller mammals (ground squirrels, etc.), birds, or reptiles. In essence, the fence will be impermeable to sheep but would have a limited and less than significant effect of constraining movement of other species. There are no migratory species that occur in the Project area that would be adversely impacted by the proposed fence.”*

And Section III-E.4.1(d), which states in part:

*Along with bighorn sheep, Alternative A will limit urban area access by larger mammals including coyote, bobcat, and mountain lion. The fence will have a less than significant impact on the ability of coyote, bobcat, and mountain lion to gain access to these urban areas . . .”*

The fence will limit access to the golf course and urban areas by larger mammals. The inability of larger predators to access residential areas may be viewed as positive outcome for residents, especially pet owners. Use of these urban habitats is not essential, and often not beneficial, to the survival of desert-adapted wildlife such as bighorn sheep, bobcats, and mountain lion. In summary and as concluded in the DEIR, the proposed fence, regardless of the alternative, will have a less than significant impact on wildlife movement in the planning area.

H-6: The DEIR does not state that golf course grass is bad for bighorn sheep as suggested by the commenter. Rather, the DEIR describes golf courses as “highly nutritious forage” (page III-104). Dr. John Wehausen further describes golf course grass in Appendix B.1 (page 3):

*“When golf courses and homes are built in the margins of bighorn sheep habitat, what is created are sources of highly nutritious forage unlike anything in the natural habitat of desert bighorn sheep. This occurs through manipulation of soil moisture and soil fertility leading to a year-round source of highly nutritious forage for an herbivore. Additionally, these urban interfaces offer sources of drinking water, which may contain lawn care and other chemical products.”*

The concern about PBS use of golf courses is not primarily focused on the grass but the situations that bighorn sheep encounter in an urban setting as a result of their attraction to the grass and other forage. As described in Appendix B.1, golf turf grass generally involves the use of commercial fertilizers, herbicides and pesticides which is not comparable to pasture provided by sheep herders. The USFWS and CDFW have expressed concern about, “. . . the ingestion of internal parasites that may occur in landscaped lawns and grasses (Appendix B.1, Section 3.0). As with poor human diets, illness and disease can take years to develop. A primary concern with PBS habituation to golf courses relates to a “culture” shared by the local bighorn sheep group, that includes knowledge of where to find forage and water, and safe locations for lambing. (DEIR, page V-5). Continued use of golf courses and urban landscapes for forage over generations will cause PBS herds to lose this knowledge.

- H-7: Research cited in the 2000 PBS Recovery Plan, CVMSHCP and other studies have identified bighorn sheep congregation with the increased transmission of disease agents, including pneumonia-associated bacterial strains, including bacteria of the genus *Pasteurella* and more recently *Mycoplasma ovipneumoniae*. The artificial forage and water encourage groups of 30 or more individuals to congregate together on golf courses, an occurrence that would not likely be present in the wild where forage and water sources are widely dispersed. Beyond the inherent hazards they present to bighorn sheep, golf courses, canals and other water sources (including swimming pools), and the associated residential landscaping will likely continue to attract larger groups of bighorn sheep and increase the potential for transmission of disease-causing organisms.
- H-8: As has been demonstrated, PBS can become habituated to certain human activities, especially if they are predictable and become familiar. The cited Sheriff's shooting range has been at this location for several decades and is located adjacent to the north end of Lake Cahuilla and the Coachella Canal. Perhaps similar to the human residents who live near the shooting range, bighorn sheep have been observed in proximity to this facility appearing unconcerned about the noise. The area is also affected by Lake Cahuilla County Park activities, including the nearby equestrian campground, and the regularly accessed CVWD reservoirs located to the immediate north. The relationship of the Proposed Project to the shooting range is discussed throughout the DEIR, including Sections I-F.4.2 and III-E.5.1. Also, please see Responses E-2 and 3, and F-4.
- H-9: While the commenter appropriately cites Project objectives that acknowledge the potential impacts of the Project on surrounding land uses, the protection of the bighorn sheep is the primary objective of the Project. Recognition is given in the DEIR to issues raised by other stakeholders with legitimate environmental concerns.
- The DEIR evaluated a full spectrum of environmental analysis categories, including the Project's compatibility with existing and planned land uses, and the aesthetic effects the fence could have on surrounding residents, golfers, hikers, park users and others. Existing and long-term buildout plans for surrounding land uses were analyzed (see Section III-A of the DEIR.). The DEIR also evaluated the effect of the Rancho Mirage bighorn sheep fence, portions of which are located adjacent to multi-million-dollar residences and determined that the bighorn sheep fence had no adverse impacts on values or the ability of residents to enjoy their scenic vistas. The DEIR has concluded that all of the project alternatives would be compatible with surrounding land uses.
- The potential aesthetic impacts associated with the Project were also carefully analyzed. Section III-I of the DEIR provides a detailed assessment of visual resources in the planning area and the potential effects associated with each of the build alternatives. Exhibit III-15 provides a visual simulation of an eight-foot bighorn sheep fence along the toe of slope within PGA West and the photo of page III-224 of the DEIR shows how the open nature of the fence and its color makes the fence difficult to distinguish against the rocky terrain. Appendix E of the DEIR includes a photo survey of the planning area and of the various components of the bighorn sheep fence built in Cathedral City and Rancho Mirage. The photo survey of the existing bighorn sheep fence also shows that this fence can be constructed as proposed without significantly impacting or diminishing the enjoyment of the surrounding viewsheds.
- The ability to install the fence along the Proposed Project A2 route is dependent in several locations on permission from private property owners for access. CVCC will continue to work with private property owners to address concerns and, where necessary, request access for fence construction. As described in the CVMSHCP, ". . . the ultimate location of the fence shall be determined by the CVCC based on its ability to obtain permission to construct on the necessary lands." PGA West ownership has indicated a willingness to allow access for the portions of Alternative A2 that involve their land.

- H-10: Comment noted.
- H-11: Comment noted. The Quarry project was not conditioned to construct a bighorn sheep fence if PBS started to use the developed property, although the related project Quarry Ranch was so conditioned as was the Coral Canyon project to the immediate south. While there may be legitimate questions about the legal obligations of each of the developments, there is no question that residents and club members, the City and the general public, have shown genuine care and concern for the bighorn sheep. In discussions with residents and managers of surrounding lands, they have shown a willingness to work with the CVCC and others to find ways to protect the bighorn sheep against the hazards associated with their use of urbanized lands.
- H-12: Comment noted. Alternative C poses fewer challenges in some regards and greater challenges in others. One of the most important criteria for measuring the impacts of alternatives is the amount of habitat (“essential” and “critical”) from which PBS would become isolated. Alternative C results in by far the greatest potential loss of accessible habitat, approximately 2,397 acres. The ultimately approved Project must compensate for the loss of accessible habitat and Alternative C presents the greatest challenge in this regard. The Proposed Project following the Alternative A2 alignment minimizes the impacts to PBS habitat while addressing concerns of some property owners.

**I. Charles Nisbet, Ph.D., March 1, 2017**

- I-1: The commenter's concerns for the bighorn sheep and their need to be in the wild are hereby acknowledged. Effective action is mandated and the City of La Quinta has already acted to protect the bighorn sheep accessing the SilverRock development. The commenter identifies the challenges involved in completing construction of the Proposed Project.
- I-2: Recognizing the time it could take to construct the proposed fence, the commenter recommended that the CVCC consider the use of herding dogs as an interim management measure until the fence is completed. The extensive research done by the commenter on the subject of herding dogs is acknowledged and appreciated. The DEIR evaluated the use of herding dogs in Section V as a potential temporary solution, identifying the challenges, including confrontations with residents' pets, golfers and hikers, interference with golf course play, and possible impacts to PBS. Based on these and other potential issues, the use of herding dogs, at least as a permanent solution, was not considered to be sufficiently viable to warrant analysis as a project alternative. In response to the suggestions made by the commenter and others, the potential for using herding dogs as a temporary pilot solution was further explored. USFWS and CDFW were consulted as were individuals with experience using herding dogs for similar management situations. However, CDFW informed CVCC that they would be unable to support this pilot program because PBS is a fully protected species (Fish and Game Code Sections 3511, 4700, 5050, and 5515); they must avoid take of any fully protected species in carrying out projects. Since there has not been any direct experience with the use of herding dogs for Peninsular bighorn sheep the wildlife agencies did not support this approach.
- I-3: Comment noted. Please see Response I-2
- I-4: Comment noted. The commenter's efforts to propose a solution are recognized. Please see Response I-2.
- I-5: The principal Project biologists are those cited in the DEIR Appendix B reports, as well as biologists from CVCC, CDFW, U.S. Fish & Wildlife Service and the Bighorn Institute. Dr. John Wehausen, PhD is the principal PBS biologist under contract to CVCC to prepare the biological analysis of the proposed fence (Appendix B.1) and contribute to the DEIR. Other biologists provided information upon request but did not have "specific tasks" in the DEIR. CDFW biologists Randy Botta and Janene Colby are responsible for monitoring PBS in the Peninsular Range, including the planning area. They were consulted in regard to their knowledge of PBS movements and use of urban areas as well as natural habitat. The Bighorn Institute provided data on PBS mortalities in the planning area.
- I-6: The recent, near-term shifts in habitat use by PBS, such as the urban ewe group of La Quinta, have been affected by a wide range of variables, especially climate conditions that have reduced forage and water resources. These conditions have served to provide an unnatural and hazardous attraction to golf courses and urban areas, compounded by more challenging conditions in the wild. It should also be noted that the statistical issues and analysis associated with complex herd dynamics are secondary drivers to the proposed action. Both the state and federal Endangered Species Acts prohibit take; the PBS mortalities cited by the commenter are considered take under these laws. The CVMSHCP requires the proposed action once CVCC is notified that PBS is using artificial sources of food and water in existing urban development that are not fenced off. The local ewe group has now become habituated to the use of this urban habitat, which makes returning them to the wild more urgent. As suggested by the commenter, the long-term impacts of ongoing use of urban areas is a more significant impact to PBS. For the reasons cited by the commenter in Comment I-1, there are no benefits and there are substantial risks associated with the No Project (status quo) alternative.



- I-7: Comment noted. The footnotes on page 100 and subsequent pages refer the reader to Appendix B.1.
- I-8: It is true that not all areas where golf course development abuts bighorn sheep habitat have experienced the level of PBS use of these human environments seen in La Quinta and Rancho Mirage. For many years bighorn sheep were not habituated to urban areas in Rancho Mirage and La Quinta, until a few animals started to exploit this new and perennially green “habitat” and others of the group also learned this behavior. The features of these areas that makes them more attractive are not fully understood. Statistics notwithstanding, there is no question regarding the causal chain that has led to the death of PBS in or from use of the urban environment. There is no question that urban landscapes and sources of water, including golf course ponds, irrigation runoff and canals, have attracted bighorn sheep from the wild environment. While the number of PBS deaths may not be statistically significant in terms of the overall population, the hazards bighorn sheep encounter in urban environments are dangerous. Management of this endangered species includes assessment of potential threats to their health and survival.
- I-9: Comment noted. The deletions were made for brevity since the complete text is available to the reader in Appendix B.1. The portions of the subject Appendix B.1 report cited in the body of the DEIR were identified and the reader has access to the full discussion in the appendix.
- I-10: The quoted text includes a general statement noting there are effects of urban development on PBS as the commenter points out in the preface to his comment. The effects on bighorn sheep and their use of traditional habitat began more than a century ago; the alluvial fan habitats adjacent to the mountains, which now support golf courses and other urban uses, were important to PBS in the past. However, the DEIR also notes in the same paragraph that “ready access to water and highly nutritious forage in urban habitats would be expected to lead to a population increase . . .” (page III-104) The commenter’s Table 1 identifies the generally positive trend in the PBS population since 1996. It should be noted that most of the urban development on and adjacent to PBS habitat occurred prior to 1998, so it has not “gone unchecked.” Within the 1996 to 2010 timeframe cited, PBS were listed on the federal Endangered Species List, the 2000 PBS Recovery Plan was enacted, BLM’s CDCA Plan was amended to (in part) enhance conservation of bighorn sheep, and the CVMSHCP was developed and implemented. Fence construction isolating bighorn sheep from urban threats in Cathedral City and Rancho Mirage was completed during this period.
- I-11: Information about PBS deaths is also found in Section I-E, Section II-H and throughout the Section III-E (biological resources) discussion. As noted, impacts to bighorn sheep from use of the urban interface are both direct and indirect. The DEIR and technical appendices document the array of direct and indirect hazards faced by bighorn sheep using this urban interface area. The reference to urban mortalities provides an example of the extent to which bighorn sheep have become habituated and have lost their natural risk-averse tendencies. The commenter appropriately references the significance of impacts to the behavior and health of PBS ewes and lambs. An important contributor to the PBS population crash that led to listing as an endangered species was low lamb recruitment. Also, please see Responses B-4, H-6, I-6, and Appendix B.1, page 11).
- I-12: Bighorn sheep population data are collected across the nine Recovery Regions and include the referenced subgroups within the Central Santa Rosa Mountains (CSRM) group. Specific to the questions raised, Table I in Appendix B.1 and Table III-8 in Section III-E.1 of the DEIR provide 2015 and 2016 data for bighorn sheep classified as “wild” and “urban.” More information regarding the commenters questions is available in the CDFW Peninsular Bighorn Sheep Annual Reports for 2015, 2016-2017, and 2017-2018<sup>1</sup> (<https://www.wildlife.ca.gov/Conservation/Mammals/Bighorn-Sheep/Desert/Peninsular/Literature#312051077-annual-reports>).

<sup>1</sup> California Department of Fish and Wildlife Peninsular Bighorn Sheep Annual Reports for 2015, 2016-2017, and 2017-2018. Colby, Janene and Randy Botta. CDFW South Coast Region. <https://www.wildlife.ca.gov/Conservation/Mammals/Bighorn-Sheep/Desert/Peninsular/Literature#312051077-annual-reports>.

The 2016 CDFW bighorn sheep helicopter survey identified a total of 126 bighorn sheep in the CSRSM group including 24 lambs, 15 yearlings (9 females, 6 males), 46 adult females, and 41 adult males.<sup>2</sup> In the 2016-2017 annual report, Table 2, page 5 identifies the number of active radio-collared PBS by recovery region. Table 6 in the same report provides data on lamb survival and recruitment in the urban and wild ewe groups of the CSRSM. Preliminary results from GPS collars on 2 ewes indicate heavy use of the slopes above PGA West and SilverRock along with regular forays onto the golf course and adjacent residential neighborhoods. With respect to questions 3, 4, 5, and 6, tracking data showing locations used by urban PBS are presented in the CDFW 2015 Annual Report in Maps 5, 6, 7, and 8 for the Central Santa Rosa Mountains (CSRSM) ewe groups. Map 7 identifies the estimated home range for the urban ewe group; map 8 shows location data from collared ewes in the urban ewe group. Additional collar data is currently being processed for analysis as part of a study PBS habitat use throughout the Santa Rosa and San Jacinto Mountains. DEIR Table III-8 uses data provided by Janene Colby; the methodology is explained in the text associated with Table 6 in the 2016-2017 Annual Report. The 2016-2017 Annual Report covers the period from January 1, 2016 to May 31, 2017. The 2017-2018 Annual Report covers the period from June 1, 2017 to May 31, 2018 and includes updated information for that time period.

- I-13: The commenter notes that two years of data is insufficient to draw conclusions. Table 6 in the CDFW PBS Annual Report for 2016-2017 indicates that data prior to 2014 are not available; urban and wild PBS lamb survival and recruitment rates are shown for the period from 2014 to mid-2017. The report concurs with the commenter's observation and states, "... lamb recruitment in the urban sub-ewe group has vacillated from a low of 11% in 2015 to 67% in 2016." It is correct that lamb recruitment rates can vary substantially from year to year. The 2017-2018 Annual Report indicates that lamb recruitment in the CSRSM urban sub-ewe group was 19%. As noted in Response I-11, an important contributor to the PBS population crash that led to listing as an endangered species was low lamb recruitment. It is agreed that additional years of data are needed. Also, please see Response I-12.
- I-14: The commenter is asking that more information be provided on the bighorn sheep sampling process used to identify and differentiate wild from urban PBS. A thorough discussion of distribution and movement of the wild and urban ewe groups is provided in the CDFW 2015 Annual Report. The 2017-2018 Annual Reports notes that for the CSRSM, "Based on GPS location data, the West sub-ewe group and Guadalupe sub-ewe group have not utilized the urban landscape for water or forage and thus are referred to as "wild" sub-ewe groups." Also, please see Response I-12.
- I-15: The CDFW PBS Annual Report for 2015 (pages 4-6, 8-10) describes the collection of tissue samples from PBS captured during collar placement operations. According to the 2015 Annual Report, "... In the Peninsular Ranges, results from blood samples collected from wild sheep captured from 1999 to 2015 found that approximately 51% of sheep in each recovery region tested positive for the presence of *Mycoplasma ovipneumoniae* (page 6, 2015 CDFW PBS Annual Report). *M.ovi* has been identified as the main bacterial pathogen responsible for bronchopneumonia in PBS. The results reported do not differentiate between wild or urban PBS. Of the 12 lamb mortalities in urban areas at PGA West and SilverRock from August 2015 to July 2017, all died of pneumonia before reaching adulthood. The 2017-2018 CDFW PBS Annual Report discusses lamb survival and recruitment (page 10, 2017-2018 CDFW PBS Annual Report).
- I-16: Comment noted. Prior to and following the research and analysis that led to the 2000 PBS Recovery Plan, numerous research and surveys, and analysis have been conducted on PBS and their use of natural and wild habitat, and the consequences of exploiting forage and water sources in the urban

<sup>2</sup> "Results of the 2016 Bighorn Sheep Helicopter Survey in the Peninsular Ranges of Southern California", Botta, Randy and Janene Colby, CDFW. December 2016.

interface. While more and better data are always welcome, there is no need for further research before this fence barrier is constructed. The commenter states as much in the introduction to his comment letter.

- I-17: The yearling recruitment rates presented in DEIR Table III-8 (page III-106) are from data provided by Janene Colby of CDFW to Dr. John Wehausen. The report prepared by Dr. Wehausen as Appendix B.1 was completed in August 2016. The data obtained from Ms. Colby were later published in a CDFW report entitled “*Results of the 2016 PBS helicopter survey in the Peninsular Ranges of southern California*” dated December 22, 2016. The report was completed by CDFW approximately two weeks prior to the completion of the DEIR in January 2017, but had not been made available to the public at that time. These data were also reported in the CDFW Peninsular Bighorn Sheep Annual Reports for 2015 and 2016/2017; the 2017-2018 report also provides recruitment rates. As the commenter states in reference to the rate of lamb/ewe recruitment in the planning area, and as correctly cautioned in earlier comments, one- or two-year’s data is not adequate to draw conclusions about conditions affecting recruitment. It should be noted that lamb recruitment elsewhere in PBS habitat was estimated to be equal or comparable to that estimated for the CSR group (San Jacinto Mts= 0.52, NSRM= 0.43, Coyote Canyon=0.46). Please also see Responses B-4 and K-3.
- I-18: The two referenced sentences (Section III-E.1 and Appendix B.1 of the DEIR) are taken out of context. The more comprehensive statement is as follows:
- “A similar pattern emerged for the 2016 lamb cohort using golf courses. Most lambs have exhibited clinical signs of severe respiratory disease and the deaths of six lambs have been documented on the golf courses. Postmortem analyses of those lambs have found (1) major pneumonia lesions in lungs, (2) presence of Mycoplasma ovipneumoniae in the respiratory tract, and (3) severe copper deficiency.<sup>3</sup> Copper deficiency is known to suppress the immune system and lead to poor performance in young.”* (DEIR page III-106)
- I-19: There is no question that urban development in the Coachella Valley, particularly that within and in proximity bighorn sheep habitat, has impacted the local PBS population. This is not speculation but is based upon decades of research and observation by bighorn sheep experts. Also, please see Response I-10.
- I-20: It is correct that the causes of low lamb recruitment are complex and affected by a range of variables, including an inadequate or improper diet, predation and disease. As the commenter previously noted, the rate of lamb/ewe recruitment in the planning area has been highly variable, and one- or two-year’s data is not adequate to draw conclusions about conditions affecting recruitment. Adult mortality was also discussed in Section III-E and in the Appendix B biological resources report. As noted, since 2012 three adult males (and one lamb) have drowned in the canal and one was struck by a motor vehicle. The population dynamics of the CSR group may be instructive to future bighorn sheep management, as has been the case with the highly effective Rancho Mirage/Cathedral City fence. Also please see Responses I-13 and I-17.
- I-21: The commenter is correct, the number of ewes cited is 20 and not 30. Therefore, the first sentence of the referenced paragraph is hereby revised as follows:

“The numbers of ewes observed using the urban habitat in La Quinta in 2015 and 2016 has been as high as ~~30~~ 20 animals and more.<sup>4</sup>”

<sup>3</sup> Ben Gonzales, California Department of Fish and Wildlife, Unpublished Data.

<sup>4</sup> Janene Colby, CDFW, unpublished data. 2016.

However, during field surveys conducted in 2015 and 2016 by CVCC and its biological resources team (Wehausen et al), a group of more than 30 bighorn sheep were observed at one time at SilverRock Resort, and smaller groups of bighorn sheep also observed at PGA West and The Quarry. More recently, groups of more than 30 animals have been observed at PGA West.

I-22: Comment noted.

I-23: Comment noted. With regard to the claimed “emotive” and “unsubstantiated” claims made with regard to the No Project alternative, the commenter has concurred with the adverse effects of PBS use of the urban interface, including some of the “other stressors” referenced in the DEIR, in the comment letter preface, “This unnatural habituation will likely compromise their immune system, dull their predator awareness, encourage other wild sheep to join them, and jeopardizing CSRM population sustainability.” In the present case, the urban interface can appropriately be termed a potential extinction vortex at least for the local group. It should also be noted that with about two decade’s experience with bighorn sheep using the wildland-urban interface, much is still not known about existing and future conditions along this boundary and their long-term effect on the health and persistence of Peninsular bighorn sheep.

I-24: The commenter’s extensive research and provision of data on herding dogs is appreciated and is substantially that reviewed in preparation of the DEIR. With regard to the potential for use of herding dogs, please see Response I-2.

I-25: The initial counts of dead lambs for the subject period was five; however, a subsequent death raised the number to six. While CDFW staff observed congregation of up to 20 bighorn sheep at one time, CVCC researchers identified one group of 33± animals at SilverRock Resort. The inconsistencies between Section III-E and Appendix B.1 are hereby revised as indicated in Response I-21.

I-26: The DEIR was not drafted “to make the case for the PBS Barrier” as claimed by the commenter. The case for the barrier does not need to be made but is a requirement of the CVMSHCP or a condition of project approval in the case of City of La Quinta’s SilverRock. Appendix B.1 is part of the DEIR and therefore, it was not necessary to repeat all of this appendix in the main document. Please also see Response I-9.

I-27: The purpose of the DEIR was to evaluate the potential adverse environmental effects that could result from the construction of the subject bighorn sheep barrier along each of the analyzed alignments. As part of this evaluation, the DEIR documented the causes of PBS death. Between 2012 and 2017, a total of 19 bighorn sheep have died in the planning area as a result of drowning (4), auto collision (1) poisoning (1), disease (11) and unknown causes (2) (Section III-E.3.1, including page III-104). Also, please see Responses B-4 and I-26.

I-28: Comment noted. CVCC agrees that action is needed to limit the number of bighorn sheep becoming habituated to use of the urban interface, and to ultimately “re-wild” this group. The current intermingling of ewe groups in the Project area should help to redirect and re-educate the members of the urban group to the various forage and water resources available in the wild.

The commenter’s criticism of the potential appearance of the fence is not substantiated by the analysis conducted for this Project and the substantial and varied experience with bighorn sheep fencing in Cathedral City and Rancho Mirage. While placement is important, experience shows that the fence can be sited and constructed in a manner that has minimal impacts on surrounding aesthetic values. Also, please see Responses I-2 and I-24.

- I-29: Comment noted. Every effort is being made to provide an effective response to the encroachment of bighorn sheep into the urban interface in the Project area. It has been necessary to address the issues and concerns of a wide range of stakeholders with varying and sometimes conflicting interests. Again, the commenter's supplemental materials provided with his comment letter are greatly appreciated. The commenter assumes that "dog herding" would be successful although this approach has not yet been tried in this location and hence, there is no certainty that "this short-run action plan can work effectively enough. . ." Please see Responses I-2 and I-22.

**J. Doug Evans, President, Desert Riders Trails Fund, Inc., March 1, 2017**

- J-1: Section III-L of the DEIR determined that the Proposed Project would not result in significant impacts to recreational resources, including trails. Therefore, no mitigation measures are necessary. However, the commenter's concerns are acknowledged, and therefore, the statement under "Gates" on page III-219 of the DEIR is amended as follows:

*"Pedestrian and/or vehicular gates will be provided at strategic locations along the fence line, including but not limited to where the fence crosses the Boo Hoff/Cove-to-Lake Trails, ~~and~~ access roads and trailheads in Lake Cahuilla Recreation Area, and equestrian trail connections at the Lake Cahuilla Recreation Area Horse Camp. Gate locations will be determined in coordination with the USFWS, CDFW, City of La Quinta, La Quinta Fire Department, La Quinta Police Department, Coachella Valley Water District, and other agencies, as necessary, as well as trail user groups including but not limited to the Desert Trails Coalition, Desert Riders, and the CVCC Trails Management Subcommittee. The potential need for separate gates for various trail users (i.e. hiking, equestrian, mountain bikes) and safety features related to each, will be also considered and evaluated during consultation with the various parties. The final design and location of gates will be approved by CVCC. Gate materials are expected to be consistent with those on adjacent fence segments."*

- J-2: Comment noted. The commenter's concern about providing gates to facilitate equestrian access is addressed in comment J-1, above. Regarding the need for signage, the following text is added to page III-219 after the description of Flapper Gates:

*"Signage: Signage will be posted for informational, safety, or other purposes, as necessary, along the fence line, as determined by the CVCC in consultation with the USFWS, CDFW, City of La Quinta, La Quinta Fire Department, La Quinta Police Department, as well as trail user groups including but not limited to Desert Trails Coalition, Desert Riders, and the CVCC Trails Management Subcommittee, and other parties as appropriate. The final number, location, design, and text of signs will be approved by CVCC."*

- J-3: The commenter's concern about separate gate locations for various trail users is addressed in comment J-1, above.

- J-4: As explained on pages I-7, III-15, and elsewhere in Sections I and III of the DEIR, Section 8.2.4.1 of the CVMSHCP requires construction of a barrier to restrict PBS access where bighorn sheep are documented using artificial water and food sources in unfenced urban areas adjacent to a CVMSHCP-designated Conservation area. Alternatives A, A2, B, B2, and C implement and are consistent with the requirements of the CVMSHCP and the Recommended Conservation Guidelines Task 1.2.1.1 of the Recovery Plan for Bighorn Sheep of the Peninsular Ranges, which recommends construction of a fence where PBS are using urban sources of food and water.

Section V of the DEIR includes descriptions of six alternative methods of restricting PBS access to urban lands that were considered during the DEIR process, and explanations of why they do not meet Project objectives and were not considered further.

The DEIR fully informs the public and decision makers about the complexities of land ownership and the need for landowner permission for access to implement the Project. Section III-A.3 provides detailed descriptions of the various land owners in the Project area, land use designations,

past and present land use agreements (including exhibits, where applicable) pertaining to PBS exclusion from these lands, and descriptions of relevant land use policies and plans. Patterns of land ownership are shown on Exhibits I-6 through I-9. The need to acquire permission and/or right-of-use, encroachment, or equivalent permits from various land owners is described throughout the EIR. Impacts of each alternative, and their consistency or conflicts with applicable land use plans, are evaluated in Section III-A.

Prior to and during the preparation of the DEIR, CVCC undertook an extensive public outreach effort to meet and consult with various land owners, homeowners' groups, and other stakeholders in the Project area to address access, visual impacts, and numerous other concerns. These efforts are described on page I-4 of the DEIR, and comments received are provided in Appendix A. Based on feedback and concerns received during this effort, CVCC developed four Project alternatives (Alternatives A, B, B2, and C), that offer varied alignments specifically tailored to avoid and/or minimize impacts to land owners. Alternative B2, in particular, was developed to lessen or avoid impacts associated with access to privately owned land (see page DEIR I-19). The alignments were revised and refined throughout the DEIR process to be as responsive as possible to stakeholders, while still striving to meet Project objectives. The Proposed Project A2 was developed to address concerns by PGA West management and homeowners. Sections F.4.1 and F.4.2 state that permission will be required from private landowners to access their lands.

- J-5: Comment noted. The use of alternative methods of restricting PBS access to urban land in the Project area was evaluated in Section V of the DEIR. For the reasons explained in Section V, it was determined that none of the methods would meet the Project objectives. Gates on the golf cart bridges were not selected due to concern that bighorn sheep would be more likely to enter the Coachella Canal in an effort to get across to golf course and landscaped areas, putting them at risk. The use of herding dogs was determined not to be consistent with CDFW regulations for fully protected species. The alternative methods in Section V would not comply with the CVMSHCP provision that a barrier be constructed when PBS are documented using artificial water and food sources in unfenced urban areas adjacent to a Conservation Area.
- J-6: The commenter's opinion is noted.

**K. Brien Miller, March 3, 2017**

- K-1: The commenter quotes a statement in Appendix B.1 regarding the effects of pneumonia on lamb survivorship and questions the data supporting this statement. The statements quoted by the commenter identify a concern that healthy ewes can harbor bacteria that cause pneumonia and, while remaining unaffected by the pathogens themselves, can spread it to other PBS, including lambs. The CDFW Peninsular Bighorn Sheep 2015 Annual Report states, “. . . Consistent, high quality forage conditions, such as those provided by golf courses, allow large numbers of ewes and lambs to concentrate within a very small area for prolonged periods of time and thus may facilitate the spread of disease to a larger percentage of the lambs within the nursery group” (page 6). The spread of disease in PBS is a significant concern, given that disease was the major contributing factor to PBS population declines in the 1970s to mid-1990s. This decline contributed to the listing of PBS as endangered in 1998. The potential for spread of disease is an ongoing concern for this species and suggests a cautious approach in handling the presence of pneumonia in the urban ewe group.
- K-2: A wide range of variables appear to affect rates of lamb recruitment, including rainfall and the availability of water and forage. Predation also varies over time and makes a greater or lesser contribution to bighorn sheep mortalities over different periods. Some of those unpublished data cited in the B.1 appendix have since been published, as noted. References to unpublished data are provided in Response K-3, below.
- K-3: The only “unpublished data” cited in the DEIR Section III-E (Biological Resources) was obtained by Dr. Wehausen from Janene Colby and Ben Gonzales at CDFW, as stated in footnotes #102, 104, and 107. The report prepared by Dr. Wehausen as Appendix B.1 was completed in August 2016. The data obtained from Ms. Colby was later published in a CDFW report entitled “*Results of the 2016 PBS helicopter survey in the Peninsular Ranges of southern California*” dated December 22, 2016. The report was completed by CDFW approximately two weeks prior to the completion of the DEIR in January 2017 but had not been made available to the public at that time. Upon receipt of the report, CVCC made it available on the CVMSHCP website at: [http://www.cvmshcp.org/pdf%20files/DEIR%20Documents/PBS\\_CDFW\\_final\\_12\\_23\\_16.pdf](http://www.cvmshcp.org/pdf%20files/DEIR%20Documents/PBS_CDFW_final_12_23_16.pdf). The data regarding lamb survival rates was also later published in the 2016-2017 Annual Report which covers the period from January 2016 to May 2017 and the 2017-2018 Annual Report which covers the period from June 1, 2017 to May 31, 2018.
- The data obtained from Ben Gonzales, as stated on page III-106, consisted of postmortem analyses of lambs that died on the golf courses.
- The DEIR is consistent with the CEQA, including the citations referenced by the commenter. The DEIR includes nearly 200 footnotes and identifies data sources for all tables and exhibits. Section IX references more than one hundred documents, contacts, and websites used in its preparation. The DEIR was distributed to numerous stakeholders and made available on the CVMSHCP website and at the CVCC office and City of La Quinta Public Library. All technical reports were included as appendices, with the exception of Appendix C, a cultural resources survey which contains confidential information that is not publicly available but was provided to appropriate parties.
- K-4: Before construction of the fence, incidents of bighorn sheep deaths in Rancho Mirage were documented and were associated with drowning in residential pools adjacent to habitat and to collisions with vehicles on State Highway 111. Mortalities in Rancho Mirage may also have been associated with the spread of respiratory disease from concentrations of PBS using lawns and waters sources adjacent to Rancho Mirage habitat, including that at the Ritz-Carlton Hotel and residential subdivisions in proximity to PBS habitat. Augmentation of the PBS population by the Bighorn Institute also helped reverse a trajectory toward extinction in the NSRM herd.



- K-5: As noted in Response B-4, insufficient data is available to reach a conclusion that use of the urban environment increases lamb mortality or that lamb mortality is higher in urban areas compared to wild habitat. However, given that outbreaks of infectious disease in wild sheep are difficult to manage, it is important to seek ways to avoid the unnatural congregation of PBS which increases the spread of disease in PBS.
- K-6: Comment noted. It is difficult to expect increases in ewe group population with increased lamb mortality.
- K-7: Comment noted. The DEIR is based on a wide range of relevant technical data and information that has been made available to decisions makers and the public. See also Response K-3.

**L. Michael Bromley, February 11, 2017**

- L-1: The commenter's statements about Alternative A are based on findings made in the DEIR. CVCC acknowledges the commenter's statements about PBS preference for mountain and hillside habitat, which is supported by statements in Section III-E.3, Appendices B.1 and B2, and other sections of the DEIR.
- With respect to the commenter's statements about the suitability of the La Quinta Cove wash, it is unclear what area is being suggested to be excluded from calculations of habitat available to PBS. Exhibit III-13, Central Santa Rosa Mountains Herd Ewe Groups Map, does not include the La Quinta Cove as part of the ewe groups' home range. The DEIR does not indicate that the La Quinta Cove Wash is suitable habitat for PBS or include it in calculations of remaining habitat available to the bighorn sheep. In any case, the intent is that the Proposed Project will minimize impacts to suitable PBS habitat as much as possible.
- L-2: The commenter's statements about Alternatives B and B2 are based on findings made in the DEIR.
- L-3: The commenter's statements about Alternative C are based on findings made in the DEIR.
- L-4: The commenter's opinion is noted. The Proposed Project A2 achieves the goal of limiting the loss of habitat for PBS as much as possible while addressing concerns of the PGA West property owners whose permission is necessary to complete the segment of the fence adjacent to their golf course.

**M. James R. DeForge, Executive Director, Bighorn Institute, February 24, 2017**

- M-1: Comment acknowledged.
- M-2: The commenter is correct that the DEIR describes alternatives which would restrict PBS access to varying amounts of habitat. The amount of PBS habitat loss is an essential criterion for determining impacts, as is the ability of the CVCC to mitigate for this loss. The Proposed Project A2 will minimize the loss of accessible PBS habitat as much as possible, given the statement by property owners in comment letters and elsewhere that access to install a fence would not likely be granted. The commenter correctly notes that the No Project alternative maintains the status quo, and allows PBS to continue to depend on the urban landscape. Dependence on urban sources of food and water puts bighorn sheep at risk of losing their innate lamb rearing behaviors and knowledge of natural sources of forage and water.
- M-3: Alternative A2 has been selected as the Proposed Project because it minimizes the loss of PBS habitat while the other build alternatives result in greater loss of habitat. Access to private property may not be permitted in some portions of the Alternative A route such as west of PGA West's golf tee boxes. The lack of landowner permission for access to construct the fence necessitates the modifications of Alternative A2. The limited amount of habitat loss allows the fence to be constructed so that PBS are no longer negatively impacted by having access to the Coachella Canal, adjacent roads and urban landscapes with toxic plants. Also, please see Responses A-3 and 9, F-15 and M-2.
- M-4: Mitigation Measure BIO-2 explicitly requires monitoring of all Project-related disturbances that could affect special status species including PBS. Mitigation Measure BIO-3 sets forth multi-stepped monitoring procedures beginning with pre-construction surveys. To further address the need for monitoring, Mitigation Measure BIO-13 has been added as described in Response B-9. Please see Section III-E.4.2 of the DEIR. Also, please see Responses B-10 and F-24.
- M-5: Comment noted. The commenter suggests that the use of the Transfer of Conservation Objectives to mitigate habitat impacts is uncertain and that mitigation might not be possible. The objectives associated with a transfer would have to be met as described in Section 6.12.3 of the CVMSHCP. Through this transfer, jurisdictions can allow some portion of their available authorized disturbance to be used to mitigate for habitat loss. The transfer would not reduce the acreage that must be conserved for PBS under the CVMSHCP. Essentially, a transfer would remove development potential from the acres of habitat involved and "use up" at least some of the available authorized disturbance. It would not result in a reduction in required conservation and would not increase take given that the primary objective of the Project is to reduce take of PBS. The CVMSHCP requires that a transfer maintains conservation value of the lands that will be conserved which are of greater or equal habitat value. There will be no net loss in the amount or quality of habitat as required under the CVMSHCP. Also, please see Responses A-3, A-5, B-2, and F-20.
- M-6: Comment noted. The issue of providing artificial water sources in the planning area has been discussed amongst bighorn sheep managers for many years and opinions differ. The mitigation measure does not direct the development of water sources within view of the adjoining urban lands, but rather states the following: *"It may be possible to provide water sources in view of the golf courses that would allow the public to see bighorn sheep up on the ridgelines but keep them away from urban areas."* Emphasis added. (DEIR Mitigation Measure BIO-10, page III-117). If approved, artificial water sources may need to be located in proximity to existing water infrastructure, similar to the artificial water source at Magnesia Canyon in Rancho Mirage, which is maintained for PBS. As provided in the mitigation measure, such an action will require consultation with the wildlife agencies.

- M-7: Comment noted. CVCC will confer and coordinate with the wildlife agencies on construction and post-construction monitoring. The frequency of fence monitoring may vary with location, but the commenter's point is an important one that is directed to ensuring that the fence remains a safe and effective barrier. An additional mitigation measure, BIO-13, has been added as described in Response B-9. Also, see Responses B-10, F-24, and M-8.
- M-8: The commenter cites concerns about the need for a post-construction plan on how PBS will be encouraged to return to natural habitat "should they become entrapped on the urban side of the fence." The Proposed Project A2, which is primarily along the toe of the slope, will facilitate managing the movement of bighorn sheep should they end up on the wrong side of the fence. CVCC acknowledges that this can be especially difficult when they are habituated to people; and thanks to the Bighorn Institute for insight based on years of experience. In addition to the use of wildlife managers, helicopters have been used in the past to haze and herd bighorn sheep. For the reasons cited in the comment, helicopter use to herd bighorn sheep behind the fence is not the preferred means of accomplishing this task but is not ruled out. Mitigation Measure BIO-14, which calls for a post-construction strategic management plan, has been added as described in Response B-10.
- M-9: Comment noted. As indicated in Response B-10, Mitigation Measure BIO-14 has been added to ensure the preparation of a post-construction strategic management plan. This plan will include emergency repairs, communication and coordination among appropriate agencies, trained and permitted personnel, and weekend/holiday contingencies. CVCC will confer and coordinate with the wildlife agencies, property owners and/or managers, Bighorn Institute, and other parties, as appropriate, to develop and implement this plan.
- M-10: Comment noted. The need for trained and permitted personnel is included in Mitigation Measure BIO-13. Please also see Responses M-8 and M-9.
- M-11: Comment noted. Conflicts between PBS and vehicular traffic are documented on pages I-6 and III-35 of the DEIR. Safety of humans as well as PBS is a definite concern. The proposed fence is designed to minimize and/or eliminate such occurrences.
- M-12: Comment noted. The CVCC agrees that mountains views are important to residents and visitors alike. The value of mountain views in the Coachella Valley is acknowledged and discussed in Section III-I.3.1 of the DEIR. Visual impacts of Alternative B are analyzed in Section III-I.5.1. The analysis found that potential visual impacts of Alternative B would be less than significant, particularly in proximity to Tradition, SilverRock, and PGA West due to horizontal and vertical distance between viewers and the fence, intervening terrain, and a tendency of viewers in the Project vicinity to be focused on ground-level views, resulting in lower sensitivity to the fence. The Proposed Project includes a segment adjacent to PGA West that will go up and over the ridge above the golf course. The Alternative A2 alignment was developed to address concerns about visual and viewshed impacts from PGA West residents and owners, and in response to Reclamation and CVWD concerns regarding canal maintenance. This alignment has been presented at PGA West homeowner's association meetings and has been favorably received. As the commenter notes, the fence will use materials and coloration so it blends into the hills and will not be noticeable.
- M-13: Comment noted.
- M-14: Comment noted.

**N. Mark L. Johnson, February 7, 2017**

N-1 Comment noted.

N-2 The commenter's opinion in support of Alternative C is noted. Impacts to trails are analyzed in various sections of the DEIR, particularly Sections III-I (Visual Impacts) and III-L (Recreational Resources). Section III-L of this final FEIR describes plans for gates to be installed at locations where the proposed Alternative A2 alignment crosses the Boo Hoff or Cove to Lake trails so trail use would not be affected.

N-3 Comment noted. As mentioned on pages I-4, III-19, III-26, III-29, III-40 and elsewhere in the DEIR, CVCC will coordinate with CVWD to assure the Project does not adversely impact access, operation, maintenance, or other aspects of CVWD facilities or infrastructure, including but not limited to the Coachella Canal, Lake Cahuilla, above-ground water reservoirs, and stormwater improvements. CVCC will obtain the necessary encroachment or right-of-use permits, or their equivalent, prior to accessing or using CVWD land for fence installation, staging, or other purposes.

**O. David Heltsman, February 10, 2017**

- O-1 Comment noted. The Proposed Project is necessary to minimize and/or eliminate injuries and deaths of PBS, occurrences which are considered “take” under the federal Endangered Species Act. The Project is required to comply with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), which requires construction of a barrier where Peninsular bighorn sheep are documented using artificial sources of water and forage in unfenced urban areas adjacent to a Plan-designated Conservation Area.
- O-2 The commenter’s appreciation of opportunities to see bighorn sheep is understandable. The natural habitat and foraging behaviors of Peninsular bighorn sheep are described on pages III-100 through III-107 and Appendix B.1 of the DEIR. The text explains that the species is well-adapted to the naturally-occurring climatic extremes and variable growing seasons of the desert environment, including those that occur during periods of drought, and that multiple natural food and water sources to support the species are available in the Santa Rosa Mountains. Exhibit III-13 identifies natural water sources and the home ranges of wild-living ewe groups living and foraging in the mountains. The text also explains that the Central Santa Rosa Mountains ewe group that appears to have shifted to an urban habitat home range pattern lived as wild bighorn sheep relatively few years ago. The commenter’s statement that there is insufficient forage in the mountains is not substantiated by evidence. While golf courses do provide nutritious forage, use of these areas also exposes PBS to unnecessary risks including drowning, toxic plants, disease transmission and other impacts. More recently CVCC has received complaints from property owners and homeowners’ associations about the damage being caused by PBS trampling or eating landscape plants. Concerns have also been expressed about the safety hazard of having large herds of PBS crossing streets in residential neighborhoods and walking along roadways such as Avenue 52 and Jefferson Street.
- The commenter’s observations about bighorn sheep ages and appearance are noted.
- O-3 The Proposed Project will not exclude PBS from their natural food source. See Response O-2. Pages III-100 through III-107 and Appendix B.1 of the DEIR explain that the natural habitat for the species is the slopes and rocky terrain of the Santa Rosa Mountains, which contain sufficient natural sources of water and forage.
- O-4 As noted on page III-100 and Appendix B.1, predation has greatly influenced the evolution of PBS and their selection of habitat. Their excellent eyesight and agility on rocky slopes are the primary means of detecting and evading predators; their shorter legs and stocky build enhance their agility on steep, rocky slopes, but preclude the ability to outrun predators in less rocky terrain. As described in the DEIR (Section E.3.1, page III-103) a significant concern about PBS use of golf courses and urban area is that females “bring young lambs into the urban interface, a behavior that strongly contrasts with the innate tendency of females in the wild to trade off nutrient intake for safety of young lambs.” PBS that use urban environments for forage and water demonstrate a willingness to venture farther from safe habitats and are more vulnerable to predation.
- The commenter’s observation indicates that predators are present on golf courses, including one in the Project area. The Project will exclude PBS access to urban development, including golf courses, in which they may be more vulnerable to predation. No direct predator control measures are proposed.
- O-5 Comment noted. The Proposed Project addresses urban-related hazards affecting Peninsular bighorn sheep, which occupy the Peninsular Ranges of southern California and are designated as endangered species under the federal Endangered Species Act. It is necessary to comply with the CVMSHCP, which requires construction of a barrier as a management measure to exclude the

species from urban water and forage sources. It should be noted that installation of the fence will necessarily occur in phases allowing PBS to adjust to being excluded. Monitoring of PBS post-construction will be carried out to evaluate PBS response to the fence and address any potential concerns. The fence installed in Rancho Mirage in 2002 demonstrates that PBS can be safely and effectively excluded from using urban areas for food and water. The Rancho Mirage PBS herd provides an example in this desert environment that PBS can and do return to their natural habitat and find adequate food and water to survive. Please also see Response H-4.

O-6

Comment noted. The commenter's support for conservation of bighorn sheep is appreciated. The potential for relocation of PBS is discussed in Section V of the DEIR, page V-5. As described in the DEIR, PBS roam across broad expanses of habitat to get the food and water they need due to the limited availability of these resources. Relocation of PBS to other locations is challenging because PBS that are habituated to and are intimately familiar with an area where food and water is readily available will return to these areas. Also, "Relocating individual sheep does not remove the attractiveness of urban sources of food and water and other PBS in the vicinity would likely move into these areas." For these and other reasons discussed in the DEIR, relocating PBS was determined not to be a viable option to meet project objectives.

**P. Rich Jarvinen, March 3, 2017**

- P-1 Comment noted. As noted in Section F.2.E, one of the Project objectives is to ensure continued access to authorized area trails. The CVCC will coordinate with public land managers, including BLM, the CVCC Trails Management Subcommittee, and other stakeholders as appropriate, to assure the Project is consistent with the referenced Trails Plan revisions and the CVMSHCP. The Project will not impact trail regulations, restrictions, closures, or monitoring. Gates will facilitate trail user access and exclude PBS access across the fence.
- P-2 Comment noted. Exhibit III-16 depicts all existing trails in the Project vicinity: 1) Bear Creek Trail, 2) Cove to Lake Trail, 3) Boo Hoff Trail, and 4) Cove trail network. The Boo Hoff and Cove to Lake Trails are described on page III-263 of the DEIR. Other trails listed in the Trails Plan are not identified because they are not in the Project area. The nomenclature used in the DEIR reflects the trails or trail segments being discussed. To clarify, the Boo Hoff Trail and the Cove to Lake Trail are separate trails as depicted in Exhibit III-16.
- P-3 Exhibit III-16 of the DEIR depicts existing and proposed trails in the Project vicinity, including the Boo Hoff Trail, Cove to Lake Trail, Cove trail network, Bear Creek Trail, and proposed All-American Channel Trail.
- As noted in Section F.2.E, one of the Project objectives is to ensure continued access to authorized area trails. Potential impacts to trails resulting from each Project Alternative are addressed in numerous sections of the DEIR, including III-B (Traffic/Circulation), III-I (Visual Resources), III-J (Public Services/Utilities), III-K (Hazards and Hazardous Materials), and III-L (Recreational Resources). In each section, the analysis determines that the Project alternatives will result in less than significant environmental impacts. Public access and use of trails will not be impacted by the Project, other than the installation and use of pedestrian/vehicular gates where the fence crosses a trail/road.
- As indicated in Section 1.5.2-L of the Final EIR, the Proposed Project using the Alternative A2 alignment will require gates at appropriate locations to allow passage of trail users, including hikers, bikers, and equestrians. These locations include: 1) across the wash where the Cove to Lake Trail meets the Boo Hoff Trail, 2) where the Cove to Lake Trail intercepts the fence, and 3) associated with the horse camp at Lake Cahuilla. As noted on page I-10 and elsewhere in the DEIR, the precise number and location of gates will be determined in consultation with adjacent property owners, wildlife agencies, City of La Quinta, land managers, and trail user groups. Please also refer to Response J-1, which amends the DEIR by adding trail user groups (including the Desert Trails Coalition, Desert Riders, and the CVCC Trails Management Subcommittee) to the consultation process. Gates are described on pages I-10, III-219, and various impacts discussions of Section III. Photos of gates used in previously constructed bighorn sheep barriers in the Coachella Valley are provided on Exhibits I-5 and Appendix E as examples of future gates to be installed in conjunction with the Proposed Project. Please also see Response P-1.
- P-4 Comment noted. Gates are proposed for the purpose of facilitating human access and prohibiting PBS access across the barrier. Gates will not be used to regulate or monitor trail use or restrictions; as such, gates will not include locking mechanisms and access will not be restricted to certain hours of day, or days per year. As explained on page I-10 and elsewhere in the DEIR, the number and location of gates will be determined in consultation with wildlife agencies, land managers, and appropriate City personnel as well as trail user groups as indicated in Response J-1. The DEIR explains that gates will be self-closing.



- P-5           The commenter expresses concern for the safety and fragility of the Boo Hoff/Cove to Lake Trails, which is referred to as “the Trail” in this comment. Given the reference to the “wash along the Quarry development” it is assumed the commenter is referring to the Cove to Lake trail. The Proposed Project along the Alternative A2 alignment does not cross the Boo Hoff trail. Also see Response to Comments J-1, which amends the DEIR by adding trail user groups (including the Desert Trails Coalition, Desert Riders, and the CVCC Trails Management Subcommittee) to the consultation process. The various parties will have an opportunity to address the need for gate access for alternative trail routes that may arise during weather events. The Project is not expected to impact trail fragility due to weather. Where hydrological runoff concerns exist, the proposed barrier will include flapper gates that facilitate passage of runoff and debris during rainstorms and flooding events (see Section III-D, Hydrology). Maintenance of trails, including the Cove to Lake trail, is not part of the Proposed Project. However, to the extent that the proposed fence impacts the safety of the Cove to Lake trail, CVCC will work with the City of La Quinta and the Quarry to address these concerns. Therefore, no additional discussion of dedicated resources for the purpose of trail safety or public access is necessary.
- P-6           Comment noted. The 2014 Trails Plan identifies one potential new trail in the Project vicinity: the East La Quinta Cove Trail on the western flank of the Coral Reef Mountains. This proposed new trail is not within the planning area for this Project.

**Q. Susan Fry, February 27, 2017**

- Q-1 The commenter's concerns about taking space away from PBS are appreciated. It is correct that areas such as PGA West, which are now occupied by homes and golf courses, served as habitat for bighorn sheep in the past. Water sources and food are available to PBS in the mountains, wildland habitat and alluvial fans of the Santa Rosa Mountains. Please also see Responses C-5, F-3, H-4, J-4, M-2, O-2, and O-5.
- Q-2 The Alternative A2 alignment has been developed in response to comments received on the DEIR, to address concerns from property owners and management at PGA West, as well as concerns about limiting habitat loss for bighorn sheep. Meetings with property owners and homeowners' associations provided an opportunity for give and take.
- Q-3 The commenter correctly observes that PBS become habituated to the presence of humans. The DEIR does not suggest that human interaction will frighten PBS but rather, as stated in Appendix B.1, page 4, "this species readily develops a tolerance for human activities that are geographically predictable and non-threatening." The reason for the fence is to keep bighorn sheep away from hazards and dangers they encounter in urban areas – roads, canals, poisonous plants – and to discourage them from dependence on human sources of food and water. Observations of PBS near the shooting range indicate they can become habituated to this noise. Please also see Response H-8 regarding the shooting range.
- Q-4 Comment noted.
- Q-5 Options for man-made water sources for the bighorn sheep are being considered. Mitigation Measure BIO-10 calls for provision of alternative water sources upslope of the fenced areas. While the commenter correctly states that bighorn sheep habitat has been lost to human development, large expanses of suitable habitat are available to bighorn sheep in the Santa Rosa Mountains surrounding La Quinta. Please also see Responses H-4 and O-5.
- Q-6 Comment noted. No effort to plant vegetation for bighorn sheep has been attempted in this area.

**R. Shirley Nichols and Gary Sharman, January 13, 2017**

- R-1           Comment noted. As explained on page I-9 of the DEIR, the design (including height, materials, gaps, and gates, and other characteristics) of the proposed barrier is consistent with the guidelines provided by the U.S. Fish and Wildlife Service in the Recovery Plan for Bighorn Sheep of the Peninsular Ranges. The alignment and end points of the barrier have been carefully considered to effectively minimize and/or eliminate opportunities for bighorn sheep to find a way around the fence. The Project is necessary to protect Peninsular bighorn sheep from urban hazards comply with the provisions of the Coachella Valley Multiple Species Habitat Conservation Plan. Funds for the proposed fence are not taxpayer's money but are management contingency funds specifically set aside for this purpose.
- R-2           Comment noted. The DEIR analyzed potential visual impacts in Section III-I and determined that impacts would be less than significant. The analysis evaluated the sensitivity of various types of viewers, including residents, to the fence. The Alternative A2 alignment was developed in response to concerns from PGA West homeowners and management about the visual impacts of a fence along the toe of slope, immediately adjacent to the golf course. To reduce the visual impacts, the fence adjacent to PGA West golf course will be routed over the ridge. Visual impacts will be minimized by a color palette for the fence that complements the desert landscape. The distance between viewer and fence, and the intervening background terrain will also help reduce the visibility of the fence. Please also see Responses H-9, M-12.
- R-3           The commenter's appreciation of our beautiful bighorn sheep is appreciated. The Project is intended to minimize the potential for disease transmission and "take," including harm, injury and death, of this endangered species.

**S. Dennis Gallifent, January 24, 2017**

- S-1           The commenter's opinion is noted. The City of La Quinta installed a fence along the toe of slope adjacent to SilverRock golf course, consistent with a condition of approval on the SilverRock project. The Proposed Project is necessary to comply with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), which requires construction of a barrier where Peninsular bighorn sheep are documented using artificial sources of water and forage in unfenced urban areas adjacent to the Santa Rosa and San Jacinto Mountains Conservation Area.

**T. B. Costello, February 6, 2017**

- T-1           The commenter expresses concern about the bighorn sheep being denied food and water and the potential impacts of climate change. The DEIR identifies twelve urban-related PBS mortalities since 2012 (page I-6), six adults and six lambs. Since the DEIR was released, the number of urban-related PBS mortalities has increased by 8 (1 adult and 7 lambs), for a total of 20 urban-related PBS mortalities since 2012. These deaths were due to various factors – drowning in the canal, oleander poisoning, auto collision, and disease – not directly due to eating and drinking at SilverRock. The number of mortalities in the mountains is not monitored although deaths of collared bighorn sheep are tracked, and observations of dead animals are reported to CDFW and USFWS. As stated in the DEIR (page III-5) the City of La Quinta included a mitigation measure to install a fence at SilverRock when the project was approved. The potential for relocating bighorn sheep is discussed in Response O-6. Please also refer to Responses B-4, H-1, H-6, H-7, I-11, I-27, and K-1.

**U. Ian Gellatly, February 5, 2017**

U-1 The commenter's opinion is noted.

As regards the commenter's statement about fencing off the canal to prevent bighorn sheep falls and drownings, encroachment of PBS into urban areas extends beyond the vicinity of the Coachella Canal and generally reaches from Tradition Golf Club on the north to the Quarry Golf Club on the south. Placement of a fence around the canal could prevent PBS drownings in the canal, but would not eliminate PBS access to and injury or death resulting from other urban hazards, including poisoning from non-native landscaping, traffic collisions, and accessing swimming pools, golf ponds, or other bodies of water, all of which constitute "take" under the federal Endangered Species Act. CVCC has discussed the option of fencing off the canal with the two responsible agencies, the federal Bureau of Reclamation which owns the canal and Coachella Valley Water District which manages it. Due to requirements for access and maintenance, this option is not feasible. The Proposed Project has been reviewed and discussed with both agencies to address their concerns about the alignment of the fence in the vicinity of the Coachella Canal.

The Project is proposed to comply with the provisions of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), which requires construction of a barrier where Peninsular bighorn sheep are documented using artificial sources of water and forage in unfenced urban areas adjacent to a Plan-designated Conservation Area.

As described in Section III-A.3.1 of the DEIR, much of the PBS encroachment into urban areas in the Project area has occurred at SilverRock Resort. SilverRock is required in its development approvals to construct a bighorn sheep fence if PBS begin using its land, and as explained on page III-22, the City of La Quinta City Council authorized construction of a temporary bighorn sheep exclusion fence in SilverRock prior to issuance of building permits or onsite construction. The fence was installed in March 2017.

**V. Jimmy Tucker, February 11, 2017**

V-1 The commenter's opinions are noted.

As regards the commenter's statement about placement of the fence around the canal to prevent animal drownings, CVCC has discussed the option of fencing off the canal with the responsible agencies, the Bureau of Reclamation and Coachella Valley Water District and this option is not feasible due to ongoing operations and maintenance needs. Also, encroachment of PBS into urban areas extends beyond the vicinity of the Coachella Canal, and generally reaches from Tradition Golf Club on the north to the Quarry Golf Club on the south. Please also see Responses T-1 and U-1.

**W. Pam Sklar, February 27, 2017**

W-1 The commenter's opinion is noted.



**X. Robert and Liz Waska, February 1, 2017**

- X-1 The commenter's opinion is noted. The Proposed Project is necessary to comply with the provisions of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), which requires construction of a barrier when Peninsular bighorn sheep are documented using artificial forage and water sources in unfenced urban areas within or near a Conservation area. As explained in Section F.4.4 in the DEIR, Alternative D, the "No Project" Alternative, would not meet the Project objectives because it would not avoid or lessen urban-related impacts to PBS.

**Y. Scott Connelly, February 8, 2017**

- Y-1      Comment noted. The Proposed Project seeks to protect PBS and preserve their habitat, following the Alternative A2 alignment, which eliminates the fewest acres of habitat from bighorn sheep access.

**Z. Scott Doyle, February 3, 2017**

- Z-1           The commenter's support for Alternative C is noted. The Proposed Project follows the Alternative A2 alignment. Alternative C results in by far the greatest potential loss of accessible habitat, approximately 2,397 acres. The ultimately approved Project must compensate for the loss of accessible habitat and Alternative C presents the greatest challenge in this regard. Please also see Response H-12.

**AA. Virginia Chadwick, February 27, 2017**

AA-1           The commenter's support of Alternative A is noted.

**BB. Audrey Perkins, February 27, 2017**

BB-1           The commenter's support of Alternative A is noted.

**CC. Betty Ann Haggard, February 27, 2017**

CC-1           The commenter's support of Alternative A is noted.

**DD. David Bennett, February 27, 2017**

- DD-1            The commenter's opinions are noted. Urban-related deaths of Peninsular bighorn sheep and the habituation process of ewes and lambs foraging on urban golf courses and interfaces are documented in Section III-E, Appendix B.1, and elsewhere in the DEIR.
- DD-2            The commenter's opinions are noted. Foraging behaviors and urban-related illnesses of PBS are discussed in Section III-E and Appendix B.1.
- DD-3            The commenter's support of Alternative A is noted.

**EE. Ellen Alperstein, February 27, 2017**

- EE-1           The commenter's opinions are noted. The Proposed Project is necessary to comply with the provisions of the Coachella Valley Multiple Species Habitat Conservation Plan and protect Peninsular bighorn sheep from urban-related hazards. Urban-related deaths of PBS and the habituation process of ewes and lambs foraging on urban golf courses and interfaces are documented in Section III-E, Appendix B.1, and elsewhere in the DEIR. The Proposed Project seeks to protect PBS and preserve their habitat, following the Alternative A2 alignment. Please also see Response F-4.



**FF. Henry C. Goodman, February 27, 2017**

- FF-1            The commenter's opinion is noted. Pages III-100 through III-107 of the DEIR describe the natural foraging habits of Peninsular bighorn sheep and explain that the species is well-adapted to the naturally-occurring climatic extremes and variable growing seasons of the desert environment, including those that occur during periods of drought. This portion of the DEIR explains that sufficient natural food and water sources to support the species are available in the Santa Rosa Mountains. The commenter's statement that the bighorn sheep were using golf courses due to the drought and will migrate back into the mountains now that the hills are green is not substantiated by evidence.

**GG. Michael Byard, February 27, 2017**

GG-1           The commenter's support of Alternative A is noted. The Proposed Project seeks to protect PBS and preserve their habitat, following the Alternative A2 alignment.

**HH. Sandy Emory, February 27, 2017**

HH-1            The commenter's support of Alternative A is noted. The Proposed Project seeks to protect PBS and preserve their habitat, following the Alternative A2 alignment.

**II. Zara Bennett, February 27, 2017**

- II-1 The commenter's support of Alternative A is noted. The Proposed Project seeks to protect PBS and preserve their habitat, following the Alternative A2 alignment.

**JJ. Dan Zeising, January 12, 2017**

- JJ-1           The installation of gates at canal crossings was considered and evaluated on page V-5 of the DEIR. It was determined that gates would be ineffective at minimizing urban-related hazards to bighorn sheep because bighorn sheep would continue to be able to access golf course improvements located between the mountains and canal, as well as urban land elsewhere in the project area. Gates would prevent bighorn sheep from crossing canal bridges, but could instead encourage them to enter the canal to reach urban land, which has resulted in multiple bighorn sheep drownings and rescues in the past.

**KK. State of California Governor's Office of Planning and Research, March 3, 2017**

This agency provided no comments on the DEIR.



# **LA QUINTA PENINSULAR BIGHORN SHEEP BARRIER**

---

## **FINAL ENVIRONMENTAL IMPACT REPORT**

### **3.0 COMMENT LETTERS**

---

The following correspondence comprises all of the comment letters and/or emails received during the public review period for the Draft EIR transmitted to various public agencies and interested parties. Comments restated verbatim in Section 2.0 are those bracketed in this section and correspond to the comment letters and numbers in Section 2.



State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Blvd., Suite C-220  
Ontario, CA 91764  
(909) 484-0459  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**EDMUND G. BROWN, Jr., Governor**  
**CHARLTON H. BONHAM, Director**



A

March 3, 2017  
*Sent via email*

Ms. Katie Barrows  
Coachella Valley Conservation Commission  
73710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260  
[kbarrows@cvag.org](mailto:kbarrows@cvag.org)

Subject: Draft Environmental Impact Report  
La Quinta Peninsular Bighorn Sheep Barrier Project  
State Clearinghouse No. 2016021102

Dear Ms. Barrows:

The California Department of Fish and Wildlife (Department) appreciates the opportunity to comment on the Draft Environmental Impact Report (DEIR) for La Quinta Peninsular Bighorn Sheep Barrier Project (project), State Clearinghouse No. 2016021102. The Department is responding to the DEIR as a Trustee Agency for fish and wildlife resources (Fish & G. Code Sections 711.7 and 1802, and the California Environmental Quality Act [CEQA] Guidelines Section 15386), as a Responsible Agency regarding any discretionary actions (CEQA Guidelines Section 15381), such as the issuance of a Lake or Streambed Alteration Agreement (Fish & G. Code Sections 1600 *et seq.*), a California Endangered Species Act (CESA) Permit for Incidental Take of Endangered, Threatened, and/or Candidate species (Fish & G. Code Sections 2080 and 2080.1) and/or for administering the Natural Community Conservation Planning Program (NCCP).

The Department issued Natural Community Conservation Plan Approval and Take Authorization in 2008 for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), as per Section 2800, *et seq.*, of the California Fish and Game Code. The CVMSHCP established a multiple species conservation program to minimize and mitigate habitat loss and the incidental take of covered species in association with activities covered under the permit. The Department is providing the following comments as they relate to the project's consistency with the CVMSHCP and the CEQA.

The primary purpose of the project is to create and maintain a barrier that prevents Peninsular bighorn sheep (PBS) from accessing developed areas, including golf courses, residential lots and other urban development located at and beyond the toe of slope of the Santa Rosa Mountains, consistent with the CVMSHCP in the City of La Quinta, Riverside County. The Project is located east of the La Quinta Cove, south of Avenue 52 and north of Coral Rock and the future Coral Canyon development. The DEIR was prepared to identify the proposed project's direct, indirect, and cumulative environmental impacts; to discuss alternatives; and to propose mitigation measures that avoid, minimize, or offset significant environmental impacts. Five alternatives were analyzed: Alternative A (toe-of-slope), Alternative B and B.2 (ridgeline), Alternative C (Cove-to-Lake), and Alternative D (no project alternative).



The Department and the U.S. Fish and Wildlife Service (Service) (collectively known as the Wildlife Agencies) sent a joint letter on February 28, 2014, noticing the Coachella Valley Conservation Commission (CVCC) and the City of La Quinta that a fence is required for protection of PBS from the urban environment. The Wildlife Agencies April 2, 2015 letter responded to proposed fence alternatives provided by CVCC in their letter dated November 11, 2014. The Department provided CVCC a third letter on December 2, 2016, highlighting CVCC's responsibility to ensure the fence is built, encouraging the expeditious completion of the DEIR, and expressing concerns about maximizing preservation of habitat necessary for PBS foraging and lambing areas.

The Department's comments and recommendations on the DEIR are explained in greater detail below and summarized here. The Department has concerns regarding the completeness of the DEIR, adequacy of the mitigation for some of the alternatives, identification of project objectives, and the adequacy and enforceability of mitigation measures proposed by CVCC (the CEQA lead agency). The Department supports Alternative A, the toe-of-slope option for the fence alignment and has concerns that the DEIR has not adequately demonstrated that the other alternatives are mitigatable to less than significant, meet the primary project objectives, or would be compliant with the CVMSHCP. Alternative A would provide several benefits including: 1) consistency with the CVMSHCP adjacency requirements and CVMSHCP Permittee responsibilities; 2) excluding PBS from urban areas; and 3) preservation and the ability of PBS to continue to use lambing and nursery habitat within the PBS territory. The Department is opposed to Alternatives B, B.2, and C because of the impacts on PBS ewe groups due to habitat loss, especially the complete elimination of habitat for an entire PBS ewe group under Alternative C.

A-1

## COMMENTS AND RECOMMENDATIONS

### *Project Objectives*

The Department is concerned that some of the project objectives identified in the DEIR are not appropriate and requests revision of the project objectives. The CVMSHCP states that if "USFWS or CDFG provides written notice to the CVCC or Local Permittee that Peninsular bighorn sheep are using artificial sources of food or water in unfenced areas of existing urban development within or near a Conservation Area, the CVCC (unless otherwise agreed to by the applicable Local Permittee) shall cause to be constructed a barrier to sheep access to cure the problem within 2 years of such notice." In February 2014, the Wildlife Agencies notified CVCC and the City of La Quinta regarding the need for a fence because of PBS accessing urban areas and encountering harm. In response to that notification CVCC initiated the La Quinta Peninsular Bighorn Sheep Barrier Project. The DEIR for the project identifies "the primary objectives of the La Quinta Peninsular Bighorn Sheep Barrier Project are to create and maintain a barrier that prevents PBS from accessing developed areas, including golf courses, residential lots and other urban development located at and beyond the toe of slope of the Santa Rosa Mountains, consistent with the CVMSHCP". The Department agrees the first three project objectives are appropriate for the project goals : A) provide a fence or other functional equivalent that effectively excludes Peninsular bighorn sheep from accessing urbanized lands adjacent to PBS habitat, including developed portions of the Quarry Golf Course, Lake Cahuilla County Park, PGA West, SilverRock Resort and Tradition Golf Club; B) Minimize the impacts to PBS and other wildlife through the thoughtful selection, design and location of the PBS barrier; and C) Minimize the area of mountain and other habitat, including foraging and lambing areas, that may be restricted from sheep access and use as a consequence of the barrier.

A-2

The DEIR identifies four additional project objectives (Objectives D thru G) such as minimizing the aesthetics of the barrier design on adjacent residential/resort and golf course, minimizing the impacts to access to public parks and open space, minimizing the impacts of a PBS barrier on adjoining land uses and private lands, and cost effectiveness. While these are issues to consider they are not the reason

for the project and are not appropriate objectives for determining which alternative best meets the needs of securing sheep from urban areas. The fence project is a requirement in the CVMSHCP for development impacts adjacent to conserved lands that was triggered when CVCC and the Permittees were notified of the issue in 2014 by the Wildlife Agencies. Development concerns such as aesthetics or access to open space are not part of this requirement and should not hold the same level of significance when evaluating fence alternatives.

These four additional objectives appear to outweigh the primary three objectives and may hold more weight in the final decision because the CEQA burden in evaluating the objectives is that most of the project objectives are addressed. Giving more weight to the additional objectives could lead to choosing alternatives that result in an unacceptably high loss of PBS habitat. The Department requests clarification on how CVCC will weigh the three primary objectives relative to the four additional secondary concerns currently identified as objectives. The primary purpose of the project is to minimize impacts to PBS, therefore, the Department recommends decisions regarding selection of the preferred alternative be based on the primary objectives. In addition, the Department requests that consideration be given to revising the project objectives by retaining the primary objectives and reducing or eliminating Objectives D through G.

### ***Transfer of Conservation Objectives***

The DEIR identifies the loss of habitat for Alternatives A thru C as less than significant because habitat loss would be mitigated through BIO-12 Mitigation Measure: a Transfer of Conservation Objectives. BIO-12 states that "The CVCC shall mitigate for the loss of PBS access to designated Peninsular bighorn sheep habitat resulting from the implementation of the barrier through a Transfer of Conservation Objectives consistent with the requirements of the CVMSHCP and in accordance with Section 11.7 [20.4.3] of the CVMSHCP Implementing Agreement." The key issue with this approach is that it is deferring mitigation and dependent on the concurrence of the Wildlife Agencies which process is outside of CEQA. Conservation objectives are defined in the CVMSHCP as measurable statements of actions or measures that will lead to attainment of the Conservation Goals. An example Conservation Objective for PBS is "Ensure that any Development allowed does not fragment Essential Habitat, and that edge effects from such Development are minimized." (Table 4-116 CVMSHCP).

The Department requests that the DEIR clearly explain the Transfer of Conservation Objectives process and the requirements to complete this process so that this process is transparent and the public can make an informed decision. Essentially this process allows the "Transfer of Conservation Objectives for conserved natural communities and/or identified Covered Species between Conservation Areas or between Recovery Zones in the Santa Rosa and San Jacinto Mountains Conservation Area" under certain conditions (Section 20.4.3 [incorrectly identified as Section 11.7 in the DEIR] of the CVMSHCP Implementing Agreement). Not only does this process require a Minor Amendment to the CVMSHCP with Wildlife Agency Concurrence but it also has the following requirements:

1. The transfer does not reduce the number of acres anticipated by the Plan of the natural community or the species' habitat conserved.
2. The transfer does not reduce the Conservation value of the lands that will be conserved based on natural community patch size, configuration, and juxtaposition within the matrix of Conserved Habitat and is of greater or equal habitat value.
3. There is no reduction in Conservation and no increase in Take.
4. Transfers must be within kind (for a Covered Species or natural community). Any shifts must be species-specific and meet the above criteria.

To meet these requirements, analysis would be required that demonstrates replacement acres *are of greater or equal value to the habitat lost*. Alternatives B.2 and C would result in the loss of PBS lambing habitat and the DEIR does not address how any Transfer of Conservation Objectives under the CVMSHCP would account for this loss of high-value habitat. Much of the suitable PBS lambing habitat may already be occupied or difficult to identify if not occupied. CVCC has not explained how the proposed replacement acres will be evaluated to demonstrate that they have greater or equal habitat value.

Some of the proposed alternatives result in the loss of thousands of acres of suitable occupied habitat and displacement of PBS from this habitat would result in increased take. This conflicts with requirement 3 listed above. Further, this mitigation measure is dependent on the concurrence of the Wildlife Agencies, which may not be given, and so this mitigation measure is not fully controlled by the Lead Agency and is dependent on outside decision makers. The Lead Agency has not demonstrated with certainty that the mitigation measure is feasible and it defers the mitigation to a later date. The Department disagrees that a Transfer of Conservation Objectives is a feasible mitigation measure and therefore the conclusion that impacts are mitigated to less than significant is unsubstantiated by information provided in the DEIR.

Beyond the challenge of demonstrating that any replacement habitat is of greater or equal value to that lost, it is not clear that there is adequate authorized disturbance areas to allow for a Transfer of Conservation Objectives within the recovery region in which the barrier would be located. There are nine recovery regions for PBS and four are in the Santa Rosa and San Jacinto Conservation Area in the CVMSHCP. Within the Santa Rosa and San Jacinto Conservation Area a total of 3,802 acres are authorized for disturbance across all recovery regions. This project is in Recovery Region 3. For Recovery Region 3, there are a total of 963 acres of authorized disturbance of which the following are available in specific plan areas: 683 acres in the Riverside County Area (Table 4-111a CVMSHCP); 114 acres in the City of Indian Wells area (Table 4-111c CVMSHCP), 159 acres in the City of La Quinta area (Table 4-111d CVMSHCP), and 7 acres in the City of Palm Desert area (Table 4-111e CVMSHCP). Some of these authorized disturbance acres may already be allocated to existing or proposed projects. For alternatives with lower impacts it may be possible to find the authorized disturbance acres needed in 159 acres of authorized disturbance in the City of La Quinta area, assuming those acres are not already allocated. If additional authorized disturbance is needed then a Transfer of Conservation Objectives between either permittee or recovery areas would be needed. For larger impacts this may require a transfer between recovery regions, which would be difficult for the Department to support given the recovery goals to increase the PBS population in each recovery region and uncertainty in whether the transfer would result in greater or equal habitat value. A Transfer of Conservation Objectives would require cooperation with other permittees who may or may not be amenable to the loss of authorized disturbance within their areas to satisfy this project. The Department requests that the DEIR provide specific details on how Transfer of Conservation Objectives would be accomplished between permittees and recovery regions.

A-4

CEQA Guidelines §15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. Deferral may be permissible, but an agency must commit itself to mitigation and either adopt a performance standard on which future approvals are contingent or consider and analyze specific alternatives (*Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777.). Courts have rejected the conclusion that impacts are not significant when the success of mitigation is uncertain or when the development and implementation of concrete mitigation measures would happen after project approval (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296.). The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which depended for their success on the development of management plans in consultation with State and Federal wildlife

A-5

agencies after Project approval. Even if an impact is determined to be significant, it must be accompanied by an analysis of the impact (*Berkeley Keep Jets Over the Bay Com. v. Board of Port Cmrs.* (2001) 91 Cal.App.4th 1344.).

The Department requests that the CVCC revise Mitigation Measure BIO-12 to include specific and enforceable compensatory mitigation for potential impacts to the loss of PBS habitat. The measure should propose specific acreage to compensate for potential impacts, detail how replacement property will be analyzed to demonstrate greater or equal value, and detail the location of the proposed mitigation site. The measure should also specify the timing of the implementation of the compensatory mitigation plan in relation to the commencement of project activities. This measure states that the implementation will be initiated prior to construction, which is unacceptable because there is uncertainty that this mitigation can be achieved and initiation without completion does not ensure that the mitigation will occur. The strategy for identifying and evaluating the mitigation should be identified and in place before the project is initiated. The Lead agency must commit itself to mitigation and either adopt performance standard for future approval or analyze alternatives in detail.

The Department requests that the CVCC revise the DEIR to analyze implementation of a viable compensatory mitigation strategy for impacts *prior* to project implementation and final approval. The Implementation Strategy should be revised to state "Completed prior to construction." Further, because of the uncertainty in achieving the mitigation for some alternatives and the availability of adequate acreage authorized for disturbance under the CVMSHCP, the level of significance after mitigation should be revised from "Less than significant" to "Significant" unless CVCC provides adequate analysis to the contrary.

## **Alternatives**

### **Alternative A**

Alternative A is a toe-of-slope option that minimizes impacts to sheep habitat and avoids impacting PBS lambing area. The project describes a corridor for flexibility in the fence alignment placement along the toe-of-slope and the estimated maximum loss of habitat is approximately 130 acres. The Department supports Alternative A and requests this as the preferred alternative because it best achieves the three primary objectives of the project, which are to protect PBS from an urban environment and minimize impacts to PBS and habitat loss. One option in this alignment is the installation of the fence within existing federal ownership along the western edge of the Coachella Canal to its terminus at Lake Cahuilla. If access cannot be achieved along the toe-of-slope, then the Department is supportive of this option because it ties into an existing fence along the canal and helps achieve the objective of excluding PBS from urban areas and minimizes impacts to PBS habitat. The DEIR mentions that this is feasible if agreeable to Coachella Valley Water District (CVWD), the Bureau of Reclamation, and PGA West. However, the DEIR did not indicate that PGA West owns the canal property or has land use authority over this property, therefore the Department disagrees that installing the fence along the canal is dependent on the approval of PGA West. We request that the language be revised to state that "If feasible and agreeable to CVWD and the Bureau of Reclamation, the fence could be constructed along the western edge of the canal to its terminus at Lake Cahuilla" (page I-15 DEIR).

A-6

Alternatively, the fence could be aligned along the toe-of-slope parallel to the canal and routed around existing golf course development on the western side of the canal. In this alignment, the fence would be installed around existing golf course development at holes 0-00 at The Quarry. Although residents and golfers may initially object to this suggestion, fencing at this alternate location would be easier to obscure with vegetation if so desired. There was similar resistance to fencing at the toe-of-slope in Rancho Mirage but homeowners preferred this option once they saw how visible fencing was on the hillsides. This option may be preferable to PGA West and would be supported by the Department if there is appropriate legal access for the installation and maintenance of the fence for this alignment.

A-7



While Alternative A is the Department's preferred option it would result in the loss of approximately 130 acres of PBS habitat. We disagree with the analysis provided in the DEIR that evaluates the losses for this alternative in context of the total PBS habitat of 169,904 acres across the entire CVMSHCP area. This approach trivializes the habitat loss and does not appropriately analyze the impacts on the resident PBS ewe groups and/or the recovery region. The analysis should evaluate available authorized disturbance within Recovery Region 3 as specified in the CVMSHCP and whether the impacts will trigger a requirement for mitigation such as Transfer of Conservation Objectives. The habitat loss of 130 acres represents 13 percent in Recovery Region 3 (963 acres total) and 87 percent in the City of La Quinta area (159 acres) of the authorized disturbance for PBS habitat. There may be sufficient authorized take available in the City of La Quinta Area for these impacts, if it has not been allocated to other projects. If sufficient authorized take of habitat is available in this area and if impacts to PBS lambing habitat is avoided, the Department concurs the impacts would be less than significant and are consistent with the CVMSHCP.

A-8

#### Alternative B and B.2

Alternatives B and B.2 are unacceptable to the Department because of the loss of habitat and impacts on the East ewe group. Alternative B and B.2 result in the loss of 422 and 742 acres, respectively, of PBS conserved habitat, which is a significantly higher habitat loss than alternative A. Fence alignments in proposed Alternatives B and B.2 would bisect PBS lambing habitat in the range and substantially affect two core areas for the PBS East ewe group (Map 8, Colby and Botta 2016 (identified as Urban ewe group)). It appears to impact approximately 20 percent of the East (aka Urban) ewe group home range of 16 km<sup>2</sup> (Map 4, Colby and Botta 2016). The East ewe group has a much smaller home range relative to other ewe groups so this represents a significant loss of habitat.

A-9

The DEIR provides no information to support but states that "even the greater loss of accessible habitat would be less than significant within the context of thousands of acres of superior habitat that will remain accessible to sheep." This analysis incorrectly minimalizes the habitat loss, provides no evidence that there is superior habitat that is accessible, and does not appropriately analyze the impacts on the resident PBS ewe groups and/or the recovery region. The analysis should evaluate available authorized disturbance for Recovery Region 3 and whether the impacts will trigger a requirement for mitigation such as Transfer of Conservation Objectives. The habitat loss ranging from 422 to 742 acres exceeds the authorized disturbance for PBS habitat in the City of La Quinta area (159 acres) and would use between 43 percent and 77 percent of the authorized disturbance for all of Recovery Region 3 (963 acres). Alternatives B and B.2 appear to rely upon deferred mitigation using the Transfer of Conservation Objectives mechanisms discussed above. It is unlikely that either of these alternatives could meet the requirements for Transfer of Conservation Objectives as described in the CVMSHCP and consequently is not likely to be approved by the Department. The Department requests that the Final EIR provide analysis on the impacts of Alternatives B and B.2 on PBS lambing and nursery habitat, East ewe group habitat, and feasibility of finding replacement acres that meet the Transfer of Conservation Objectives criteria in the CVMSHCP. The Department does not agree that the DEIR has demonstrated that impacts would be less than significant.

A-10

#### Alternative C

The Department strongly opposes proposed Alternative C, which isolates PBS from the entire rocky peninsula and results in the loss of 2,397 acres of habitat. The CVMSHCP identifies a simple barrier fence as a mitigation concept to separate PBS from lethal threats in urban environments, but alternative C transform this mitigation into the single greatest habitat modification proposal ever contemplated within the range of the species. Such a proposal, if realized, would represent an unprecedented loss of PBS habitat and reduction of the species range. The DEIR defers mitigation for this significant loss of habitat, a prohibited practice under CEQA, to a habitat exchange mechanism to be employed at a later

A-11

date. The DEIR fails to identify where any of this habitat is to be acquired and fails to provide any analysis of its suitability to fulfill mitigation requirements. The Department is unaware of any parcels which could mitigate such a loss. Further, it is not clear that CVCC can commit to this mitigation measure because it is unlikely the requirements for a Transfer of Conservation Objectives could be met for finding better or equal habitat and avoiding additional take. The Department would have to approve a minor amendment to the CVMSHCP and questions whether the replacement requirements can be met given that the habitat loss is known to be occupied by PBS, contains lambing habitat, and supports two ewe groups.

Another requirement for a Transfer of Conservation Objectives is to avoid additional take. The project acknowledges that PBS may become trapped behind the barrier fence but the DEIR is unclear on how PBS will be relocated from behind the fence. Mitigation Measure BIO-9 states that “The final design and alignment selection shall identify locations for entry gates that provide access necessary to retrieve PBS on the wrong side of the fence, to maintain the fence and to address other issues within the area bounded by the fence”. The wording in BIO-9 suggests that PBS can be removed or translocated from the fenced off habitat, but does not describe how this mitigation is to occur or if it is even feasible. The risk of injury or death of an endangered species is always present with translocation. Such a mitigation measure would require the approval and concurrence of the Wildlife Agencies. Take is not permitted for fully protected species, such as the PBS, “other than necessary scientific research, including efforts to recovery fully protected” species (Fish & G. Code Section 4700). The Department does not agree that fencing off occupied PBS habitat aids in the recovery of PBS or qualifies as necessary research. Given the magnitude of removing so many fully protected animals from a significant portion of the species range, this mitigation measure alone may constitute an action requiring preparation of CEQA and NEPA analysis, by the Wildlife Agencies. The Department requests that BIO-9 is revised to avoid take of PBS. Further, the Department requests the Final EIR evaluate if additional take will occur with Alternative C.

As stated above for the other alternatives, we disagree with the analysis provided in the DEIR that evaluates the loss of 2,397 acres in context of the total PBS habitat of 169,904 acres across the entire CVMSHCP area. This does not appropriately analyze the impacts on the resident ewe groups and the recovery region. The analysis should evaluate available authorized disturbance for Recovery Region 3 as specified in the CVMSHCP and whether the impacts will trigger a requirement for mitigation such as Transfer of Conservation Objectives. The habitat loss of 2,397 acres exceeds the entire authorized disturbance of 963 acres of PBS habitat for Recovery Region 3. This would require a Transfer of Conservation Objectives between recovery regions and would use approximately 63 percent of the 3,800 acres of authorized disturbance for all of the PBS habitat in the CVMSHCP. This is a significant impact that was not appropriately addressed in the CVMSHCP. The Department does not agree that the DEIR has demonstrated that impacts would be less than significant.

#### ***Unauthorized Recreational Use in the Surrounding Habitat***

When the fence is installed PBS ewes and their offspring, who may have lost their social memory for where to obtain important resources, will need to transition into surrounding habitat for forage and shelter. Ensuring safe access for PBS from the urban environment back into surrounding habitat is essential for a successful transition back to natural wildland habitat. The project area and the area southwest of La Quinta Cove provide linkages to adjacent habitat in the Santa Rosa Mountains. Habitat use from all three PBS ewe groups overlaps in this area, which is also an important movement corridor and documented lambing and nursery area (Colby and Botta 2016). One collared ewe, and an undetermined number of un-marked ewes, from the West ewe group also use the Coral Reef Mountains as a lambing area.

The washes are used as movement corridors and provide important forage during times of drought. While there may not be permanent water sources in the washes during the winter months there are several tinajas that provide seasonal water. In addition, washes provide an important source of forage. Alluvial fans and washes, where more productive soils support greater plant growth than steeper, rockier soils, tend to have more concentrated, nutritious forage (US Fish and Wildlife Service 2000). Following lambing, ewes have high energy needs for lactation and the time period surrounding lambing and nursing is very demanding in terms of the energy and protein required by bighorn ewes. A wide range of forage resources and vegetation associations is needed to meet annual and drought related variations in forage quality and availability. Desert wash habitat will be vital for sheep to obtain forage once the fence is constructed and even now.

The Department is concerned that current lack of enforcement of trail use in this area is creating undesirable conditions for the PBS (Colby and Botta 2016) and is not consistent with CVMSHCP requirements for enforcement of trail use regulations (Section 7 of the CVMSHCP). Currently, these washes are used by people, bikes, and dogs that are all off trail. While some recreationists observe the trail rules and keep their dogs on leash, many people are observed not complying with the trail use regulations. Groups of PBS ewes and lambs foraging in washes have been observed to be startled up slope by mountain bikes. Dogs are routinely off leash and in areas that do not allow dogs. Trespass trails created by user groups intrude into sensitive sheep habitat. To ensure a safe environment for PBS it is important to maintain and enforce rules for trail use. The current status is not consistent with Section 7.3.3.2.2 of the CVMSHCP for enforcement of public use in conservation areas.

To maintain the vitality of this linkage and corridor for bighorn, recreational activities need to be managed in accordance with existing regulations and the CVMSHCP. This issue should be addressed as soon as possible before the fence goes in so that the habitat is available to the displaced PBS. The Department recommends that one of the biological mitigation measures be increased resources for enforcing trail use rules which could include signage, enforcement, public education, and removal of social trails. Additional management measures may be required to allow for safe passage of PBS between the ranges once a barrier fence is installed.

A-15  
Cont.

### **State Regulatory Environment**

In the State Regulatory Environment section, the DEIR fails to identify several state regulations that are applicable to the project including: Natural Community Conservation Protection Act (Fish & G. Code Sections 2800 et seq.), Lake and Streambed Agreements (Fish & G. Code Section 1600 et seq.): nesting bird regulations prohibit the take of all birds and their nests (Fish & G. Code Sections 3503, 3503.5, and 3513); Fully Protected Species (Fish & G. Code Section 4700), State Game Refuge (Fish & G. Code Section 10500 et seq. and 10837), and CEQA. In addition, the DEIR is deficient in identifying the State regulatory role for hydrologic features. In the hydrology Section, please include a discussion of Fish and Game Code Section 1600 et seq. under the State Regulatory Environment section. Please revise the DEIR to identify the above regulations and how they apply to this document.

A-16

A-17

### **Nesting Birds**

Sections 3503, 3503.5, and 3513 of the Fish and Game Code prohibit the take of all birds and their nests. Section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto; Section 3503.5 states that it is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto; and Section 3513 states that it is unlawful to take or possess any migratory nongame bird as designated in the MBTA or any part of such migratory nongame bird except as provided by rules and

A-18

regulations adopted by the Secretary of the Interior under provisions of the federal Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703 et seq.).

#### *Fully Protected Species*

Peninsular bighorn sheep identified in the project site are classified as Fully Protected Mammals (Fish & G. Code Section 4700). Fully Protected mammals may not be taken or possessed at any time and no licenses or permits may be issued for their take except for necessary scientific research, including efforts to recover fully protected species (Fish & G. Code Section 4700). Although fully protected species are included in the list of Covered Species under the CVMSHCP, take of these species is not authorized in the NCCP Permit and is prohibited by the California Fish and Game Code. The PBS are a fully protected species and Take cannot be provided under the CVMSHCP, however, the Department has acknowledged and agreed that if the measures set forth in the CVMSHCP are fully complied with, the Covered Activities are not likely to result in take of these species. It is critical that to receive coverage for potential take of PBS habitat that the project properly implements the CVMSHCP. A discussion of State Fully protected mammals should clearly state that no take is allowed of Peninsular bighorn sheep including under the CVMSHCP. The Department may authorize the take of Covered Species, other than fully protected species, pursuant to the CVMSHCP and California Fish and Game Code section 2835.

A-19

#### *Lake and Streambed Agreement*

The Department requires notification for work undertaken in or near any river, stream, or lake that flows at least episodically, including ephemeral streams, desert washes, and watercourses with a subsurface flow. Fish and Game Code section 1602 states, "An entity may not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless" certain conditions are met. Upon receipt of a complete notification, the Department determines if the activities may substantially adversely affect existing fish and wildlife resources.

The project identifies work to be undertaken in features requiring notification, but does not address how the project will avoid, minimize or mitigate impacts to these features. For instance, in the topography description of the project, the DEIR states "portions of the barrier may be constructed atop alluvial fans and in sandy washes at the base of the mountains" (page II-2). The Hydrology Section recognizes that there are "Unaltered drainages include channelized streams, braided stream flows and sheet flows." Further, in the Alternatives description it identifies that the fence may include "the installation of flapper gates at the base of the fence to facilitate drainage and debris flows". This is in contrast to the statement that "Hinged flapper gates will also be across [as opposed to at the base of] incised drainages to ensure that larger flows and associated debris loads can pass through the fence". The DEIR identifies placing post holes and anchoring concrete in drainages (Section D.4.1.A and D.5.1.A). However, no impacts to features subject to Department jurisdiction were identified in the DEIR. Insufficient information was provided for the Department to concur with the DEIR conclusion that project impacts were less than significant for all alternatives.

A-20

For future reference, the Department recommends that the Lead Agency include a Notification of Lake or Streambed Alteration requirement in the CEQA document prior to the adoption of the EIR. Please note that for the purposes of implementing sections 1601 and 1603 of the Fish and Game Code, California Code of Regulations Title 14, section 720 requires submission to the Department of general plans sufficient to indicate the nature of a project for construction by or on behalf of any person,

A-21



government agency, state or local, and any public utility, of any project which will divert, obstruct or change the natural flow or bed of any river, stream or lake designated by the Department, or will use material from the streambeds designated by the Department, all rivers, streams, lakes, and streambeds in the State of California, including all rivers, streams and streambeds which may have intermittent flows of water, are hereby designated for such purpose. To facilitate issuance of a Lake and Streambed Alteration Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. The Department recommends that the CVCC provide mapping of all jurisdictional features within the project site and ensure that mapping was completed with reference to Fish and Game Code section 1600 et seq. The mapping should identify the location of proposed flapper gates and fence structures that are placed in drainages. If this assessment detects the presence of areas subject to Fish and Game Code section 1600 et seq. the Final EIR should include appropriate avoidance, minimization, and/or mitigation measures to address these additional impacts.

A-21  
Cont.

### Department Conclusions and Further Coordination

The Department's preferred alternative is Alternative A. The Department does not support Alternatives B, B.2, or C because the DEIR does not provide sufficient information to verify that the Transfer of Conservation Objectives will mitigate the loss of occupied PBS lambing habitat. These Alternatives are not viable because they currently exceed the maximum allowable authorized disturbance for the City of La Quinta Area in Recovery Region 3 under the CVMSHCP, lack performance standards for future approval, and fail to analyze alternatives in detail. Further, Alternatives B, B.2, and C would require the approval of the Wildlife Agencies for a Transfer of Conservation Objectives, but the current analysis does not indicate that the loss of high quality PBS lambing habitat can be replaced with habitat of greater or equal value.

CDFW supports a phased approach to the project to facilitate implementation of the fence construction as soon as possible. The Department appreciates the opportunity to comment on the La Quinta Peninsular Bighorn Sheep Barrier Project and requests that CVCC address the Department's comments and concerns prior to adoption of the FEIR.

If you should have any questions pertaining to the comments provided in this letter please contact Heather Pert at (858) 395-9692 or at [Heather.Pert@wildlife.ca.gov](mailto:Heather.Pert@wildlife.ca.gov).

Sincerely,



Leslie MacNair  
Regional Manager

ec:  
State Clearinghouse, Sacramento  
Ken Corey, USFWS

#### Literature Cited

U.S. Fish and Wildlife Service, 2000. Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California. [https://www.fws.gov/carlsbad/SpeciesStatusList/RP/20001025\\_RP\\_PBS.pdf](https://www.fws.gov/carlsbad/SpeciesStatusList/RP/20001025_RP_PBS.pdf)

Colby, J., and R. Botta. 2016. Peninsular bighorn sheep annual report 2015. California Department of Fish and Wildlife, South Coast Region.  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=129531>



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services

Palm Springs Fish and Wildlife Office  
777 East Tahquitz Canyon Way, Suite 208  
Palm Springs, California 92262



In Reply Refer To:  
FWS-ERIV-09B0023-17CPA-0098

Ms. Katie Barrows  
Coachella Valley Conservation Commission  
73710 Fred Waring Drive, Suite 200  
Palm Desert, California 92260.

March 3, 2017

Subject: Draft Environmental Impact Report (SCH No. 2016021102) for the La Quinta  
Peninsular Bighorn Sheep Barrier Project, Riverside County, California

Dear Ms. Barrows:

The U.S. Fish and Wildlife Service (Service) has reviewed the subject Draft Environmental Impact Report (EIR) released by the Coachella Valley Conservation Commission (CVCC) for public review on January 13, 2017. The Service's primary concern and mandate is the conservation, protection, and enhancement of fish and wildlife resources and their habitats for the continuing benefit of the American people. The Service has legal responsibility for the welfare of threatened and endangered species listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). In addition, the Palm Springs Fish and Wildlife Office provides technical assistance to the CVCC in implementing the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), for which we issued an incidental take permit in October 2008. The Draft EIR's environmental impact analysis of the subject project is generally comprehensive and well-documented. To assist you in preparing the Final EIR, we provide the following general and specific comments on the Draft EIR's analysis of the La Quinta fence/barrier project, which will implement a requirement of the CVMSHCP to protect Peninsular bighorn sheep.

### GENERAL COMMENTS

We support Alternative A, Toe-of-Slope Alignment, as the alternative that best meets our concerns about the vulnerability of sheep to urban hazards at four golf course resorts at the foot of the Santa Rosa Mountains in the City of La Quinta. Alternative A also best meets the Draft EIR's Statement of Project Objectives (page I-8), which includes minimizing the area of bighorn sheep habitat that may be "restricted from sheep access and use as a consequence of the barrier." We appreciate the Draft EIR's analysis of other construction alignments (Alternative B, Ridgeline Alignment; Alternative B.2, Ridgeline Alignment: Public Lands Only; and Alternative C, Cove-to-Lake Alignment) to address the visual and aesthetic concerns of the private landowners from whom CVCC must request permission to build the fence. However, those alternatives would exclude bighorn sheep from 423 acres, 742 acres, and 2,397 acres, respectively, of valuable habitat. We agree that Alternative A is the environmentally superior

B-1

alternative because it results in the least amount of habitat (about 130 acres) made unavailable to sheep, as noted on page III-132 of the Draft EIR. We also agree that Alternative D, No Action, could result in a “considerable cumulative impact on the health and survival” of Peninsular bighorn sheep in the Coachella Valley (page III-31). The recent shift from a “wild” habitat use pattern to an “urban” pattern at the La Quinta golf courses indicates a major behavioral change by bighorn sheep in the Central Santa Rosa Mountains Recovery Region that may yet be reversed by an exclusion fence; otherwise, higher lamb mortality in the “urban” group may initiate a continuing, declining population trend (as noted on page III-107).

The Draft EIR includes detailed mitigation measures to avoid and minimize impacts to Peninsular bighorn sheep and other species during fence construction. However, we are troubled by the undefined mitigation proposed for the loss of habitat made unavailable to bighorn sheep. According to the Draft EIR, this habitat loss would be addressed through the CVMSHCP’s provision for “Transfer of Conservation Objectives.” The CVMSHCP’s objectives for Peninsular bighorn sheep identify acres of essential habitat that must be conserved in different parts of the Santa Rosa and San Jacinto Mountains Conservation Area. The Draft EIR does not discuss what such a Transfer would entail and assumes the approval process, which is treated as a Minor Amendment to the CVMSHCP upon concurrence by the Service and California Department of Fish and Wildlife (CDFW), would result in appropriate mitigation. We are unable to evaluate this mitigation solution without further information. We recommend that the Final EIR describe the approval criteria for a Transfer of Conservation Objectives and propose areas that would meet them. Any Transfer of Conservation Objectives, especially for the 2,397 acres that would be unavailable to bighorn sheep under Alternative C, should be designed to provide replacement habitat for bighorn sheep within the Central Santa Rosa Mountains Recovery Region.

B-2

#### SPECIFIC COMMENTS

Environmental Setting. Partial descriptions of the project area’s habitat value to bighorn sheep are scattered throughout the Biological Resources section of the Draft EIR. We recommend that a complete bighorn sheep habitat evaluation be compiled in a separate sub-section easily accessible to the reader. For example, the description of bighorn sheep habitat needs (page III-100) should specifically note the vegetation types present in the project area (page III-92) that provide relatively open cover with native forage plants. The value of the project area to sheep should be made clear in terms of available escape terrain, bedding areas, lambing habitat, forage vegetation, water sources, and connectivity between ewe groups.

B-3

Lamb Mortality. The Draft EIR states that five lambs have died on golf courses in the project area (pages II-10, III-104, Appendix B 2). Please clarify in the Final EIR that six lambs have died, one in 2015 and five in 2016. In addition, please clarify how the recent yearling recruitment rates were derived for “wild” and “urban” sheep in the Central Santa Rosa Mountains Recovery Region (Table III-8, page III-106). The 2016 yearling:ewe ratio in the urban group (0.11) seems much lower than the wild group ratio (0.33), indicating an unsustainable level of recruitment for the urban ewe group if continued long-term. To better compare the 2015 and 2016 recruitment rates, we suggest that the 2015 wild and urban ratios be sub-setted to match the sampling period

B-4

for the 2016 data ranges, to determine whether the 2016 urban ratio would change substantively with that method.

Construction Impacts. Impacts of each action alternative are reported as miles of fencing that would be built and acres of habitat that would be isolated from bighorn sheep use. In addition, the Final DEIR should report the acres of critical habitat that would be disturbed by construction, the acres of critical habitat that would be excluded from bighorn sheep use after the fence is in place, and how the loss of these critical habitat acres would be addressed by the CVMSHCP.

B-5

The Draft EIR includes mitigation measure BIO-9 for each action alternative to minimize impacts to bighorn sheep during fence construction by providing for “entry gates that provide access necessary to retrieve [bighorn sheep] on the wrong side of the fence” (e.g., see page III-117). The Final EIR should clarify that only Service or CDFW staff may engage in actions to harass bighorn sheep, including “retrieving” or herding them from one place to another. Furthermore, we believe that harassment by herding sheep away from the area to be excluded by the fence may be impracticable and is not covered by the CVMSHCP or the incidental take permit. For Alternatives B, B.2, and C in particular, which would cut off large acreages of habitat currently used by bighorn sheep, we recommend that the Final EIR address the feasibility of removing sheep from the areas that would be isolated by the fence.

B-6

On page III-119, the Draft EIR notes that Alternative B would isolate 422± acres of habitat from bighorn sheep access, whereas isolation of 401 acres is noted on the previous page. Please clarify the correct acreage that would be isolated.

B-7

The Environmental Summary Matrix (pages M-1 – M-28) only identifies the “Level of Significance after Mitigation” for each alternative; it does not identify the miles of fencing to be built or the acres of bighorn sheep habitat that would be isolated. It would be helpful to the reader to include a summary of these impacts in the matrix.

B-8

Post-Construction Monitoring. The Final EIR should include a monitoring plan to evaluate sheep movements and population effects (e.g., adult mortality, lamb recruitment) after the fence is built, as sheep re-adapt to their natural habitat. We would be glad to help CVCC design an effective monitoring strategy that would address our data needs for tracking the recovery status of bighorn sheep in the Central Santa Rosa Mountains Recovery Region. For example, CVCC may wish to consider funding additional telemetry collars to monitor the “urban” sheep now frequenting the golf courses, after the fence is built.

B-9

Long-term Maintenance. The Statement of Project Objectives (page I-8) notes that the fence should be cost-effectively constructed and maintained. The Final EIR should provide information on the costs and practicability of periodic fence inspections and repairs for each action alternative.

B-10

Ms. Katie Barrows (FWS-ERIV-09B0023-17CPA0098)

4

Peninsular Bighorn Sheep Populations. The Draft EIR states that there are eight known ewe groups or “subpopulations” (page I-6). Please clarify in the Final EIR that there are nine ewe groups (or Recovery Regions; see Figure 5, page 63, of the Recovery Plan).

B-11

Recovery Plan. The Draft EIR states that the CVMSHCP “serve[s] to implement the multi-agency Peninsular Bighorn Sheep Recovery Plan” (page I-6). It would be more accurate to say that the CVMSHCP *is consistent with* the Recovery Plan and thus *helps* to implement it. In addition, please clarify that the Recovery Plan does not “mandate” that sheep be excluded from urban hazards and does not “require” a fence/barrier (see Draft EIR pages IV-3 and VI-2). A Recovery Plan is not a regulatory document but rather serves as a road map towards recovery by recommending actions to achieve recovery criteria.

B-12

We appreciate the opportunity to review and comment on the Draft EIR. For further information, please contact Jenness McBride of my staff at 760-322-2070.

Sincerely,

Kennon A. Corey  
Assistant Field Supervisor

cc:  
Heather Pert, CDFW



March 6, 2017

Ms. Katie Barrows  
Coachella Valley Conservation Commission  
73710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR LA QUINTA PENINSULAR BIGHORN SHEEP BARRIER PROJECT**

Dear Ms. Barrows,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report for La Quinta Peninsular Bighorn Sheep (PBS) Barrier Project. Based on a review of the proposed barrier alignments, the City of La Quinta recommends the Option C (Cove-to-Lake) fence alignment as the preferred alternative for the following reasons:

- Fence construction under this alternative would require less coordination from private property owners and allow timely fence completion. If the CVCC cannot secure permission to construct a fence from private property owners, PBS will continue to access artificial sources of food and water in accessible areas. This would not achieve the objectives of the USFWS Recovery Plan for Bighorn Sheep.
- Fence construction under Option C will have fewer impacts on cultural resources. Due to historic Cahuilla settlements around Ancient Lake Cahuilla shoreline at the Santa Rosa Mountains toe-of-slope, the potential for discovery of tribal resources under Option A may further delay timely construction of the PBS fence.
- Observation of PBS accessing urban areas for food and water beyond La Quinta PBS habitat are recent occurrences. There is a lack of historical data regarding the home range patterns of PBS in La Quinta PBS habitat and is unclear if removing the affected PBS habitat area identified in Alternative C would have negative impacts on PBS.
- PBS would continue to have access to natural water sources under Option C as identified in Exhibit III-13.
- A PBS fence barrier under Option C would have limited aesthetic impacts due to limited fence visibility from La Quinta urban areas.

The following comments address the Biological Resources study of the DEIR:

Biology

- B-1: Mitigation Measure (MM) BIO-1 states that CVCC, property owner and CDFW and USFWS shall walk, stake and finalize the fence alignment. The mitigation measure should state what entity makes a determination on the finalized alignment and if that determination shall be provided by written confirmation. The SilverRock temporary fence included a pre-construction walk with CDFW, and upon City staff seeking written

C-1





confirmation from CDFW of the final fence alignment, CDFW and USFW requested that the alignment to be walked, staked, and finalized a second time. Clarification of this mitigation measure will assist all parties concerned with fence construction.

- B-2: MM Bio-2 does not specifically state what defines project-related disturbances requiring a biological monitor (i.e. clearing, grubbing, grading, post installation, digging, affixing the fence to posts, painting). The current mitigation measure should provide guidance for the responsible party for construction of the fence to understand the full extent of the biological monitoring obligations. C-2
- B-3: Physical capture and handling is defined as a mitigation measure that would be the responsibility of the party installing the fence. This appears to authorize a "take" of listed species as defined by the Federal and California Endangered Species Act by the responsible party. CDFW and USFWS requested that the biological monitor hired for monitoring of the SilverRock temporary fence not capture or handle special-status species such as PBS and that a wildlife biologist from CA Fish and Wildlife be contacted. If a wildlife biologist from CAFW must be contacted to move a special-status species, this may lead to significant costs and time delays in fence construction since the CAFW biologist is not based in the Coachella Valley. If a CAFW biologist will be required by CAFW for physical capture and temporary handling of special-status species, then CAFW should be identified as a monitoring party in the mitigation monitoring plan. C-3
- B-4: Option A may have a greater impact on PBS, similar to Option D, if permission is not granted from private property owners for fence construction. Bighorn sheep may continue to access artificial sources of food and water, if private property owner permission cannot be secured where urbanized areas exist. This possibility should be described in the EIR. C-4
- B-5: Construction of PBS fence may cause bighorn sheep to shift to other urbanized areas in La Quinta, adjacent cities or unincorporated areas. The biological resources study states that the 2002 completion of the Rancho Mirage PBS fence prevented the NSRM herd population from accessing urban habitat, but does not state whether the bighorn sheep observed in La Quinta in 2015 and 2016 are related to the NSRM herd. The Rancho Mirage fence may have contributed to the prevalence of PBS in La Quinta. C-5
- B-6: The study on provides recent data describing PBS home range patterns in the affected PBS habitat area in Option A as early as 2007. It is unclear if this PBS home range is a result of PBS accessing La Quinta urban areas for artificial sources of food and water due to the elimination of access to urban habitat in Rancho Mirage or other contributing factors. C-6





Staff is available to discuss the comments outlined in the letter. Should you have questions, please contact me directly at 760-777-7062.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gabriel Perez", written over the printed name.

Gabriel Perez  
Planning Manager, City of La Quinta

cc: City Manager  
Designs and Development Director/ City Engineer

**Subject:** FW: La Quinta Comment Letter of Bighorn Sheep fence - La Quinta revised  
**Date:** Tuesday, March 7, 2017 at 10:28:18 AM Pacific Standard Time  
**From:** Katie Barrows  
**To:** Kim Cuza  
**CC:** Linda Rogers, John Criste, Andrea Randall  
**Attachments:** image001.jpg, image002.png, image003.png, image004.png, image005.png, image006.png, image007.png, LQ PBS DEIR - Comment letter - City of La Quinta - 03-03-2017 - revised.pdf

Kim

The City of La Quinta sent in a new version of their letter. See note below. Please use the attached and discard the version I sent you earlier.



---

**From:** Gabriel Perez [mailto:gperez@la-quinta.org]  
**Sent:** Monday, March 6, 2017 6:05 PM  
**To:** Katie Barrows <kbarrows@cvag.org>  
**Subject:** La Quinta Comment Letter of Bighorn Sheep fence

Katie,  
I noticed I had a typo in the last letter I sent for La Quinta comments on the DEIR for the La Quinta PBS fence. See attached corrected letter. All comments are still the same. If you have any questions please let me know. Thank you.

Gabriel



**Gabriel Perez** | *Planning Manager*  
City of La Quinta  
78495 Calle Tampico La Quinta, CA 92253  
Ph. 760-777-7062  
[Website](http://www.laquinta.org) | [Map](#)  
[gperez@la-quinta.org](mailto:gperez@la-quinta.org)  


Katie Barrows

---

**From:** DeSantiago, Julian <jdesantiago@usbr.gov>  
**Sent:** Thursday, February 23, 2017 7:53 AM  
**To:** Katie Barrows  
**Subject:** Draft EIR Comments from Reclamation

Hi Katie,

Below are comments from Reclamation on the CEQA document.

1. Facilities/Engineer Section has no objections to the proposed project as long as it not impede access to our facility and does not affect current or future O&M operations. Also, Reclamation has the right to request changes/modifications if after installation it impacts canal operations or causes impacts or maintenance issues on the canal in the future. D-1

2. No issues as long as the proposed action does not impede the Coachella Valley Water District's current or future O&M of the Coachella Canal and associated system. D-2

3. Ensure that this is being coordinated with Coachella Valley Water District. D-3

Let me know if any questions.

Thanks,

--

Julian DeSantiago

Supervisory Environmental Protection Specialist

Bureau of Reclamation - Yuma Area Office

7301 Calle Agua Salada

Yuma AZ 85364

(Office) 928-343-8259

fax 928-343-8320

[jdesantiago@usbr.gov](mailto:jdesantiago@usbr.gov)



# COACHELLA VALLEY WATER DISTRICT

Established in 1918 as a public agency

E

GENERAL MANAGER  
Jim Barrett

ASSISTANT GENERAL MANAGER  
Robert Cheng

February 21, 2017

Katie Barrows, Director of Environmental Resources  
Coachella Valley Conservation Commission  
73710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260



Dear Ms. Barrows:

Subject: Draft Environmental Impact Report (DEIR) for the  
La Quinta Peninsular Bighorn Sheep Barrier Project

Thank you for affording the Coachella Valley Water District (CVWD) the opportunity to review the subject DEIR. CVWD provides domestic water, wastewater, recycled water, irrigation/drainage, regional stormwater protection and groundwater management services to a population of nearly 300,000 throughout the Coachella Valley.

CVWD submits the following comments regarding your project:

Right-of Way:

1. Page M-1: Project boundary should also list Section 19 E-1
2. Page I-4: Project location should also list Section 19 E-1
3. Page I-8, Section F.2A: North of Lake Cahuilla is a County of Riverside Sherriff's shooting range and access road(s) that are within CVWD and the United States Bureau of Reclamation (USBR) lands. We recommend that reference to the Sherriff's shooting range also be included in this description. E-2
4. Page II-4, Land Ownership: does not refer to Sherriff's shooting range on CVWD/ USBR's lands. E-3
5. Alternative C: This Alternative may impact CVWD's access to our facilities including Reservoir 6631-1 and 6631-2, and stormwater facilities (La Quinta Stormwater Project – Upper Dike, Upper Bear Creek Dikey, Calle Tecate Basin, etc.). There may also be impacts to existing City of La Quinta trails, which have been permitted on CVWD fee-owned lands. E-4



6. Exhibits of the Alternatives do not depict all of CVWD's fee ownership. These exhibits should be revised to include CVWD's APN 771-140-029 which is a proposed staging and helipad location. E-5
7. CVWD requests continued coordination to determine an exact and final fence location so that CVWD's access points/road(s) and facilities are not impacted and access is not restricted. E-6

If you have any questions, please call Luke Stowe, Environmental Supervisor at (760) 398-2651, extension 2545.

Sincerely,



Steve Bigley  
Director of Environmental Services

EM: jl/env svcs/env/2017/feb/CVWD comment ltr to CVCC Sheep Barrier EIR.docx

File: 0022.323, 1150.14, 0506.40

February 27, 2017

Via Email [kbarrows@cvag.org](mailto:kbarrows@cvag.org)

Katie Barrows  
Coachella Valley Conservation Commission  
73710 Fred Waring Drive, Suite 200  
Palm Desert, California 92260

**Re: Draft Environmental Impact Report ("Draft EIR") for the La Quinta  
Peninsular Bighorn Sheep Barrier Project**

Dear Ms. Barrows:

Thank you for the opportunity to comment on the Draft EIR for the La Quinta Peninsular Bighorn Sheep Barrier Project in the City of La Quinta ("Project"). These comments are submitted on behalf of the Sierra Club and the Center for Biological Diversity. The Sierra Club is a California non-profit corporation dedicated to the conservation and preservation of the nation's natural resources. The Center uses science, policy and law to advocate for the conservation and recovery of species on the brink of extinction and the habitats they need to survive, including the Peninsular bighorn sheep affected by the proposed Project. The Sierra Club, Center and their members utilize the natural, scenic and biological resources of the Coachella Valley through their corporate and individual activities including scientific research, planning, education, and recreation.

The Sierra Club and Center support the overall purpose of the proposed Project to prevent harm to Peninsular bighorn sheep, and therefore support Alternative A as the Environmentally Superior Alternative. Alternative A is the only option that satisfies the basic Project objectives related to protection of bighorn sheep, and most importantly, it minimizes the amount of habitat that would "be

Areas Of Practice

Real Estate

Estate Planning &  
Administration

Business

Land Use &  
Environmental

Litigation

Public Agency

Attorneys

D. Wayne Brechtel

Kristen McBride

Jason R. Schingler

Tomer T. Gutman

Tracy R. Richmond  
*Of Counsel*

D. Dwight Worden  
*Retired*

W. Scott Williams  
*Retired*

Office

462 Stevens Avenue  
Suite 100  
Solana Beach  
California 92075

(858) 755-6604

[wordenwilliams.com](http://wordenwilliams.com)





restricted from sheep access and use as a consequence of the barrier” consistent with the MSHCP.

The Sierra Club and Center’s willingness to support Alternative A, however, is not without some reservation. Support for Alternative A is premised on the understanding that it will be implemented in a manner that minimizes the loss of habitat to the extent feasible. To the extent that there is flexibility within the 300-foot corridor analyzed for Alternative A’s fence, in order to provide the most habitat possible for the sheep, we urge that all decisions place the fence at the lowest possible location on the landscape, moving the fence upslope only when absolutely necessary for access issues.

As noted in our scoping comments, it is unclear that any additional CEQA review was needed for the Project, nonetheless, now that an EIR has been prepared, and although we support the approval and implementation of Alternative A, we do have serious concerns regarding the Draft EIR’s analysis, particularly with regard to its analysis of alternatives. The Draft EIR includes improper project objectives, such as minimizing visual and aesthetic impacts to surrounding developments, that are not relevant to the primary purpose of the Project – protection of bighorn sheep. Including these issues as “objectives” has skewed the evaluation of alternatives and resulted in inclusion of alternatives that violate CEQA because they would increase, not lessen, significant impacts in terms of loss of occupied habitat. Our more detailed comments are set forth below.

F-2

1. **Project Objectives D Through F Are Not Consistent With The Primary Purpose Of The Project, And For This Reason, Improperly Skew Consideration Of Alternatives.**

The project objectives within an EIR are critical because they guide the selection of alternatives. CEQA requires looking at a reasonable range of alternatives “which would feasibly attain **most of the basic objectives** of the project but would avoid or substantially lessen any of the significant effects of the project”. (CEQA Guidelines, Section 15126.6(c), emphasis added). The term “basic objectives” is important because it recognizes listed objectives are not necessarily equal. Alternatives must be judged against objectives that are more closely tied to the fundamental purpose of the Project. In this instance, the fundamental purpose of the Project is protection of Peninsular bighorn sheep through construction of a protective barrier in a manner that is consistent with the habitat management plan developed to protect bighorn sheep.

F-3





*The primary objectives of the La Quinta Peninsular Bighorn Sheep Barrier Project are to create and maintain a barrier that prevents PBS from accessing developed areas, including golf courses, residential lots and other urban development located at and beyond the toe of slope of the Santa Rosa Mountains, consistent with the CVMSHCP. (Draft EIR, page I-8, emphasis added)*

It follows that the “basic project objectives” can only be those that are consistent with the fundamental Project purpose outlined above. The Draft EIR violates this requirement by listing seven objectives, only three of which are relevant to meeting the fundamental purpose listed above. The three relevant objectives are:

*A. Provide a fence or other functional equivalent that effectively excludes Peninsular bighorn sheep from accessing urbanized lands adjacent to PBS habitat, including developed portions of the Quarry Golf Course, Lake Cahuilla County Park, PGA West, SilverRock Resort, and Tradition Golf Club.*

*B. Minimize the impacts to PBS and other wildlife through the thoughtful selection, design and location of the PBS barrier.*

*C. Minimize the area of mountain and other habitat, including foraging and lambing areas, that may be restricted from sheep access and use as a consequence of the barrier.” (Draft EIR, page I-8)*

The Draft EIR includes four objectives related to issues other than protection of the sheep in a manner consistent with the MSHCP.

*“D. Provide an effective PBS barrier that minimizes the impacts on adjoining residential/resort and golf course developments by integrating barrier design and location into adjoining development in the most sensitive manner practicable.*

*E. Minimize the impacts of a PBS barrier on public parks, and open space, and ensure continued access to authorized area trails.*

*F. Minimize the impacts of a PBS barrier on adjoining land uses and private lands.*



G. *Provide a PBS barrier that can be cost-effectively constructed and maintained.*" (Draft EIR, page I-8)

By including these four objectives that are not relevant to protection of the sheep or consistency with the MSHCP, the Draft EIR has "de facto" given greater weight to non-sheep issues. As explained below, this has led to an absurd result, in which alternatives are being judged on their aesthetic impacts, rather than impacts related to protection of bighorn sheep. This is not consistent with the fundamental purpose of the Project or the MSHCP. For example, the MSHCP provisions that require construction of a fence to protect bighorn sheep allow for the location of the fence to be selected based on property access issues, but not visual or aesthetic considerations.

*"The location of this barrier (i.e., an 8-foot fence or functional equivalent) shall be determined by CVCC based on its ability to obtain permission/access to the necessary lands."* (MSHCP, page 4-162)

Therefore, the Project objectives D-G are not consistent with the requirements of the MSHCP, and do not meet the fundamental Project objectives listed above. For these reasons, the Sierra Club and Center assert that they are not proper Project objectives. At minimum, they cannot be considered "basic objectives" against which alternatives are measured. The Draft EIR's inclusion and treatment of Project objectives D-G, as described above, has created a perverse situation in which aesthetic considerations for the very developments that created the need for a protective barrier are being used to justify alternatives that would make things even worse for bighorn sheep.

## **2. There Is No Justification For Inclusion Of Alternatives B And C In The Draft EIR.**

The Draft EIR indicates that Alternatives B and C were included to avoid impacts. Alternative B was proposed to avoid potential impacts to the adjacent residential and golf course areas. (Draft EIR, page I-19) Alternative C was proposed to avoid impacts to Lake Cahuilla Recreation Area, PGA West, SilverRock Resort, and Tradition. (Draft EIR, page I-21). The alignment of the alternatives was apparently selected based on visual impacts:

*"The final route of Alternative A will be selected to limit impacts to the view and aesthetics of these areas; fence materials will be chosen to reduce impacts to visual resources as much as is practicable."* (Draft EIR, page III-225, emphasis added)



*The alternative would also limit impacts to surrounding land uses, including residences in the Tradition, by moving upslope where possible to increase distance between the fence and residences. (Draft EIR, page I-17)*

First, the alternatives are improper because they increase impacts to bighorn sheep in order to achieve objectives that are not consistent with the fundamental purpose of the Project. Second, the alternatives were developed to avoid impacts that do not exist. The Draft EIR concluded that there were no significant visual or land use impacts from Alternative A “*There will be no significant impacts; therefore, no mitigation is required.*” (Draft EIR, Alternative A’s Land Use Impacts, page III-21; Draft EIR, Alternative A’s Visual Impacts, page III-228).

With regard to Visual Impacts, the Draft EIR found that “*Alternative A will not substantially degrade the existing visual character or quality of the site or its surroundings.*” (Draft EIR, page III-228). To the extent that there are any visual impacts, the Draft EIR indicates that altering the fencing material mitigates the impacts.

*The Project would result in some degradation of visual resources when viewed at close- or mid-range. However, visual impacts would be minimized by the use of natural fence colors that complement surrounding terrain and permeable (“see-through”) fence materials that allow views beyond the fence.* (Draft EIR, page VII-2)

Thus, there are no visual impacts that justify including Alternatives B and C.

With regard to land use impacts, the Draft EIR considered each golf course, and concluded that there were no significant land use impacts:

#### Tradition

*Alternative A will not divide the Tradition Golf Club or other established community and, therefore, Project impacts will be less than significant.* (Draft EIR, page III-18)

#### Silverrock

*Alternative A will not divide this or any other established community and, therefore, Project impacts will be less than significant.* (Draft EIR, page III-18)

F-F-4  
Cont.

F-5





*Alternative A will not result in adverse land use impacts to planned developments, land use designations, site plan configurations, or patterns of land use at SilverRock. (Draft EIR, page III-22)*

PGA West

*Alternative A will not divide PGA West or any other established community and, therefore, Project impacts will be less than significant. (Draft EIR, page III-18)*

Lake Cahuilla Recreation Area

*Project impacts will be less than significant. (Draft EIR, page III-18)*

Quarry Golf Club

*Alternative A will not divide the Quarry development or any other established community. Project impacts will be less than significant. (Draft EIR, page III-18)*

Coral Canyon

*Alternative A will not result in adverse land use impacts to Coral Canyon. (Draft EIR, page III-24)*

To the extent that there are potential recreational access impacts for each of these land uses, the Project includes gates which eliminate the impact. (Draft EIR, page III-18) With regard to Project construction or maintenance and monitoring, access can be obtained through public lands (City of La Quinta, County of Riverside, Bureau of Land Management, Bureau of Reclamation or the Coachella Valley Water District) for a considerable portion of the Project. Most of these entities are signatories under the MSHCP.

Land use impacts could also be minimized by construction of the fence adjacent to the canal in the PGA West area. This could potentially shorten the landowner approval time and allow quicker construction of the fence. In that scenario, the fence should include self-closing gates at the bridges across the canal used to access minor golf course improvements at the base of the mountain. While we concur that gates *alone* could induce the bighorn to try to jump or swim across the canal a combination of fencing and gates would be workable. It is our understanding that wildlife agencies are favorable towards a combination of fencing *combined with* self-closing gates – both being located within the linear canal parcel on its mountain-facing side. Although the presence of

F-5  
Cont.

F-6



target-type golf improvements and activities west of the canal could limit the effectiveness of this scenario, it would be preferable to placing the fence far upslope which would exclude bighorn from substantial habitat.

To the extent that other private lands must be accessed for construction, generally the conditions of approval for these projects require that they grant access. Therefore, there are no access or land use impacts which justify including Alternatives B and C.

Even if such visual and land use impacts existed, *which they do not*, altering the location of the fence for visual and land use impacts is not permissible under the MSHCP. The MSHCP allowed for the location of the fence to be selected based on property access issues, but not visual issues:

*"The location of this barrier (i.e., an 8-foot fence or functional equivalent) shall be determined by CVCC based on its ability to obtain permission/access to the necessary lands." (MSHCP, page 4-162)*

Therefore, Alternatives B and C should be rejected in the Final EIR because they are not justified.

We wish to be clear. The Sierra Club and the Center have no problem altering fencing materials due to visual concerns, as long as the fencing materials are acceptable to the resource agencies and achieve the goal of preventing sheep from wandering into urbanized areas. However, moving the fence further up-slope, resulting in the loss of essential habitat, for visual, aesthetic or land use concerns is unacceptable.

**3. Alternatives B And C Are Not Consistent With The MSHCP And Recovery Plan Because They Unnecessarily Preclude Bighorn Sheep Use Of Essential Habitat.**

The MSHCP dictates that the fence should be located at the lowest possible elevation, as close as possible to existing development, and so that it does not preclude habitat:

*"1. Figures 4-26e(1) through 4-26e(4) depict Plan provisions for Habitat loss for the Peninsular bighorn sheep. ... New Development shall adhere to the following criteria, in accordance with the guidelines in the Implementation Manual:*

F-7

F-8



- a. *Development shall be clustered in one area of a site as close as possible to existing Development.*
- b. *Development on alluvial fans shall be sited at the lowest possible elevation on the site and shall avoid the mouth of any canyon.*
- ...
- e. *Development shall not preclude Habitat connectivity or movement. Determination of whether Habitat connectivity or movement is precluded shall be made by the Lead Agency for the Development based on factual data provided by the RMOC, RMUC, Wildlife Agencies, or other source."*  
(MSHCP, page 4-154, emphasis added)

F-8  
Cont.

If a barrier was found to be necessary, the MSHCP contemplated that development would be on one side of the fence and the bighorn sheep habitat on the other side of the fence.

*11. For Development proposals on lands within or adjacent to Conservation Areas with bighorn sheep habitat, the Local Permittee shall require construction of an 8-foot fence or functional equivalent, or granting of an easement to CVCC for future installation of a barrier separating the Development from adjoining habitat..." (MSHCP page 4-162, emphasis added).*

The MSHCP also requires consistency with the Bighorn Sheep Recovery Plan, which also requires that the barrier not eliminate habitat.

*Task 1.3.1.1 also addresses fences at the urban interface:*

*Prohibit fences in which bighorn sheep may become entangled or strangled, or that interrupt habitat connectivity or block movement of bighorn sheep within remaining habitat. (Recovery Plan, as cited in the Draft EIR at III-109)*

F-9

The clear focus of all conditions listed above is to protect bighorn sheep by separating them from developed areas. There is no chance that the conditions were intended to allow construction of a barrier that would also separate bighorn sheep from critical and essential habitat for the purpose of minimizing aesthetic impacts to the developments from which bighorn sheep need protection. Yet, that is exactly what Alternatives B and C





would accomplish. Accordingly, they are improper alternatives that violate the MSHCP, Recovery Plan and CEQA and they should be rejected.

4. **Habitat Loss Resulting From All Alternatives Is A Significant Impact, And As Such, Only Alternative A Can Be Considered For Adoption Because It Is The Only Alternative That Minimizes The Loss Of Habitat.**

All of the alternatives would result in the loss bighorn sheep habitat that was deemed “essential” under the Recovery Plan and MSHCP. Alternative A results in the loss of 130 acres. Alternatives B, B2 and C result in the loss of 422, 742, and 2,397 acres, respectively. Alternative A does minimize the loss of habitat and avoids the loss of federally designated critical habitat. However, because it still results in the loss of habitat deemed essential in the Recovery Plan, it results in a significant habitat loss impact. The Draft EIRs conclusion that this is not a significant impact is not supported by any substantial evidence. It is important to keep in mind that CEQA definition of significant environmental impacts includes impacts that are deemed to be “potentially” significant. (CEQA Section 21068) Eliminating 130 acres of habitat deemed essential for recovery clearly falls under the “potentially significant impact” category. (See also CEQA Guideline 15065 Mandatory Findings of Significance *(a) A lead agency shall find that a project may have a significant effect on the environment ...where there is substantial evidence...that any of the following conditions may occur: (1) The project has the potential to: ...substantially reduce the habitat of a fish or wildlife species; ...substantially reduce the number or restrict the range of an endangered, rare or threatened species....*”)

F-10

All alternatives result in the loss of some essential habitat because the Project is located along the outer edges of the Santa Rosa and San Jacinto Mountains Conservation Area identified within the MSHCP.

*The Project alignment is immediately adjacent to and portions occur within the Santa Rosa and San Jacinto Mountains Conservation Area established by the CVMSHCP. (Draft EIR, page III-110).*

All of the bighorn sheep habitat within the Conservation Area was deemed “essential” under both the Recovery Plan and the MSHCP.



*The species distribution map shows the final Peninsular bighorn sheep Essential Habitat boundary as presented in the Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California (USFWS 2000). This final Essential Habitat boundary was made available to the GIS team in November 2000. The boundary for the Santa Rosa and San Jacinto Mountains Conservation Area is concurrent with the Essential Habitat line, with a few exceptions. (MSHCP, 9-259)*

Thus, the Project is located within or adjacent to “essential” habitat. Because the MSHCP has already identified the amount of essential habitat that must be preserved, any loss of essential habitat within the Santa Rosa and San Jacinto Mountain Conservation Area is inconsistent with the MSHCP, and a potentially significant impact.

The Draft EIR attempts to minimize the loss of habitat for Alternative A by stating that it is not “critical” habitat. (Draft EIR, page III-113 and page III-119) The fact that the habitat is not “critical” under the Federal ESA, is only one measure of its importance. Both the CVCC and the City of La Quinta are bound by the terms of the MSHCP, which identified the bighorn sheep habitat as “essential”.

F-11

In addition, although the Draft EIR claims that 3,800 acres may be disturbed within the Santa Rosa and San Jacinto Mountains Conservation Area, that is only if one considers all of the recovery zones. According to Table 4-111d: Conservation and Take Authorization for Santa Rosa and San Jacinto Mountains Conservation Area – City of La Quinta Area, within Recovery Zone 3, the City of La Quinta is only allowed to permit disturbance of 159 acres<sup>1</sup>.

F-12

Although the impacts from Alternative A must be considered significant, Alternative A has minimized the loss of habitat to only 130 acres, located at the edge of the Conservation Area, and has avoided the loss of critical habitat. (Draft EIR, Figure III-12) Protection of federally designated critical habitat and keeping it available to the species is key for species recovery, which is the goal of the recovery efforts for the sheep. Alternative A is the only option that satisfies the three Project objectives related to protection of bighorn

F-13

---

<sup>1</sup> *The acreage shown consists of 109 Acres of Disturbance Authorized that may be allocated for projects that may be approved in HANS areas, and 5 Acres of Disturbance Authorized that may be allocated for projects subject to the 10 percent take area depicted on Figure 4-26e(3). (MSHCP, Page 4-165)*





sheep, consistent with the fundamental objectives of the Project, and most importantly, it minimizes the amount of habitat that would “be restricted from sheep access and use as a consequence of the barrier” consistent with the MSHCP. Therefore, only Alternative A is supportable.

The Draft EIR’s failure to acknowledge any potentially significant impact from the loss of bighorn sheep habitat resulted in inclusion of alternatives that would increase the habitat loss beyond Alternative A by hundreds, even thousands, of acres to minimize visual impacts to surrounding developments. This result violates CEQA. Because the loss of habitat under Alternative A is significant, the Draft EIR should have explored alternatives that actually reduced the significant impact of Alternative A.

F-14

5. **Alternatives B And C Increase The Severity Of Impacts, Rather Than Reduce The Impacts, Resulting In Unacceptable Significant Impacts Due To The Loss Of Essential Bighorn Sheep Habitat, Federally Designated Critical Habitat And Bighorn Sheep Lambing Habitat.**

The inclusion of alternatives that increase harm to bighorn sheep is the direct result of the erroneous Project objectives D through G that have nothing to do with protecting bighorn sheep, and instead are directed towards minimizing aesthetic impacts to the surrounding developments. Alternatives B, B2 and C result in the loss of 422, 742 and 2,397 acres, respectively, and all include some loss of critical habitat. In addition, the Draft EIR recognizes that both Alternatives B and C will eliminate sheep access to lambing areas:

*Alternative B also removes sheep access to mountain habitat above SilverRock golf course and on the slopes west of PGA West golf course that are frequently used by bighorn sheep and provide lambing habitat. (Draft EIR at III-119) emphasis added.*

F-15

*However, Alternative C would result in the greatest amount of PBS habitat that is made inaccessible to sheep, including areas that are used for lambing. (Draft EIR at I-21) emphasis added.*



The Draft EIR fails to evaluate the significant impact of eliminating access to lambing areas and how this would affect lamb recruitment into the sheep population. Data identifies that sheep recruitment is negatively impacted through use of urban areas from a variety of factors.<sup>2</sup>

The lands excluded for Alternatives B and C represent essential habitat in excess of 35% slopes that was assumed to be undevelopable and therefore available to Peninsular bighorn sheep. The loss of this essential habitat, which includes lambing habitat and critical habitat, was not contemplated under the MSHCP and cannot be mitigated elsewhere within the Conservation Area. The habitat loss under Alternatives B and C is inconsistent with the MSHCP, and therefore fails to meet a fundamental Project objective of being consistent with the MSHCP.

F-16

In addition, the Bureau of Land Management ("BLM") is required, through the California Desert Conservation Area Plan, as amended ("CDCA Plan"), to cooperate with the MSHCP. Any placement of a fence on BLM land that excludes the bighorn sheep from hundreds or thousands of acres of essential and/or critical habitat would violate the MSHCP, and therefore be in conflict with the CDCA Plan. The Draft EIR fails to properly analyze and identify this conflict and the resultant significant impact. (Draft EIR, page III-27 and III-29)

F-17

The Draft EIR's conclusion that the loss of essential, occupied bighorn sheep habitat, including lambing and federally designated critical habitat, that would result from Alternatives B, B2 and C would not be a significant impact is not supported by any substantial evidence or the law. CEQA requires looking at a reasonable range of alternatives "which would feasibly attain most of the basic objectives of the project **but would avoid or substantially lessen any of the significant effects** of the project". (CEQA Guidelines, Section 15126.6(c), emphasis added). Because the loss of essential bighorn habitat is clearly a potentially significant Project impact, all alternatives that increase the habitat loss beyond what would occur with Alternative A result in significant impacts. As a result, Alternatives B, B2 and C fail as CEQA alternatives because they do not avoid or substantially lessen Project impacts – instead those alternatives *increase* impacts to bighorn sheep.

F-18

---

<sup>2</sup> CDFW 2015. Peninsular Bighorn Sheep 2015 Annual Report  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=129531&inline>



6. **The Draft EIR Identifies Mitigation Which Is Highly Uncertain And May Not Be Feasible Because The Mitigation Is To Require A Minor Amendment To The MSHCP.**

Although the Draft EIR incorrectly concludes that the loss of habitat from Alternative A is not significant, it does indicate that an “offset” may be required for the habitat loss in order to be consistent with the MSHCP:

*“The potential loss of PBS access to habitat that could occur under Alternative A may require offset or compensation. This may be accomplished by a Transfer of Conservation Objectives, which requires a Minor Amendment with Wildlife Agency Concurrence consistent with Section 11.7 of the Coachella Valley Multiple Species Habitat Conservation Plan Implementing Agreement (see Section III, Biological Resources).” (Draft EIR, page I-15)*

Accordingly, the Draft EIR includes the identical mitigation for Alternatives A through C:

*BIO-12      The CVCC shall mitigate for the loss of PBS access to designated Peninsular bighorn sheep habitat resulting from the implementation of the barrier through a Transfer of Conservation Objectives consistent with the requirements of the CVMSHCP and in accordance with Section 11.7 of the CVMSHCP Implementing Agreement. (III-117, Mitigation for Alternatives A through C.)*

F-19

The MSHCP allows for a Transfer of Conservation Objectives under limited special circumstances, as follows:

*“D.      Transfer of Conservation Objectives for conserved natural communities and/or identified Covered Species between Conservation Areas or between Recovery Zones in the Santa Rosa and San Jacinto Mountains Conservation Area may occur if the following is demonstrated:*

- 1.      The transfer does not reduce the number of acres anticipated by the Plan of the natural community or the species’ habitat conserved.*
- 2.      The transfer does not reduce the Conservation value of the lands that will be conserved based on natural community patch size,*





*configuration, and juxtaposition within the matrix of Conserved Habitat and is of greater or equal habitat value.*

3. *There is no reduction in Conservation and no increase in Take.*
4. *Transfers must be within kind (for a Covered Species or natural community). Any shifts must be species-specific and meet the above criteria.” (MSHCP, Section 20.4.3)*

However, there is no guarantee that a “Transfer of Conservation Objectives”, which must be approved via a minor amendment process, will be approved, because the minor amendment process is a separate discretionary act, requires separate environmental review and can only be approved if certain findings can be met. The Minor Amendment process includes:

*“an analysis of its environmental effects of such a proposed transfer, including any impacts to the Conservation of Covered Species, and a description of why that Party believes the effects of the proposed Minor Amendment: (1) are not significantly different from, and are biologically equivalent to, the terms in the MSHCP as originally adopted; (2) substantially conform to the terms in the MSHCP as originally adopted; and (3) will not significantly reduce the ability to acquire the Additional Conservation Lands. (MSHCP, Section 20.4.4)*

Given that fence locations, especially for Alternatives B, B2 and C are not at the lowest elevation nor as close to development as possible, there would be no justification for concluding that the proposed fence alignment “substantially conforms to the terms in the MSHCP as originally adopted.” A Minor Amendment would likely be denied. Therefore, the mitigation, in the form of a “Transfer of Conservation Objectives” for Alternatives B, B2 and C is highly uncertain and may not be feasible.

Furthermore, the Sierra Club and Center have a strong objection to pursuing a Transfer of Conservation Objectives for Alternatives B, B2 and C. A “Transfer of Conservation Objectives” is equivalent to “another bite at the apple” for the City of La Quinta to reduce its MSHCP obligations. Essentially, the City is hoping to reduce the habitat it needs to preserve within the City boundaries by shifting the burden elsewhere to escape its duties under the MSHCP.

F-19  
Cont.

F-20



7. **Draft EIR Fails To Comprehensively Identify All The Benefits To The Sheep From Fencing.**

While the Draft EIR covers many of the benefits to sheep from fencing, it also needs to include a discussion regarding the avoidance of exposing sheep to sulfate-based fertilizers used on golf-course grasses, which can result in induced copper deficiencies in sheep.<sup>3</sup> Copper deficiencies are known to result in diarrhea, weight loss, ataxia (loss of coordination), and decreased resistance to diseases, and copper deficiencies have been documented in many of the lamb mortalities at golf courses.<sup>4</sup> Thus keeping bighorn sheep off the golf-courses provides another direct benefit to the bighorn by avoiding exposure of the sheep to sulfate-based fertilizers.

F-21

8. **The Draft EIR Misstates The Decision Making Process For The Bighorn Sheep Barrier.**

The Draft EIR misleads the public and decision makers into thinking that aesthetic, cost or land use concerns could potentially negate compliance with the requirements of the MSHCP. The Draft EIR suggests that, if visual impacts were deemed “significant”, CVCC would have to “*demonstrate that the benefits of the Project outweigh the unavoidable significant environmental impacts that may result from implementation of the Project.*” (Draft EIR, page I-4). The inference is that CVCC could find that the visual and land use impacts of constructing the fence are too great, and that the benefit to the sheep is not “enough” to warrant these impacts. Again, construction of the fence is not optional.

F-22

The reality is that the fence is a requirement of the MSHCP, which was itself subject to CEQA, and which has allowed La Quinta to continue to approve development that is impacting the sheep. As stated in the Draft EIR:

*“This Project is proposed to mitigate for the urban-related impacts of Peninsular Bighorn Sheep using artificial sources of food and water in urbanized lands, including golf course and residential lands, in the La Quinta area of the Coachella Valley.” (I-1)*

<sup>3</sup> CDFW 2015 Peninsular Bighorn Sheep 2015 Annual Report at pg. 6  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=129531&inline>

<sup>4</sup> Ibid



The development has already occurred, and so have the urban related impacts. Thus, the mitigation, as dictated by the MSHCP, must be implemented. The Draft EIR cannot be used a vehicle to revisit and undo mitigation measures that have already been subject to an environmental review process.

**9. The Inclusion Of Watering Holes Within Public View Is Inappropriate.**

Mitigation measure BIO-10 suggests that if alternative water sources should be provided for Alternatives A and B, they should be located to provide public viewing of the bighorn sheep. If adding water guzzlers is deemed necessary by the Resource agencies, they should be located based on the best interest of the sheep, not with consideration of whether they are allow for public viewing of bighorn sheep.

F-23

**10. Mitigation Needs To Include Monitoring Of The Fence.**

The Draft EIR suggests that monitoring inspections of the fence will likely be on an annual basis. It is not clear which agency will be doing the inspections, and what the protocol will be should the fence need repairs, or should sheep be found on the wrong side of the fence. The monitoring protocol for the very successful fence at Rancho Mirage should be part of the monitoring and management analysis just as it is for other issues. The EIR must better analyze and define the long term monitoring needs and plan for the fence.

F-24

**11. Basic Fencing Requirements Need To Be Included.**

The Draft EIR fails to include some basic requirements for fencing that help to assure the effectiveness and safety of it. These include:

- “Break-away” sections in addition to the “gates” required in Bio-9 need to be required so that if sheep end up on the “wrong side” of the fence, a section of fence can be removed, providing a route for the sheep to use to escape to the slope habitat. Once the sheep return to the slopes, the section of fence can be re-inserted;
- Proper siting of the fence along the toe of the slope taking into account outcroppings and steep slopes so that the location of the fence does not allow sheep to jump over the fence into harm’s way.

F-25



Ms. Katie Barrows  
February 27, 2017  
Page 17

**Conclusion**

The Sierra Club and Center appreciate CVCC's consideration of these comments. We urge expedited approval of Alternative A, and rejection of all other alternatives. Please keep this office on the mailing list to receive all future notices about this Project.

Very truly yours,

WORDEN WILLIAMS LLP

D. Wayne Brechtel, Esq.  
dwb@wordenwilliams.com

DWB:lg

cc: Clients

Coachella Valley Conservation Commission (E-mail: [tkirk@cvag.org](mailto:tkirk@cvag.org))

U.S. Fish and Wildlife Service (E-Mail: [paul\\_souza@fws.gov](mailto:paul_souza@fws.gov))

California Department of Fish and Wildlife (E-Mail: [director@wildlife.ca.gov](mailto:director@wildlife.ca.gov))





February 27, 2017

[VIA EMAIL TO:kbarrows@cvag.org]  
Coachella Valley Conservation Commission (CVCC)  
Ms. Katie Barrows  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

**Re: Comments on Draft Environmental Impact Report (DEIR) for the La Quinta Peninsular Bighorn Sheep Barrier Project (SCH NO. 2016021102)**

Dear Ms. Katie Barrows,

The Agua Caliente Band of Cahuilla Indians (ACBCI) appreciates your efforts to include the Tribal Historic Preservation Office (THPO) in the La Quinta Peninsular Big Horn Sheep Fencing project. We have reviewed the documents and have the following comments:

- \* Third paragraph page III-134: Missing a line between the second and third paragraph G-1
- \* Third paragraph page III-134: Last sentence should include a source and a date. G-2
- \* Fourth paragraph page III-134: the high stand is approximately 1640-1680 see Morratto 2016 report page 39. G-3
- \* Third paragraph page III-134: Does not mention early GLO plat maps with Indian Village located nearby. G-4
- \* Third paragraph page III-134: There is a break that may be intended for a new paragraph. Add a space between the paragraphs. G-5
- \* Fifth paragraph page III-136: New paragraph add a line between paragraphs. G-6
- \* Second paragraph page III-145: Without citations we cannot determine what percentage of the site was previously tested, therefore, we cannot assume the testing was adequate. Please add citations and provide source report to the THPO. G-7
- \* First paragraph page III-151: The draft EIR previously suggested the potential for buried resources. Considering site boundaries are arbitrarily defined by pedestrian survey our recommendation is to include monitoring for Alternative B. G-8
- \* Please provide a copy of the revised draft upon completion of review.



# AGUA CALIENTE BAND OF CAHUILLA INDIANS

TRIBAL HISTORIC PRESERVATION



03-069-2015-001

Again, the Agua Caliente appreciates your interest in our cultural heritage. If you have questions or require additional information, please call me at (760)699-6907. You may also email me at [acbc-thpo@aguacaliente.net](mailto:acbc-thpo@aguacaliente.net).

Cordially,

*Pattie Garcia-Plotkin*

Pattie Garcia-Plotkin  
Director  
Tribal Historic Preservation Office  
AGUA CALIENTE BAND  
OF CAHUILLA INDIANS



*Tradition Golf Club*

Date: February 27, 2017

To: Katie Barrows ([kbarrows@cvag.org](mailto:kbarrows@cvag.org))  
Coachella Valley Conservation Commission

From: The Quarry at La Quinta – Mark Scheibach, General Manager  
PGA West – Rich Hohman, Executive Director  
Tradition Golf Club – Al Castro, General Manager

## Comments

### Draft EIR - La Quinta Peninsular Bighorn Sheep Barrier Project

1. The DEIR does not include any statistics on the number of sheep currently in the area in question or factual information to determine if the numbers are increasing or declining. It appears that the numbers of sheep have increased noticeably in recent years potentially due to the food, water and protection of the golf courses in the valley. While the DEIR makes a feeble attempt to suggest that golf courses have in some way injured and sickened sheep, it fails miserably to do so by offering no data or factual evidence. It is much more likely that the sheep have benefited from the food, water and protection provided by the golf courses.

H-1

2. The DEIR uses residential areas and golf courses interchangeably and that is inappropriate (see pages 1-6). {Example: "six lambs that died on adjoining golf courses and residential areas" is imprecise, misleading and devious}. There is no proof that sheep are dying on or because of the golf courses. It is known that sheep are dying by drowning in the Coachella canal and on rare occasions because of eating plants in residential areas and not because of grazing on the golf courses. Sheep are at risk near certain major street arteries not associated with golf courses. Therefore other protection methods should be analyzed (other than a costly, unsightly and ineffective 12 mile fence). In fact there is no evidence in the DEIR that any sheep have died on or because of contact with a golf course.

H-2

3. Golf courses that have shallow streams and ponds are not a threat to the sheep as they are not fast flowing or deep enough for sheep to drown in.

H-3

4. The DEIR is flawed in that it does not consider the very important question of where the sheep will go if the project fence is built. Likely the sheep will go west and south requiring miles and miles of costly additional fence to keep them from locating near and on the other area courses (Indian Wells Country Club, The Eldorado Country Club, The Reserve Country Club, Ironwood Country Club, Big Horn Golf Club, Porcupine Creek, etc.). Sheep are currently observed in these areas. It is inappropriate to not deal with this important issue in the EIR. When questioned about this at meetings with the Coachella Valley Conservation Commission,

H-4



*Tradition Golf Club*

their representatives said they were preparing to build a fence for up to 50 to 100 miles if need be therefore walling off the entire Coachella Valley. This begs the question - Why is the city of La Quinta picked for "walling off" when the same issues are present in Indian Wells, Palm Desert, Rancho Mirage, and Palm Springs?

5. The DEIR does not deal with the issue of the effect of the fence on other animals in the project area. There are coyotes, desert foxes, bobcats and mountain lions in the area. This fence will interrupt and seriously impact their habitat. The EIR discusses measures to be taken during construction of the fence on other animals but does not discuss the permanent effect of the finished fence on these animals. The DEIR by implication suggests the fence will cause these animals to vacate the area of the fence which is not a desirable outcome.

H-5

6. The DEIR is flawed in its suggestion that grazing on golf course grass is bad for the sheep. This is gratuitous and purely speculative. Sheep have been grazing on these types of grasses for centuries. Many sheep herders maintain their pasture lands in a sustainable manner similar to golf course turf maintenance. Many of the sheep with distinct markings have been observed returning season after season to the valley with no apparent ill effects.

H-6

7. The DEIR suggests that the golf courses "bunch" the sheep which "may" cause the spreading of diseases among the sheep. This is purely speculative and not supported by evidence. In fact sheep naturally bunch or "band" as they are social animals. They do it for breeding and protection of the band. Sheep grazing or resting in close proximity is natural and has nothing to do with the golf course location.

H-7

8. The DEIR does not take into account the location of the firing range and the stress caused on the sheep – and other animals – that may make them move to others areas / golf courses for safety.

H-8

9. The DEIR sets forth in its Statement of Objectives on p.1-8 the following requirements:

"D. to provide an effective barrier that minimizes the impacts on adjacent residential/resort and golf course developments... ."

"F. Minimize the impacts of a PBS barrier on adjoining land uses and private lands."

"G. Provide a PBS barrier that can be cost effectively constructed and maintained.

H-9

Further, the Corridor Analysis of Projected Alternatives on p. 1-9 states "the ultimate location of the fence shall be determined by the CVCC based on its ability to obtain permission to construct on the necessary lands.

Thus, if construction of the PBS barrier is attempted as proposed in Alternatives A,B or B-2 the impacts upon the enjoyment and value of the adjoining residential and golf course properties



*Tradition Golf Club*

will be substantial and permission to access those properties, including private streets, private cart paths or otherwise cross, park on, or laydown materials on private property will ultimately be denied. Under the circumstances a multiplicity of lawsuits may be unavoidable resulting in exorbitant expenses, significant delays and damages.

The Tradition Golf Club has already paid its fair share of the cost of any PBS barrier or fence that might be constructed by the CVCC pursuant to The Settlement Agreement and Release dated July 28, 1998, in The Tradition Club Associates, LLC v. The California Department of Fish and Game and State of California Department of Fish and Game v. City of La Quinta, California, et. al.

H-10

The Quarry at La Quinta met all of its obligations already under City of La Quinta approvals and satisfied Findings and Recommendations when the Golf Club and residential unit project was approved. As noted in the DEIR on pages I-17 and I-19, the Quarry has no further obligation to construct fencing or employ other mitigation measures.

H-11

The Tradition, PGA West and The Quarry Golf Clubs collectively consider Alternative C as the least intrusive routing of the options presented. This routing is the least visible, has the least impact on private lands and involves much less complexity in getting the permits and easements to build the fence. If this option were to include some minor adjustments within the corridor in the form of setbacks from property lines and slightly different routing angles along the south and east side of the Quarry Golf Clubs hole #6 and holes 11-14, the Golf Clubs would be inclined to provide reasonable access for the construction of the fence.

H-12

The undersigned are not waiving any rights or remedies, express or implied, all of which are expressly reserved.

Mark Scheibach  
General Manager  
The Quarry at La Quinta

Rich Hohman  
Executive Director  
PGA West

Al Castro  
General Manager  
Tradition Golf Club



March 1, 2017



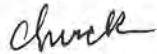
Katie Barrows  
Coachella Valley Conservation Commission  
73710 Fred Waring Drive, Suite 200  
Palm Desert, Ca. 92260

Dear Katie,

I am hand delivering my public comments to your office today. They consist of 13 pages of text and three tables.

Thank you for lending me your hard copy of the DEIR.

Sincerely,



Chuck

## Comments on DRAFT EIR for La Quinta PBS Barrier Project

by Charles Nisbet, Ph.D.

Member Trails Management Subcommittee, Board Member Desert Trails Coalition

March 1, 2017

### PREFACE:

It should be non-controversial that wildlife is best served when helping them to survive by remaining in their natural habitat where they have adapted amazingly well over all these years of drought. Currently, about one/quarter of the CSRM herd is becoming addicted to the fertilized grasses on La Quinta area golf courses (junk food) not found in their natural habitat. Not to mention creating a zoo-like atmosphere for local residents that should not continue. This unnatural habituation will likely compromise their immune system, dull their predator awareness, encourage other wild sheep to join them and jeopardizing CSRM population sustainability. Wildlife agencies, by law, must do everything possible to protect this endangered species. The DEIR offers three different fencing options as long-term alternatives for keeping bighorn permanently in their natural habitat.

I-1

What the DEIR doesn't make abundantly clear is that regardless of the fencing option chosen; a **completed fence** will not become a reality for years down the road. A myriad of problems causing delays in building a fence await: completing the final EIR, legal challenges, easement negotiations, unwilling land sales, un-budging golf course owners, months of no construction during lambing season, possible eminent domain action, funding negotiations, loss of critical bighorn habitat, etc. These problems were known to wildlife agencies when they first required a fence be built back in 2104.

A partially completed fence or a greatly delayed fence will only allow the present situation to worsen as sheep will simply seek out any openings left unfenced and more "wild sheep" will become "junkie" golf course sheep years into the future. This daily bighorn degradation has gone on for the past five years. Every month this continues, it become increasing apparent that some short-run action or pilot program should be implemented in an attempt to keep sheep off the golf courses until a completed fence is in place..

One such temporary solution is using a herding dog and handler to keep the bighorn off the golf courses by coaxing them back into their habitat. The dogs are trained to herd the sheep by their presence alone, working at a distance with no barking, no charging, no touching, and only until off the courses, no..... harassing! Particularly when compared to the stress bighorn experience under helicopter surveys and collaring operation that are authorized by wildlife agencies..

I-2

This short-term "dog herding" action plan is available at a fraction of the millions to be spent on the fence. This short-term "dog herding" action plan will likely save bighorn lives, now and in the future. This short-term action plan will save the wildlife agencies from the trap that, on the



one hand, they are supposed to be the protectors of bighorn and on the other hand, without this short-term action plan, wildlife agencies are now and into the future allowing more bighorn to habituate to an unhealthy life outside their habitat that only produced more sick addicts vulnerable to disease, predation and a shorten life span. Thus, it is time now for wildlife agencies to encourage even a one month trial project of “dog herding” to see if the tide can be turned.

GPS collar data already gathered from six “urban” ewes will inform as to the primary migration out of their natural habitat on to golf courses and urban neighborhoods. This will scale down the task of managing the approximate 10 mile frontier that will eventually be fenced.

In summary, the long-term fencing alternative plus the short-term “dog herding” action plan working in tandem is a win/win outcome for sheep and people alike. In contrast, just the long-term fencing alternative alone is likely a lose/lose outcome for sheep and humans alike over the next 3 to 5 years or the time it takes for a completed fence in the La Quinta area..

#### DOG HERDING: EXPERIENCES TO DATE:

Border collies and Australian shepherds and other dogs have proven they can safely and effectively shepherd wildlife away from human use areas and back into their natural environment. In the 1990’s Glacier National Park hired trainers and their Karelian bear dogs to help manage habituated roadside bears. An airport in Traverse City Michigan uses a trained border collie to herd deer/birds away from the runway before planes take off and land. The National Mall in Washington DC uses a herding dog to move geese away from human use areas.

I-2  
Cont.

#### **The Watertown Lakes National Park example:**

Dog herding is successfully used to herd as many as one hundred habituated mule deer out of neighborhoods in and around Watertown, Canada and back into the wild. A trained Border collie and a full time handler do this rather challenging job with relative ease to the delight of local residents. For a video example of non-harassing dog herding at Watertown Lakes National Park, Canada go to

<https://www.youtube.com/watch?v=sRvRuneKx4U>

#### **The Glacier National Park example:**

Gracie, a 2 year old Border collie and her handler, Mark Biel, Natural Resources Program Manager at Glacier National Park completed a successful 14 week pilot project in the summer of 2016. A full report of this project should be available later this year.

Mark and Gracie underwent 10 weeks of training at Wind River Bear Institute

<https://www.beardogs.org>

at a cost of about \$6,500 that included the purchase price of the dog. Another option open to Glacier was to undertake their pilot program with a rented dog and handler for \$1,000 per day. When Mark and Gracie arrived at Glacier, the sheep immediately responded to Gracie and began moving away from the problem area, a large parking lot. Gracie continued to herd the

sheep away until given the command to stop and return to Mark. The entire process was completed in a matter of minutes with no barking, no charging, and no touching of wildlife.

#### DOG HERDING TREATMENT IN THE DRAFT DEIR: (V-3 and V-4)

Dog herding here was only “considered as a long-term solution to prevent sheep from accessing urban areas.” No consideration was given to using “dog herding” as a short-term partner with “fencing” to provide the greatest protection to bighorn now and in the future.

While this section of the DEIR acknowledges “A variety of studies have been done to test whether livestock protection dogs could be successful at keeping ungulates such as deer, elk, mountain goats, and bighorn sheep out golf courses,” it failed to present results from Watertown and Glacier National Parks as cited previously.

The two conditions necessary for successful results mentioned in the DEIR: a full time human handler and a trained dog are precisely what is being used at Watertown and Glacier. These conditions are met with only ten weeks of training and at a surprisingly moderate cost none of which was covered in the DEIR.

The DEIR mentions that the 10 plus mile length of the area to be covered would make a dog herding “solution challenging.” But it failed to inform that the CSRM region has six GPS collared “urban sheep” whose movements can be tracked in real time. Bighorn don’t wander down a few at a time all along this long frontier. In fact, they usually come to specific locations and enter in groups. Also, as the fencing goes up, like the 1.2 mile SilverRock portion, the coverage area will shrink.

Had the DEIR “project biologists” investigated the actual training of dogs for herding ungulates they would have discovered it is completely inappropriate to describe shepherding work as “hazing” or “harassment.” The trained dogs do not bark or charge sheep. They coax, guide and herd at a distance. For a viewing, refer to the previously cited Watertown link.

USFW and CDFW grants permission to utilize low flying helicopters to chase down and physically capture, with a net gun, bighorn for their by-annual population surveys and recent yearly collaring operations. They claim this aero-dynamic anthropogenic intrusion into bighorn habitat does not involve animal harassment or result in any harm to the sheep. Any hiker who has trekked in the mountains and experienced a low flying helicopter appearing from nowhere just overhead behind a ridge line with the concomitant roaring engine will tell you it was a heart stopping frightening experience. Bighorn don’t just stand there, look up and then continue grazing, but flee for their lives as they are chased and run down. Then certainly a small dog herding but never charging, never barking, never approaching closely to sheep as it coaxes them back into their natural habit can’t be viewed as harassment or harmful.

Finally, dog herding was dismissed as only a “temporary solution,” whereas, that is precisely its central advantage. Stopping the damage to bighorn now and in the near term until a

I-2  
Cont.

I-3

I-4



completed fence is in place minimizes harm to sheep and humans alike. Thus, it's not a problem that dog herding "was not considered as a long-term solution," because the fence will be built. In summary, a short-term action plan is desperately needed and dog herding appears to be the best answer available.

#### DEFICIENCIES NEEDING TO BE ADDRESSED IN THE DEIR: COMMENTS AND QUESTIONS

The purpose of the DEIR is to providing INFORMATION. The DEIR often failed to do that.

**QUESTION:** Who were the "project biologists" involved in the analyzing alternatives to preventing sheep from moving into the urban interface? What specific tasks did each one have in the EIR?

Section I F.5.4, Introduction and Project Description

**Page I-23** – 2<sup>nd</sup> to last main paragraph

"Alternative D also does not protect or help preclude future collisions between PBS and motor vehicles and does not prevent PBS from drowning or accidental poisoning, which is associated with hazards faced by PBS in urban areas."

There has been one recorded fatality from a motor vehicle and one accidental poisoning over the ten year period of 2007 and 2016 (see my Table 3). Using an average population of 125 bighorn in Region 3, that produces a probability of death due to poisoning or a motor vehicle collision at eight one hundreds of 1 percent a year, thus rending this "hazard" insignificant on the scale of population dynamics. Downing doesn't fare much better at twenty-four one hundreds of 1 percent. Thus, the case against "no action" must be made on something more widespread with significant population effects than these "hazards faced by PBS."

Section III E. Biological Resources: Peninsular Bighorn Sheep:

**Page 100** – top of the page insert the following

The following section relied extensively on the paper submitted by Dr. John Wehausen (see Appendix B.1 of this DEIR)

**Page 101** – "Urban development has created artificial sources of water and forage along the base of and within the foothills of the Peninsular Range, which have attracted these sheep to what has been found to be a dangerous environment for them."

This claim is empirically false. Urban development has occurred throughout the San Jacinto and Santa Rosa Mountain Ranges and PBS have generally not elected to leave their habitat for urban water and forage. It appears we have unique situation in Rancho Mirage and La Quinta, do we?? That should be analyzed. Why doesn't this occur elsewhere?

If by “dangerous” it is meant “fatalities” the data is only partial to date and not statistically meaningful. More data in the future could establish that outcome. In the meantime it could only be said that “appears to be a dangerous environment for them,” but only with an extremely low probability of occurring.

Thus, the above broad based claim from page 101 needs to be more restrictive.

**Page 103** – (1<sup>st</sup> paragraph)

This paragraph was taken from the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs of page 4 of Appendix B1 in their entirety with the exception of one short sentence and the end of another sentence that were deleted. They are in **BOLD** for identification.

This species (PBS) “readily develops a tolerance for human activities that are geographically predictable and non-threatening. **People walking on trails are a prime example.** Such habituation is adaptive in that the sheep minimize the waste of energy that would be expended fleeing from something that is not dangerous. It also is adaptive because these sheep can utilize habitat near the human activity for feeding **and thereby minimize the loss of potential feeding habitat near locations of frequent human activities.** Development of tolerance of humans occurs incrementally over time and is a behavioral attribute that is learned by lambs from their mothers and by other adult sheep accompanying those that have developed more tolerant behavior. Such behavioral shifts define subcultures within larger bighorn sheep populations, just as there can be multiple distinct habitat use patterns among females and between sexes within what is typically defined as a bighorn sheep population. The use of golf courses and gardens in urban interfaces such as La Quinta represents an extreme expression of this habituation process. Most extreme in this regard are females that bring young lambs into the urban interface, a behavior that strongly contrasts with the innate tendency of females in the wild to trade off nutrient intake for safety of young lambs.”

I-9

The first deletion (in **bold**) above is there to provide a specific example of “human activity” where bighorn have been found to habituate in their wild habitat. Without the example, what type of human activity does the reader believe is being referred to? The second deletion (in **bold**) removes the advantage to the sheep from trail user activity, that is sheep use habitat near trail users and thus the activity of recreation trail users minimizes the loss of potential feeding habitat. Again without the first deletion, what kind of “human activity” exists “where sheep can utilize habitat near the human activity for feeding”?

These deletions reduce the clarity and accuracy of Dr. Wehausen’s statement on habituation and impacts upon bighorn from a type of human use. What wildlife credentials exist at Terra Nova, at CVAG or elsewhere that trumps Dr. John Wehausen’s so as to make these deletions? Did Dr. Wehausen agree that these two deletions should be made? I think not. Out of professional respect for the only quoted wildlife biologist hired by CVAG that these two deletions be placed back into the above paragraph.



**Page 103** – (last paragraph) “As noted above, urban development in the Coachella Valley has had a long and persistent effect on the size and health of the local population of bighorn sheep.”

This statement is misleading at best and wrong as the data in my Table 1 illustrates. Table 1 shows population estimates for all nine regions from 1996 thru 2010. Bighorn population has increased three and one-half times over this period while urbanization has gone unchecked. Population of sheep in Regions 2 and Region 3 have likewise increased by the same magnitude. Only Region 1 has minimal growth. 2016 preliminary figures for Region 1 show significant improvement at 54 bighorn. The quoted sentence of page 103 should be dropped or substantially revised.

I-10

**Page 104** – bighorn fatalities attributed to the La Quinta urban interface

The only information on bighorn fatalities attributed to the La Quinta urban interface is presented on page 104.

My Table 3 incorporates the information from page 104 to illustrate the scope and magnitude of the fatalities. Males have been accessing the urban interface for ten years. Over that period five males have died. That would be one death every two years. Male deaths every year within their natural habitat are more than 2, 3, or many times higher from an array of causes (age, disease, predation, etc.). If males constituted 40 percent of the average total population of 125 bighorn, then male fatalities since 2007 would represent only one percent of the population per year. Over the same ten year period no female death were attributed to the use of the urban interface. Does that tell us anything about the risk taking and risk adverse tendencies of males and females? If females constituted 40 percent of the average total population, then adult bighorn fatalities attributed to the urban interface would fall to one half of one percent a year.

I-11

Six lamb fatalities in 2016 were attributed “pneumonia and other causes.” That statement alone is not sufficient to attribute their deaths to contact with the urban interface.

The major point here is that publishing sheep mortalities from poisoning, auto collision, downing, may make good dramatic news, BUT it does not make the case for spending millions of dollar to protect the sheep. That rationale can be found elsewhere in ewes and lambs behavior and health. If one is taking a scientist approach then urban inter-face mortalities has little substantive value at this time.

**Page 105** – insert new paragraph or paragraphs

Figure III-13 graphically shows four ewe groups but the text doesn’t take this opportunity to explain that three of four ewe groups represent wild sheep and one the urban group. This is an opportunity to present the number of wild and urban sheep that make up the total estimated population of 126 in 2016 by the CDFW.

I-12

More questions are raised than answered by Figure III-13. Hopefully, the FEIR will answer these:

1. Number of “wild” and “urban” sheep, by sex and age in 2015, 2016, and 2017

2. Number of collared “wild” and “urban” sheep by sex, and age in 2015, 2016, and 2017
3. Present over time tracking data to show locations most frequently used by urban sheep
4. From collar data show the extent of group mixing over time
5. Provide some idea of the growth of the “junkie” sheep in CSRM.
6. Provide figures on the average distance “urban sheep” must travel to enter the urban interface
7. Also, what type of methodology was utilized in gathering the information disclosed in Table III-8?

**Page 106 – Table III-8**

Comparing only two years: 2015 with 2016 is insufficient data to draw adverse conclusion of sheep utilizing the urban interface. What we have here is just a sample of one or anecdotal data. Refer to my Table 2 which illustrates that recruitment rates often vary wildly one year to the next. You could say there is concern and this one year comparison may be suggestive, but no conclusion (such as was drawn on page 107) can be given until future years are monitored to see if this pattern continues and to what degree.

I-13

The text to Table III-8 doesn’t inform how the sampling process distinguished between urban and wild sheep or exactly the location of the sampling. Furthermore, if the sample size of “urban” ewes in 2015 was 72, that would mean the sample was about 58 percent of the total estimated population of Region 2. If the 16 “wild” sample ewes are added in, the total sample of ewes was about 70 percent of the total estimated population. What then was the total number of ewes in Region 2? What was the total number of males and yearlings? In 2016, the total sample size was 98 ewes or 78 percent of the total population. If sheep were sampled more than once, this should be disclosed with a table showing the entire sample along with a discussion of how one sheep was distinguished from another and avoiding double counting.

I-14

For the test results on sample population of wild and urban sheep in 2015 and 2016: how many adults harbored pathogenic microbial strains? Also, if this sampling will continue in early 2017, as it did in 2016, the test results should be included in the FEIR, but in a more thoroughly fleshed out version.

I-15

There is a need for a complete description/write up in an appendix of the 2015-2016 Ewe Group Sampling Study. Why? Because this is the only, albeit anecdotal, empirical data offered up in support of the sheep barrier project. The appendix should also include a description of the new GPS collaring program implemented in Region 2.

I-16

Finally, it should be pointed out that Terra Nova referenced the draft 2016 CDFW bighorn sheep helicopter survey in footnote 106. That document revealed a lamb/ewe recruitment ratio of .52 for the CSRM, the highest recorded in all nine recovery regions. Again just one year, it doesn’t prove anything, but this paints a positive picture for 2016, in contrast to the yearling/ewe recruitment ratio of .11 for urban sheep given in Table III-8. Shouldn’t both have been included in the DEIR?

I-17



**Page 106** – (2<sup>nd</sup> paragraph)

“most of the lambs born to golf course ewes had died”.

“most of the lambs have exhibited clinical signs of severe respiratory disease”

These are but generalized claims that hide more than they inform. This kind of sloppy science has no place in a DEIR. Data is not supplied to support this claim. What was the total number of “golf course ewes”? What were to number of lambs born to “golf course ewes” in 2015 and 2016? How many lambs lived, how many died? Were all lambs tested? Quantify was “most” means.

I-18

**Page 106** – Existing Factors Affecting Lamb Mortality – (1<sup>st</sup> sentence)

“Both alluvial and mountain habitat of the PBS in the Coachella Valley have been incrementally lost or impacted by urban development, and the size and health of this local population has likely been affected.”

This “health” comment is speculation pure and simple and has no place in the DEIR. Furthermore, when “size” is referred to, the above statement is false. Urban development is considerably greater today that when bighorn were listed in 1998 and the population of bighorn in 2016 is multiples greater that what it was in 1998 (see Table 1).

I-19

**Page 107** – (1<sup>st</sup> sentence of first main paragraph)

“While the causes may be many, the low level of lamb recruitment recently recorded for the urban ewes at La Quinta can be expected to lead to a declining population trend if it continues in the future.”

This statement is misleading at best and can be seen as false. An average recruitment rate of .25 is believed to be necessary but not sufficient to maintain a stable population. The low rate referred to in the quote is .11 for 2016 and only for one year. Table 2 reveals that recruitment rate vary wildly from year to year. Focusing on one year is hardly a predictor of the future. Then of course, a high adult morality rate could render the standard of .25 not sufficient. But adult mortality wasn’t taken into account in the sentence quoted. Thus, both lamb recruitment and adult mortality must be considered before statements can be made about population trends, whether up or down.

I-20

**Page 107** – last main paragraph – first two sentences

“The number of ewes observed using the urban habitat in La Quinta in 2015 and 2106 has been as high as 30 animals and more. Relative to the 2010 population estimate, this suggests that about a quarter of the ewes in the CSRМ herd unit are using this urban habitat.”

Thirty is approximately one-quarter of the estimated total population of 119. But 119 is the total number of males, females, yearlings and lambs. Thus, something is wrong. It could be that 30 animals were observed, not 30 ewes and then one/quarter of the population is using

I-21

the urban habitat. Could it be that this data came from a personal observation that wasn't verified? This needs to be fixed.

Then there is the problem that Appendix B.1 provides a figure of only 20 ewes? Which is correct?

**Page 107** – last main paragraph – 6 lines down

"The data reviewed here point to the importance of ending the use of the urban habitat at La Quinta before that behavior pattern draws in more sheep from the CSRM herd and expands to penetrate further into the urban habitat."

Let's assume this statement is true. About 40 sheep constitute the "urban sheep" as of early 2017\* with a total estimated population of 119.\*\* Then certainly the wildlife agencies would not want to wait another 3 to 5 years for a completed fence to be in place and would certainly insist on some form of short run action NOW in 2017 to try and keep that urban sheep population from growing. What are these wildlife agencies proposing? Answer: NOTHING! Thus, how meaningful or serious is the above quote?

\*personal communication from Aimee Byard, February, 2017

\*\* 2016 fall helicopter population study by CDFW

I-22

**Page 132** – E.7.3 Alternative D Cumulative Impacts

"The inaction associated with the No Project Alternative will allow the emerging conflicts between wild PBS and urban uses to **continue and worsen**. The planning area will continue to serve as a **mortality sink** for PBS and when considered in the context of **other stressors** on the sheep will make a **considerable cumulative impact** on the health and **survival** of the PBS in the Coachella Valley."

This paragraph makes a series of emotive and unsubstantiated claims and assertions (placed in **bold** to identify). There are no references to research or studies completed in the project area that would support such claims and assertions. This is just plain "bad" science that has no place in a DEIR.

I-23

It should be pointed out that Table 1 documents a twenty year improvement in the estimated PBS population that is 3.6 times higher than it was in 1996. We have some years ago passed the range wide recovery level targeted in the 2000 Recovery Plan. These so-called "**other stressors**" mentioned in the paragraph on page 132 must not have been of much significance for this recovery record to take place.

**Page Section V -3 and 4** – Alternatives Considered But Not Further Analyzed – Herding Sheep

This section lays out the conditions for a successful program of using a herding dog to move wildlife away from human use areas. It requires a full time, trained handler and a correct breed and fully trained dog. The section acknowledges there has been renewed interest in dog

I-24



herding as an alternative to fencing. Unfortunately, no information was gathered on the cost of such programs that could show there is available a low cost, short-run program “dog herding” that could stop sheep from entering the urban interface while all the problems are worked out to build a fence. Also, no contact was made with Mark Biel, Natural Resources Program Manager at Glacier National Park for the results of their summer 2016 pilot dog herding program.

Finally, this section ends with the following: “Due to these practical (covering a 10 mile frontier), and probable legal limitations (permission from USFW), and the disadvantages associated with this approach (no permanent solution), the use of herding dogs was not considered as a long-term solution to prevent sheep from accessing urban areas.”

**(covering a 10 mile frontier)** – Sixteen females and one male or 14 percent of the observed CSRM herd have collars. GPS collaring allows pin pointing areas of sheep in real time and thus sheep travel routes therefore establishing limited areas of coverage. Furthermore, “the core use areas are SilverRock and PGA West golf courses and the desert slopes overlooking these courses.” (CDFW Annual Report, 2015, p.14)

**(permission from USFW)** – permission is granted to chase down and physically capture bighorn during helicopter surveys with no resulting harmful harassment, then certainly a small dog herding (but never barking, never charging, never approach closely) sheep back into their natural habit can’t be view as harmful.

**(no permanent solution)** – Wehausen persuasively presented the role of “learned behavior” and “memory” (see Appendix B.1) as how bighorn habituate to humans and adapt to their environment generally. Sheep see dogs as predators and can learn quickly and with reduced interaction over time to stay away from areas where they are likely to encounter dogs. In the La Quinta situation, the so-called “urban” bighorn can learn it is safer to rejoin their “wild” brother and sisters in the large 254 km<sup>2</sup> Region 3 home range than an urban interface with dogs.\*

\*I was told bighorn are not afraid of the dogs they encounter in the urban interface. I am sure that may be true for some “neighborhood dogs,” but CSRM sheep have never encountered a professionally trained herding dog in their life. They will allow the “herding dog” to change their direction and head back into their natural habitat in a matter of seconds.

I-24  
Cont.

#### APPENDIX B.1 -- (author John Wehausen)

**Page 2** – (third paragraph) “five lambs found dead”

**Page 11** – (last paragraph) “The numbers of ewes observed using the urban habitat in La Quinta in 2015 and 2016 has been as high as 20. Relative to the 2010 population estimate, this suggests that about a quarter of the ewes in the CSRM herd unit are using this urban habitat,”

I-25



Section III E. Biological Resources -- (author unknown, but not Wehausen)

Page 106 – claims **6** dead lambs

Page 107 -- ) “The numbers of ewes observed using the urban habitat in La Quinta in 2015 and 2016 has been as high as **30**. Relative to the 2010 population estimate, this suggests that about a quarter of the ewes in the CSRM herd unit are using this urban habitat,”

Note the inconsistencies in **BOLD** between the Appendix and Section III E. Biological Resources

Also note the exact same wording of Wehausen in the body of the document by an unknown author with the exception of **30** instead of **20**!

#### **Question:**

The January 2017 Draft EIR was written to make the case for the PBS Barrier, i.e., “fence” Project. This EIR is approximately 327 pages of text plus 62 exhibits and tables. Only **FIVE +**, that is right, **FIVE +** pages of text out of 327 or 1.8 percent are devoted towards making the case for the PBS “barrier.” And likewise, only 2 exhibits and 1 table out of 62 were included to support such an action project. Only partial and anecdotal data was presented in these **FIVE +** pages that did not scientifically or statistically make the case that significant adverse effects to PBS have taken place.

I-26

Why didn’t the Draft EIR incorporate all **THIRTEEN** pages of Appendix B.1 instead of the **FIVE +** summary work done by Terra Nova? Certainly devoting 4 percent of the total text wouldn’t be excessive when the whole purpose of the DEIR is to evaluate alternatives measures that might keep bighorn from entering urban interface.

#### CONCLUSIONS:

A close reading of the Draft EIR reveals that only partial, anecdotal and incomplete information is available at this time to establish scientifically that bighorn are adversely affected by the use of the urban interface. Too much emotive attention has been given to the five fatalities over a ten year period from drowning, poisoning and auto collision. These deaths are autonomous and independent events which have no negative population effects upon the approximately 119 to 126 total sheep in Region 3\*. However, that does not say that more persuasive mortality information will not come forth in the near future.

I-27

\*CDFW estimates 126 and Bighorn Institute 119

The Draft EIR presents an array of persuasive arguments that the use of the urban interface will likely adversely affect the population of PBS in the future. Thus much more attention must be given to incremental and interdependent changes that could be taking place within Region 3 as a whole. For example, in this interim “no action” period, the past 3 to 5 years, more sheep became part of the urban home range increasing the percentage of lambs utilizing the urban interface, increasing number of ewes and lambs showing signs of phenomena, increasing number of sheep willing to distance themselves from traditional escape terrain found in their

I-28

natural habitat, and altered herd memory away from water and forage locations in bighorn natural habitat. Humans who gorge themselves on junk food are more susceptible to a range of diseases that weaken their immune system and lower their life expectancy. Why wouldn't the same be true for bighorn sheep?

Thus, to allow them to become addicted to food and water that is not found in their natural habitat could end with an undesirable outcome down the road that might take years to reverse. I assume there is relief that no pneumonia epizootics has as yet been recorded along with an all ages die off in the first year. Thus, we should probably not wait 3 to 5 more years for a completed fence and all the data to roll in but take action soon. In other words, there isn't much of an upside to sitting back and watching wild animals forage in the urban interface except for creating a zoo-like spectacle but there certainly appears to be some serious downsides.

It should be remembered that any of the fencing alternatives has two major disadvantages: one it is enormously expensive and two it is "butt ugly," that is, property owners abhor looking out of their back yards or up the toe of the slope and seeing a chain link fence. But at this time, fencing appears to be the best alternative for keeping sheep with their natural habitat. With the 1.2 mile fence at SilverRock costing \$802,606, almost twice the original estimate of \$450,000, all 14.75 miles of fence could cost up to an additional \$10 million. Some property owners and golf course operators might jump at the opportunity of a trial program of using a "herding dog" to move sheep out of their area and back up into their habitat. The public nuisance effects such as moving sheep off the golf courses and cleaning up after them as well as some street traffic issues could alone justify some immediate action to keep bighorn in their natural habitat. And as John Wehausen suggested, "Any such experiment should include an unambiguous adaptive management trigger that reverts to the secure fencing alternative if bighorn continue using urban habitat." (DEIR, Appendix B.1, p.12).

I-28  
Cont.

#### SUMMARY WARNING TO WILDLIFE AGENCIES:

February 28, 2014, CDFW and the USFW notified the CVCC and City of La Quinta that an 8 foot high fence must be built within two years. It is now three years later and no fencing is up or even agreed upon. One 1.2 mile section at SilverRock will hopefully be in place by fall 2017. Certainly the wildlife agencies must realize now that fencing the entire balance of the area will not be completed for another 3 to 5 years or more. Based upon this experience why aren't wildlife agencies putting into place a temporary action plan to halt the increasing flow of more wild sheep into the urban interface? Certainly recent evidence of severe symptoms of respiratory disease among lambs must have set off alarm bells.

I-29

Any harm that comes to La Quinta bighorn sheep from now on and well into the future, be it mortalities from poisoning, downing, road traffic, increased predation or future declining recruitment rates or disease epizootic that could threaten the entire population of the CSRM herd, becomes the responsibility of those who dug in their heels and refused to at least test a



month or two of "dog herding." All know now that this short-run action plan can work effectively enough to protect sheep during the long-run construction of the necessary fencing. All know now that this short-run action plan could have been tried with a minuscule demand on any budget. All know now that approximately one quarter of the CSRM bighorn, males, females, yearlings and lambs have been gorging themselves on an improper and addictive diet for the past 3 to 5 years, (males for past 10 years, see Table 3). Without an intervention like "dog herding," this unfortunate pattern of "no action" will continue another 3 to 5 years or more. All know now that refusal to support and endorse this short-run action plan by standing behind the guise of protecting the sheep from harassment is a ruse and has no scientific basis. Is this the outcome that is in the interests of all concerned? It would seem not.

I-29  
Cont.

Table 1

**Estimated Adult Population of Peninsular Bighorn Sheep in 9 Recovery Regions**

(compiled by Charles Nisbet for TMS)

Years	9 Recovery Region Totals	Region 1 SJ Mts.	Region 2 NSR Mts	Region 3 Central	Region 4 Southern	Regions 5-9 Anza-Borrego
1994	347	17	23			214
1996	276	19	21	35	17	163
1998	334	24	22	55	24	181
2000	416	24	32	53	51	256
2002	668	24	40	115	84	405
2004	756	32	57	237* 118**	237* 118**	430
2006	793	21	49	163	179	381
2008	876	26	77	122	155	496
2010	955	16	90	133	149	567
2012						
2014						
2016	752 to 795*****	54****		119***		

1998 Peninsular bighorn sheep listed as endangered specie

\* regions 3 and 4 are combined totals

\*\* while populations varied widely from year to year in regions 3 &amp; 4, their totals were almost equal over the period 1996 &amp; 2010, thus dividing 237 in half could be a speculative estimate for 2004

\*\*\* Section III, page 107, Draft EIR

\*\*\*\*Results of the 2016 bighorn sheep helicopter survey, CDFW, December 22, 2016

\*\*\*\*\*752, Results ..... CDFW, December 22, 2016, 795, Bighorn Institute, February 2017

Note there are minor differences in my data for regions 1, 2, &amp; 3 and those presented in Table 7-13, page 7-68 in the final MSHCP for years 2000, 2004 and 2006

Sources: End of the Year Report, Bighorn Institute, various years and California Department of Fish and Game

Table 2

**Estimated Recruitment Rates of PBS in Regions 1 and 2**

(lambs per 100 ewes)

(compiled by Charles Nisbet for TMS)

<u>Year</u>	<b>Region 2</b>		<b>Region 1</b>	
	<u>XXX</u> <u>NSRM</u>	<u>R. Rate</u>	<u>XXX</u> <u>SJM</u>	<u>R. Rate</u>
1994	11 E - 3 L	27%		
1995	10 E - 0 L	0%	6 E - 5 L	83%
1996	11 E - 2 L	18%	5 E - 3 L	60%
1997	10 E - 1 L	10%	6 E - 4 L	67%
1998	7 E - 7 L	100%	4 E - 1 L	25%
1999	12 E - 1 L	8%	5 E - 4 L	80%
2000	10 E - 9 L	90%	3 E - 2 L	67%
2001	7 E - 0 L	0%	6 E - 2 L	33%
2002	10 E - 3 L	30%	3 E - 2 L	67%
2003	15 E - 6 L	40%	4 E - 3 L	75%
2004	27 E -		5 E -	
2005	23 E - 4 L	17%	9 E - 0 L	0%
2006	27 E - 1 L	4%	8 E - 5 L	63%
2007	30 E - 6 L	20%	8 E - 2 L	25%
2008	28 E - 5 L	18%	11 E - 2 L	18%
2009	31 E - 1 L	3%	12 E - 4 L	33%
2010				

Note: NSRM (Northern Santa Rosa Mountains), SJM (San Jacinto Mountains)  
 R. Rate (recruitment rate), E (ewes), L (lambs)

Note: it is estimated that a 25 percent recruitment rate is necessary to maintain a stable population

Sources: End of the Year Report, Bighorn Institute, various years and 1987-1998  
 NSRM Table 4 Osterman 2001





# DESERT RIDERS

DESERT RIDERS TRAIL FUND INC.

P.O.Box 4063  
Palm Springs, CA 92263-4063



March 1, 2017

RE: La Quinta Peninsular Bighorn Sheep Barrier Draft EIR Written Comments

Dear Mrs. Barrows:

Desert Riders Inc. was established in 1930 as an equestrian riding club in Palm Springs and subsequently established the Desert Riders Trails Fund Inc. We currently have members that live in all parts of the Coachella Valley and high desert. The purpose of both organizations is to enjoy the spirit of desert riding and the love of horsemanship. In doing so the Desert Riders have been a leader in trail planning, development, construction, maintenance, advocacy, and on almost every Tuesday during the season since 1930, we ride.

Since 1930 we have formed working partnerships and have raised funds to partner with various entities. We have partnered with the cities of Palm Springs, Palm Desert, La Quinta, Agua Caliente Band of Cahuilla Indians, Friends of the Desert Mountains, BLM, Desert Trails Coalition and others to help fund and build trail projects. We have employed professional trail builders to build and maintain the trails for over 40 years. Over the years we have worked with agencies to make sure trails are safe for equestrians.

In reviewing the DEIR there are two trail related impacts that we have identified. The first potential significant adverse impact affects the La Quinta Cove to Lake/Morrow Trail. The second potential significant adverse impact affects the Lake Cahuilla County Park/Horse Camp.

## La Quinta Cove to Lake/Morrow Trail

This trail links the Lake Cahuilla County Park/Horse camp to the trail network that includes the Boo Hoff and Cove trails. Our members and others ride this trail network for group and individual rides. The loop ride starts at the Horse camp, goes up the Cove to Lake/Morrow Trail, and then the Boo Hoff Trail. This is one of Desert Riders favorite annual rides.

As a bit of background, the Quarry, City of La Quinta, and Desert Riders partnered to build the Cove To Lake/Morrow Trail when the Quarry was constructed. This new hillside trail was constructed by long time Desert Riders trail builders Mike Schuler and Doug Wester. During construction it was pointed out that soil conditions were not suitable for a horse trail. Several years after completion of this trail Desert Riders and the City of La Quinta worked with the Quarry to allow equestrians to ride in the desert wash adjacent to the golf course. This has proved to be a safe alternative for equestrians and has reduced the wear and tear on the hillside trail.

In reviewing the DEIR there is little discussion of the various types of trail use and specifically equestrian use. Desert Riders recommends that a mitigation measure be added to the DEIR as follows:

"The location and design of fencing and gates that affect existing trail access be coordinated with trail user groups including but not limited to Desert Trails Coalition, Desert Riders, and CVCC Trails Management Subcommittee. Equestrian gates shall be physically separated from hiking gates and shall be designed to accommodate horses, riders, and safety features related to equestrian safety. The final design, location, gates, and signs shall be approved, after consultation, by the CVCC."

The recommended new mitigation measure would allow for fencing and gates to be designed with input from identified trail user groups and provide for the specific safety features unique to equestrian use.

As currently written the location of fencing, signs, and the design of gates is to be determined in consultation with State and Federal wildlife agencies only. State and Federal Wildlife Agencies have a long tract record of hindering or prohibiting trail access during the preparation, approval, and implementation of the of the Coachella Valley MSHCPNCCP. The lead agency, CVCC, and the City of La Quinta, should not exclude trail users from this consultation process. The proposed mitigation measure noted above will save time and reduce controversy when fencing and gates are designed and constructed.

J-1

#### Lake La Quinta County Park and Horse Camp

The Lake La Quinta County Park and Horse Camp is the trailhead for most riders that utilize the Cove To Lake/Morrow Trail and the Boo Hoff Trail. In addition, other equestrians access the Cove To Lake/Morrow Trail and Boo Hoff Trail using trails that connect to residential and ranch properties in the area. Any fencing and gate proposals in this area need to allow for access from the Horse Camp and from the existing trail connections that bypass the Lake La Quinta admission gate. Signs will also be needed to address hiking and equestrian access. The proposed mitigation measure above will ensure that trails users are involved in fence and gate designs at an early stage.

J-2



## Trail Safety

Desert Riders recommends that the DEIR be amended and mitigation measures be added to carefully describe the specific needs of hikers, mountain bike riders, and equestrians relative to fencing and gate locations. Horses do not react well to bikes and bike riders. This is one of the reasons that gate locations need to be separated. During a group ride, sometimes involving 10-30 horses, trying to open and pass through a gate while a mountain biker rides down or up the trail is a dangerous situation that can lead to severe injury or death.

J-3

## Alternative Barriers and Management

In reviewing the DEIR we are concerned that the document is solely focused on barrier fencing and that other measures to manage Bighorn Sheep have been dismissed. The DEIR points out that land ownership is complex. Land acquisition or easement acquisition may take years or may not be feasible. By not considering alternatives to fencing in a meaningful way and by only generally addressing complex land ownership the DEIR does not fully inform the public and decision makers about delays and alternatives.

J-4

The DEIR briefly mentions herding dogs. The DEIR also briefly mentions gates at PGA West golf course bridges and landscape modifications to eliminate dangerous plants. We are concerned that bighorn sheep appear to be adversely affected by being attracted to urban areas. If this is the case, many of the threats should be dealt with quickly. The addition of gates at PGA West golf cart bridges would reduce most of the threats from car accidents, oleander poisoning, and canal exposure. Use of herding dogs and or trained sheep managers (possibly volunteers) to move sheep away from golf courses could be a cost effective interim mitigation program. This combined with the existing and proposed fencing at SilverRock Resort will make a substantial effort to reduce identified risks. The Quarry and Traditions owners and property managers may be more receptive to utilize herding dogs or sheep managers to discourage sheep use rather than fences. These measures could be implemented relatively quickly, save money, and significantly reduce threats to bighorn sheep. This would be a good year to start since water and forage should be much better due to abundant rainfall. If these interim measures prove successful then the fencing program could be re-evaluated.

J-5

Lastly, Desert Riders want to express our appreciation to CVCC for retaining John Wehausen, PhD to prepare the bighorn sheep assessment. His work is a valuable addition to the DEIR and to the overall understanding of bighorn sheep in the region. We would recommend that his report be updated to include the actual documentation regarding references to personal communications. The actual emails and or meeting summaries should be added to the technical

J-6

appendix. The use of personal communications was an area of significant controversy during the preparation and review of the MSHCPNCCP.

Thank you for the opportunity to review the DEIR and submit written comments. Trails users of all types have come together to help manage trails over the past 10 or so years. Please use the trail users to help with fence, sign and or gate plans so that, if and when they are constructed, they are safe and effective.

A handwritten signature in black ink that reads "Doug Evans". The signature is fluid and cursive, with the first name "Doug" and last name "Evans" clearly legible.

Sincerely,  
Doug Evans, President  
Desert Riders Trails Fund, Inc.

CC to:  
City of La Quinta  
BLM  
Desert Riders Board of Directors  
Desert Riders Trails Fund Board of Directors

**Subject:** Comments to the LQ PBS Barrier Draft EIR - Desert Riders  
**Date:** Tuesday, March 7, 2017 at 10:18:52 AM Pacific Standard Time  
**From:** Katie Barrows  
**To:** Kim Cuza, John Criste, Andrea Randall  
**CC:** Linda Rogers  
**Attachments:** image002.png, LQ PBS DEIR - Comment letter - Doug Evans 3-3-17.pdf

Here is a comment letter from Desert Riders, received on March 1. We received this letter by email from Doug Evans on Friday with four separate pages of the letter as jpg files. We weren't able to easily convert the jpgs to a pdf so asked that they mail a hard copy. We just got the hard copy in the mail today but the letter was received on March 1, not March 6.

I will go through the letters and comments received again but I think this is the last one.



Katie Barrows

---

**From:** bmillier4@dc.rr.com  
**Sent:** Friday, March 3, 2017 4:35 PM  
**To:** Katie Barrows  
**Subject:** COMMENT: Draft Environmental Impact Report for the La Quinta  
Peninsular Bighorn Sheep Barrier Project  
**Attachments:** DEIR comment.docx

Please see attached



**Brien Miller  
72735 Deer Grass Dr.  
Palm Desert, Ca 92260**

Ms. Katie Barrows  
Director of Environmental Resources  
Coachella Valley Association of Governments  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, California 92260

Subject: Draft Environmental Impact Report for the La Quinta Peninsular Bighorn Sheep Barrier Project, Coachella Valley Multiple Species Habitat Conservation Plan, Riverside County, California

Dear Ms. Barrows:

There is no debate that bighorn sheep began utilizing La Quinta golf courses in 2007 and that no agency, including those with the legal obligation to protect the sheep, took any action until February 28, 2014 when the U.S Fish and Wildlife Service and California Department of Fish and Wildlife wrote a joint letter stating that bighorn sheep were utilizing La Quinta golf courses for food and water and that pursuant to the terms of the Coachella Valley Multiple Species Habitat Conservation Plan (MHSCP) a “barrier” must be built to prevent bighorn sheep from accessing these areas.

In response, the Coachella Valley Conservation Commission (CVCC) has proposed building a barrier fence 24,773 to 67,277 feet in length, depending upon the alternative selected. CVCC has determined that the building of a barrier fence is a “project” as defined by the California Environmental Quality Act (CEQA), California Public Resources Code § 21000 et seq. Because CVCC has also determined that the building of a barrier fence would result in significant impacts, CVCC was required to prepare this Environmental Impact Report. The DEIR states, “[t]his EIR analyzes impacts of the proposed Project within the context of the immediate project planning area, the City of La Quinta, and the

broader Coachella Valley region, *based on relevant technical data and information* collected for these areas. (DEIR, I-3, emphasis added.)

The DEIR states correctly that the EIR is “to serve as an informational and analytical document that provides decision-makers, the general public, and other responsible or interested agencies with an objective assessment of the environmental impacts associated with the proposed ... [project] and that “[t]he conclusions of the EIR must be supported by *substantial evidence* and explain how significant effects have been or should be mitigated.” (*Ibid.*, emphasis added.)

Unfortunately, the most crucial sections of the DEIR are supported by almost no relevant technical data and information, and as a result the conclusions of the DEIR are not supported by substantial evidence. “The ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA. The error is prejudicial if the failure to include relevant information precludes informed decision making and informed public participation, thereby thwarting the statutory goals of the EIR process.” (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 872.)

The following is a short discussion of the informational short-comings of the single most critical section of the DEIR, Appendix B-1, entitled “Assessment of Sheep Use of Urban Lands and Effect of Proposed Bighorn Sheep Barrier”

Appendix B-1 is the analytical heart of the DEIR because it purports to provide the evidentiary basis for the conclusions in the EIR regarding negative impacts on bighorn sheep as result of the sheep using the urban environment in La Quinta and the corresponding need for a barrier fence.

More specifically, this section describes bighorn sheep natural habitat and diet quality patterns, the history of respiratory disease in bighorn sheep, the effect of urban environment use on bighorn sheep in Rancho Mirage and La Quinta and why a barrier fence in La Quinta is appropriate based upon the use of a barrier fence in Rancho Mirage.

The ultimate conclusion of this section is clear, the use of the urban environment is bad for sheep and that without a barrier fence like the barrier fence in Rancho Mirage the long-term viability of the herd in the La Quinta area is poor.

K-1

As discussed below, this conclusion is not supported by relevant technical data and information.

## BIGHORN SHEEP AND URBAN INTERFACE

This section discusses in detail the history of respiratory diseases in bighorn sheep in general as well as the history of respiratory disease more specifically in both Rancho Mirage and La Quinta. The subsections addressing Rancho Mirage and La Quinta are the focus of this comment.

### Rancho Mirage

The *suggestion* is that urban interaction exacerbated respiratory disease and led to a higher mortality rate of lambs in Rancho Mirage (and that the same has occurred in La Quinta). However, the evidence cited does not support such a conclusion, and, in fact, the DEIR is careful to not actually make such a claim. After discussing the high mortality rate of the lambs in the NSRM (Rancho Mirage) herd following the construction of a housing development in Thunderbird Cove in the 1980s, the DEIR states the following:

This urban habitat use apparently exacerbated the effects of the ongoing disease epizootic and perhaps its interaction with increasing mountain lion predation (Hayes et al. 2000), as evidenced by a notably lower survivorship of lambs in the NSRM herd compared with the CSRM and SSRM [other local] herd units. During 1985-1993, fall ratios of mostly 5-8-month old lambs per 100 ewes in the NSRM herd were consistently lower than the 2 herd units to the south, averaging 22 lambs fewer per 100 ewes (range: 9.9 – 43.4) than the adjacent CSRM herd (Figure 7 in DeForge et al. 1995). A similar comparison (NSRM vs Deep Canyon) in Table 1 of the Recovery Plan for bighorn sheep in the Peninsular Ranges (U.S. Fish and Wildlife Service 2000) for 1994-1996 also shows this consistent difference, but of much higher magnitude (average difference of 48 lambs per 100 ewes). *The magnitude of this latter difference suggests that use of this urban habitat did not only exacerbate the effects of this disease on lamb survivorship, but may have extended the duration of this epizootic compared with the closest neighboring population. This might be explained by a higher longevity due to excellent nutrition of ewes using urban habitat where those surviving ewes were individuals that harbored pathogenic bacteria.* (APP. B-1, 7., emphasis added.)

K-1  
Cont.

There is no explanation why this data suggests that use of this urban habitat exacerbated the effects of this disease on lamb survivorship much less why it “may” have extended the duration of this epizootic compared with the closest neighboring population. And it is admittedly unsupported speculation that “[t]his *might* be explained by a higher longevity due to excellent nutrition of ewes using urban habitat where those surviving ewes were individuals that harbored pathogenic bacteria.”

One paragraph later the DEIR states: “In 1998 an unknown factor changed for the NSRM herd leading to a sudden increase in lamb survival. During 1998-2002, the fall lamb:ewe ratio for this herd, while initially highly variable, averaged 5 times the average for 1985-1997 (Bighorn Institute, unpublished data). This change occurred while the population continued to exploit the urban environment and reversed the previous long declining trend for this herd.” (*Ibid.*) Inexplicably, the lamb survival rate skyrocketed despite the NSRM herd’s interaction with the urban environment.

As to other effects, in one short paragraph this section blithely concludes that predation and other undefined urban causes led to additional deaths. “For a sample of 14 mortalities of collared lambs, 13 occurred within 300m of the urban interface, of which 7 were due to predation and 6 due to urban causes (Bighorn Institute, unpublished data).” No facts are offered to support these statistics, nor is there a citation to verifiable data. Throughout Appendix B-1 the DEIR refers repeatedly to unpublished data. In fact, unpublished data is often the only source cited.

These repeated citations to unpublished, unavailable data violate CEQA. The EIR can refer to and incorporate by reference supporting information or data that is a matter of public record or generally available to the public. The Guidelines require that the EIR be “prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” Guidelines § 15151. Moreover, Section 21061 of the Public Resources Code states that technical data relevant to an EIR need not be repeated in its entirety in the EIR, but must be “reasonably available for inspection at a public place or public building.” Guidelines section 15147 states that the EIR “shall include summarized technical data, ... diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public.” Data that is “highly technical[,] and specialized analysis

K-2

K-3

and data” should not be placed in the body of the EIR, but rather included in appendices to the main body of the EIR. (*Ibid.*)

Put simply, the data relied upon must be made available. It is impossible for decision makers and public to play their respective roles in the CEQA process otherwise.

What is clear from the discussion of the effects of use of the urban environment in Rancho Mirage is that the DEIR includes no relevant technical data and information that establishes a nexus between bighorn sheep use of the urban environment in Rancho Mirage and increased lamb mortality.

K-4

#### La Quinta

The discussion regarding the urban effects on bighorn sheep in La Quinta again is no better and, if anything, is based upon even less data. A table is presented that purports to show that lamb mortality is higher for lambs using the urban environment than lambs in the wild. App. B-1, 10, Table 1. Yet this table, which shows survival rates for 2015 and 2016, indicates 2015 that survival rates for lambs both in the wild and urban environment are statistically the same.

This section also makes clear that there is no established nexus between purported higher lamb mortality rates and use of the urban environment. “The factors causing notably higher lamb mortality in the urban interface are not known. ...[I]t is not known if the levels recorded for lambs dying in the urban habitat of La Quinta are different from CSRM herd lambs living in the wild.”

K-5

Finally, the section on use of the urban environment concludes with the following stunning statement:

The low level of lamb recruitment recently recorded for the urban habitat ewes at La Quinta can be expected to lead to a declining population trend if it were to continue in the future. However, an increasing population trend may occur instead, despite high lamb mortality, if increasing numbers of wild sheep shift to this urban habitat use pattern. If allowed to continue, the use of this urban habitat may replicate the demographic history of the NSRM herd at Rancho Mirage. This situation can be viewed as a potential extinction vortex that will likely pull in increasing numbers of ewes from the wild and transform them to a subpopulation with reduced reproductive success that is inadequate for long term persistence. (App. B-1, 11.)

K-6

Not one of these statements, all of which are linked together as a chain of causation leading to an extinction vortex, is supported by a single fact.

The failings discussed above not exclusive to this section.

This DEIR continues the long and consistent pattern of those responsible for protecting bighorn sheep of making decision about our desert bighorn sheep and land use without reliance upon science.

This approach to decision making may suffice in the political arena. It does not; however, comply with the mandates of CEQA. The DEIR is not, as it claims at the very beginning to be, “based on relevant technical data and information.”

It is my hope that the EIR is corrected to include analysis based upon verifiable scientific data and that all relevant data is properly made available to both the decision makers and the public.

If these defects are not remedied I am afraid that a substantially similar Final EIR would be vulnerable to legal challenge, a result that would likely long delay the implementation of an appropriate solution to protect the desert bighorn sheep.

Thank you,  
Brien Miller

K-7



Katie Barrows

---

**From:** michael bromley <mrb2944@gmail.com>  
**Sent:** Saturday, February 11, 2017 4:59 PM  
**To:** Katie Barrows  
**Subject:** La Quinta fence issue

I am writing with regard to the draft Environmental Impact Report (EIR) dealing with the proposed La Quinta area fence as it relates to the endangered Peninsular Desert Bighorn sheep. I have read the EIR, and have also visited the areas accessible to me where the various proposed fences are anticipated to be placed.

By way of background I am an avid outdoorsman, hiker, photographer, and hunter. My wife and I own a home in Palm Desert, which we use in the winter. We do not play golf, but selected the Coachella Valley (after many years as visitors) for our winter home because of the opportunities for winter hiking and other outdoor activities, including the opportunity to observe and photograph desert bighorn sheep. I think this is a significant point because many of the opponents of a fence complain about its visual impact, the economic impact of golf on the valley, and the fact that golfers enjoy seeing the sheep on a golf course. Not everyone who comes to this area plays golf, and many enjoy seeing the sheep in their natural environment.

Of the four alternatives I will not address "D" since it has already been determined to be unacceptable because it does not meet either federal or State of California mandates.

Alternative A is likely to be the most expensive of the alternatives in terms of right of way acquisition, and would have the most visual impact on adjacent public and private properties, but will result in the least loss of habitat for the sheep, approximately 130 acres, and require the least amount of mitigation in terms of providing alternate water and food sources, if that is determined to be necessary. In the context of discussing sheep habitat it is important to note that not all of the current area set aside as "bighorn sheep habitat" is in fact suitable for the sheep to use on a regular basis. I am not a biologist, but know from both my personal outdoor observations and hunting experiences (I have been on over a dozen bighorn hunts, including for desert sheep), as well as reading books and also magazine articles by biologists in the various hunting and conservation organizations I belong to and contribute to that our native sheep are creatures of the mountains. Certainly they may cross flat areas to get from one place to another, or to get to food or water (which is the cause of the current problem) but they are most comfortable and safest from predators in the hills and mountains. Thus, while they may cross the La Quinta Cove wash to get to the mountain adjacent to the various golf courses, the wash area can not be considered as suitable habitat for them and should be excluded from any calculations of the amount of remaining habitat available to the sheep.

L-1

Alternative B and B-2 will require approximately the same amount of fence as Alternative A, will involve less visual impact on adjacent public and private property adjacent and to the east of the proposed fence locations than Alternative A, but will result in more loss of habitat for the sheep (approximately 3/4 square mile and 1 1/8 square mile respectively) and potentially require more mitigation.

L-2

Alternative C would result in a much shorter fence but would deprive the sheep of access to the easternmost mountain adjacent to the existing golf courses, thus depriving not only the sheep of a significant amount of suitable habitat (almost 4 square miles, primarily in sections 7,18 and 19, but also parts of sections 8,17 and 20, all in Township 6 South, Range 7 East) but would also deprive golfers and others from being able to enjoy seeing them from the developed areas to the east. It would also create a negative visual impact for those persons hiking the Cove to Lake and Boo Hoff trails to the west of the proposed alignment. Most importantly, since the EIR is designed for the purpose of protecting the endangered Peninsular Bighorns, it would deprive them of not only the acreage from which they would be fenced out,

L-3

but would push them to the mountain ranges to the west of the La Quinta Cove wash since, as noted above, the wash area is not suitable habitat for regular usage by them.

For all of the reasons noted above I would respectfully suggest that Alternative C is totally unacceptable, and that if, the purpose of the EIR is to allow a conclusion to be reached based on what is in the best interest of the sheep, Alternative A is the only one that achieves that goal.

L-4

If you wish any further input from me I can be reached by email or at 719-651-7200. My local mailing address is 73-361 Foxtail Lane, Palm Desert, CA 92260.

Michael R. Bromley



# Bighorn Institute

*Dedicated to the conservation of the world's wild sheep through research and education*

*A nonprofit  
Tax-Exempt Organization*

## HONORARY CHAIRMAN OF FUNDRAISING In Memoriam

Gerald R. Ford  
*38th President of the United States*

## PRESIDENT EMERITUS

Lawrence Cone, M.D.  
Ernest W. Hahn  
Charles W. Jenner, D.V.M.  
Richard C. McClung

## BOARD OF DIRECTORS

Mike Rivkin\*  
*President*  
Fay McClung\*  
*Executive Vice President*  
Dave Stockton\*  
*Executive Vice President*  
Roland Burbank, D.V.M.\*  
*Vice President*  
Kent A. Roberts\*  
*Treasurer*  
Judith L. Sanders\*  
*Secretary*  
Stuart Barton, M.D.  
Mary Osborne Cone  
Nicholas J. Coussoulis  
Michael Dee  
Robert N. Gebhart, M.D.  
Bob Howard  
Meg P. Marker\*  
Elizabeth B. Simon  
Dave Stockton Jr.  
Richard A. Yaeger  
*\*Executive Council*

## ADMINISTRATION

James R. DeForge  
*Executive Director  
Research Biologist*  
Aimee J. Byard  
*Associate Director  
Biologist*

## ADVISORS

Mark C. Jorgensen  
*Anza-Borrego Desert State Park*  
Oliver A. Ryder, Ph.D.  
*Zoological Society of San Diego  
Center for Reproduction  
of Endangered Species*  
Raul Valdez, Ph.D.  
*New Mexico State University*  
J. Craig Williams, Esq.  
*Legal Counsel*

February 24, 2017

Katie Barrows

Director of Environmental Resources  
Coachella Valley Conservation Commission  
73710 Fred Waring Dr., Suite 200  
Palm Desert, CA 92260

via Electronic Mail

Dear Katie:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the La Quinta Peninsular Bighorn Sheep Barrier Project. A barrier is needed/required in La Quinta to prevent the endangered Peninsular bighorn sheep (PBS) from using the golf courses and urban areas as an artificial food and water source. These sheep will not stop on their own as they are being attracted down to the lush lawns and a fence is the only reliable thing that will permanently prevent this behavior. Alternative A (Toe of Slope) of the DEIR is the most appropriate option for the barrier project as it accomplishes the goals of keeping bighorn out of the urban area with minimal habitat loss. Below are our comments on the DEIR.

Alternative B (Ridgeline) omits at least 420 acres of sheep habitat, which is not acceptable. Alternative B2 (Ridgeline Public Lands) is simply an avoidance of obligations by private landowners in that the community that agreed to the benefits and restrictions of the Coachella Valley Multiple-Species Habitat Conservation Plan (CVMSHCP) now has no responsibility to protect the species within the plan, namely, the endangered PBS. Alternative B2 removes over 700 acres of sheep habitat exclusively for the benefit/protection of private land owners.

Alternative C (Cove to Lake) will cost PBS nearly 2400 acres of bighorn habitat, much of which is designated as critical habitat. This is the "quick and easy" alternative, but is not remotely in the best interest of the sheep.

Alternative D (No Project) does nothing, which has already resulted in the preventable death of at least 12 endangered PBS on or near the La Quinta golf courses since 2012. The CVMSHCP is not permitted for lethal take so "no project" will continue to impact PBS beyond an "acceptable" level. No project will also continue to promote a habituated herd of bighorn that is increasing in number. These sheep are forsaking innate lamb rearing behaviors and losing historic home range knowledge by passing on a diminished home range to lambs each year.

M-1

M-2

Alternative D does not meet the project objectives nor does it comply with the CVMSHCP mandates, which require a barrier to be built so this is not a viable alternative.

The sole purpose of the fence is to protect and preserve the endangered Peninsular bighorn. Removing available native habitat, much of which is lambing habitat and designated as critical, contradicts this premise, yet that's exactly what all of the alternatives do. The sheep will be negatively impacted by losing 130 acres of native habitat with Alternative A, at least 420 acres and as much as 740 acres with Alternatives B and B2, respectively, and nearly 2400 acres with Alternative C. Alternatives B and C are unacceptable based on habitat loss alone. PBS have already been significantly negatively impacted by being attracted down to La Quinta golf courses that were built in sheep habitat so it's unacceptable to impact them further by removing more habitat.

M-3

Mitigation measures in the DEIR do not adequately compensate for the impacts to bighorn sheep for all of the barrier alternatives. There is no mention of required biological monitoring of PBS post-fence construction. This is a gross oversight as the health and demography of the herd should be of paramount importance relative to this project.

M-4

Despite its claim, mitigation measure BIO-12 does not adequately mitigate for the proposed habitat loss for any of the alternatives. It suggests that the project can "Transfer Conservation Objectives consistent with the CVMSHCP," which means protect habitat elsewhere while taking currently protected, valuable lambing and critical habitat. Alternative C further suggests that lands could be acquired that are not currently conserved in the Santa Rosa and San Jacinto Conservation Area. If these alleged lands haven't already been deemed worthy of conserving, why would they suddenly be of value now? The "traded" lands must be of equal value to the sheep and we know of no such available land that is not already protected. If there were lands available for this proposed mitigation, they should have been identified in the DEIR. Any available mitigation lands must be available for this impacted herd, not elsewhere in the range. This is a bogus claim and is misleading to the reader since it's the most significant mitigation measure for habitat loss.

M-5

Mitigation measure BIO-10 suggests that alternative water sources should be provided for Alternatives A and B that may provide public viewing of the bighorn sheep. Public viewing of an endangered species should not be a priority of a mitigation measure and it's unclear why this was included. Bighorn sheep get no mitigation benefit from being viewed by the public. If adding water guzzlers is

M-6



deemed necessary, they should be located southwest and nowhere near the project area.

The DEIR is not specific in the level of monitoring the fence post-construction. It suggests it will be at least annually, but we feel that is inadequate and should be clearly defined. Based on our 14 years of experience monitoring the Rancho Mirage bighorn fence, we feel the fence should be inspected at least every other month as well as after rain events, which can damage the fence even with flood panels. It will be more cost effective to pay to monitor the fence than a helicopter to help haze bighorn out of the urban area should they breach the fence. Coyotes will surely dig under the fence, as they do in Rancho Mirage, and if gaps are left unattended and get large enough, bighorn sheep will go under the fence. This has happened in Rancho Mirage. Erosion and rain can cause gaps under the fence, which is why regular fence inspections are necessary.

M-7

Mitigation measure BIO-9 states that there will be entry gates to allow sheep out should they become entrapped on the urban side of the fence post-construction. A helicopter will most certainly be required to haze sheep out of the urban area for Alternatives B and C and possibly even Alternative A. It is infeasible to expect people to be able to adequately maneuver in the steep, rocky terrain in a sufficient manner to haze sheep and get them directed to a gate, especially with these habituated bighorn that do not respond to hazing like wild bighorn. We have more experience than we'd like with hazing sheep out of the urban area and it is not easy and often requires many people to get just one sheep out of the urban area. A helicopter has had to assist with bighorn hazing efforts in Rancho Mirage. There are multiple concerns with the use of a helicopter, such as the availability of a helicopter and qualified personnel to haze the sheep, the stress on the sheep, and the cost. These issues must be taken into consideration when deciding on the best alternative. Is there a local helicopter company available at a moment's notice? Who will be involved in the hazing because they must have the appropriate permits to haze the sheep as well as adequate sheep behavior knowledge to know how to properly haze them to minimize disturbance to the sheep. Who gets contacted on weekends because weekends and holidays are notorious for sheep emergencies. Some of these issues will be addressed in mitigation measure BIO-8 with the strategic construction plan, but a clear post-construction plan must be identified for dealing with bighorn that breach the fence.

M-8

A helicopter will be required to haze PBS out of the urban area prior to the closure of the entry gates to ensure that all bighorn sheep are safely on the habitat- side of the fence for Alternatives B and C, which could prove challenging and stressful to the sheep. Again, as previously described, there is added cost associated with helicopter

M-9

use as well as ensuring that appropriately trained and permitted personnel are involved. Ground crews should be able to check the urban areas and haze them out for Alternative A. There needs to be a clear plan and close coordination among all involved property partners when it comes time to close the fence gates.

A helicopter will likely be required for fence maintenance with Alternative B. With this alignment, portions of the fence will be in less accessible, rough, steep terrain and helicopters are required to haul in fence materials for construction of the fence so it's naïve to assume they will not be needed should significant maintenance issues arise. This adds cost and potential stress to the sheep, if they are in the area on the habitat-side of the fence. If the repairs are significant, for instance, an entire fence panel collapses from a storm (as has happened in Rancho Mirage), repairs will need to be made immediately to prevent bighorn sheep from re-entering the urban area. Again, weekends and holidays need to be considered for emergency plans as well as the availability of a local helicopter company.

If bighorn sheep become entrapped on the urban-side of the fence, properly permitted personnel need to be identified and available if animals need to be physically handled. Again, this should be covered in post-fence construction strategic planning.

M-10

PBS have strayed as far as 4 miles away from the nearest mountain in La Quinta and are wandering in the streets often. This is now a serious human safety issue with motorists having to be aware of possible bighorn encounters on the local streets where there shouldn't be bighorn sheep. Law enforcement routinely has to haze sheep out of the streets or direct traffic away from sheep, which takes time away from their regular duties, especially around Avenue 52 and Jefferson. One bighorn ram has already been hit and killed by a motorist and her airbag deployed. She is lucky she was not seriously injured. As long as the fence is not built and bighorn are allowed to access the urban areas, these safety issues remain a concern for not just the bighorn, but our valley residents and visitors.

M-11

As far as visual impact from the fence, Alignment B will likely have the most negative impact because although construction will aim to avoid the ridgetop where possible, it's called the "Ridgeline Alignment" for a reason. Mountain views are a significant aesthetic draw for Coachella Valley residents and visitors. A fence on the ridgeline will be visible from various angles and distances and is not likely to be desirable. It is one thing to have a fence along the base of the hills as you hike or play golf, it's another altogether to have it obstructing a beautiful vista. The fence in Rancho Mirage has been in place in its entirety since October 2002 and many homeowners in multi-million dollar homes have the fence behind their homes, but we hear no complaints about the fence. Perhaps it's because they know it was the right

M-12



Page 5

thing for the well-being of the bighorn herd or because they have simply become accustomed to the fence since it blends into the hills, either way, it has not been a negative. The DEIR suggests that golfers, hikers and homeowners will "adjust" to the fence and eventually stop noticing it and we have to agree based on 14 years of experience with homeowners and the Rancho Mirage fence, which also gives residents a sense of security.

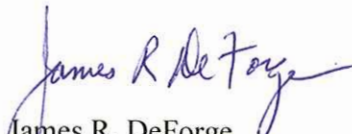
Alternative A is longer and thus more expensive, which is a concern. However, there are many ways to raise the necessary funds for the fence and get the community involved in a positive conservation effort. Rancho Mirage assessed each homeowner in the Thunderbird communities a fence assessment.

M-13

Peninsular bighorn sheep have lived in this desert for thousands of years and have had to adapt time and again to human encroachment. If we expect them to recover to historic population levels and range, we must make concessions for their benefit. In this case, a fence is desperately needed to keep bighorn out of the urban areas of La Quinta and it's unfair to suggest the sheep must lose more habitat to be protected. Alternative A meets all of the project criteria with the least impact to the sheep. We hope the Coachella Valley Conservation Commission will select Alternative A, which is in the best interest of the sheep, for whom this project is designed.

M-14

Best regards,

  
James R. DeForge  
Executive Director  
Research Biologist

February 7, 2017

Coachella Valley Conservation Commission  
La Quinta Peninsular Bighorn Sheep Barrier Project-DEIR Comments  
73-710 Fred Waring Drive  
Suite #200  
Palm Desert, CA 92260

Subject: La Quinta Peninsular Bighorn Sheep Barrier Project-DEIR Comments-R

Dear CVCC:

I have reviewed the Draft Environmental Impact Report-SCH No. 2016021102 (DEIR) for the La Quinta Peninsular Bighorn Sheep (PBS) Barrier Project and offer the following comments.

I am both an avid golfer and hiker and can offer my real-life experiences with PBS in La Quinta and surrounding environs.

As a La Quinta resident, I have played golf just about every Sunday at SilverRock since it opened in 2005. In the early years, only a few PBS would be seen at the golf course and it was a big event. Today, PBS herds (20+) can be seen at the golf course many times per week. The migration of big horn sheep onto the golf course and beyond has expanded greatly. This has resulted in damage to the golf course and the potential for PBS/vehicular accidents on Jefferson Street and Avenue 52. I agree that something needs to be done as this is not a natural or good situation.

I am not a biologist and will rely on the data provided that the migration of PBS into urban areas has resulted in some respiratory disease. I have personally seen young PBS afflicted by this disease on the golf course and therefore can support the project from a PBS health standpoint.

N-1

I have hiked the mountains surrounding the Coachella Valley quite frequently over the last 10 years. In particular, the Santa Rosa National Monument and the Boo Hoff Trail are my favorites. I have hiked the Boo Hoff Trail (Cove trailhead to peak and back) over 150 times in the last three years. In all these years/hikes, I have seen the tell-tales signs of PBS but I have only actually seen two PBS in the wild---one on the Boo Hoff Trail and one on the Martinez Canyon Trail. I believe this is the way it should be!

The DEIR provides an excellent review of the environmental impacts of the Project Alternatives. I believe Alternative C provides the least environmental impact and the least cost. Alternative C would impact portions of the Cove To Lake Cahuilla Trail but not adversely. The Boo Hoff Trail and Guadalupe Trail would not be affected. I think it is important to have the barrier up high and not at the toe-of-slope. Although, Alternative C isolates 2,397 acres of PBS habitat, there is enough wilderness (150,00 acres) in the Santa Rosa Monument to offset without any need for land/monetary compensation and I only support Alternative C under this qualification. In addition, the fencing types/options are acceptable.

N-2

I recently retired as Director of Engineering for the Coachella Valley Water District and was involved with the Coachella Canal Relocation Project at SilverRock where we installed PBS fencing along the perimeter of the relocated canal. I can report that this fence has made a positive impact, as PBS are now rarely seen in this stretch of the mountain toe-of-slope. Please ensure that CVWD domestic water, stormwater and canal/irrigation facilities and operations are fully vetted.

N-3

Thank you for the opportunity to comment.

Regards,



Mark L. Johnson

cc: CVWD  
City of La Quinta  
Big Horn Sheep Institute

Katie Barrows

---

**From:** David Heitsman <dheitsman@shaw.ca>  
**Sent:** Friday, February 10, 2017 1:38 PM  
**To:** Katie Barrows  
**Cc:** David Heitsman  
**Subject:** Silver Rock Resort Fencing Sheep Concerns

Katie Barrows,

- > As a passionate golfer and equally passionate sheep hunter I must vehemently protest the fencing of Silver Rock Resort and adjacent vicinities to keep the Peninsular Desert bighorns off of the course.
- >
- > The highlight of my and many of my fellow players golf games is seeing the sheep on the different holes. I have yet to hear even one player indicate that they prefer the to be fenced out. Many times, I have brought non-golfing guests to see the rare sheep that they otherwise could only see in a zoo.
- >
- > I split my time between British Columbia and La Quinta and majority of my volunteer effort and significant charitable dollars are spent on sheep conservation issues in British Columbia.
- >
- > In my opinion, the value of having those sheep available to the public for ready viewing far outweighs the incidental occurrences of rare deaths in the band.
- >
- > If this band of sheep is fenced off of the golf course they will lose their food and hydration sources and surely die off. There is insufficient browse in the steep rocky landscape which is their escape terrain, not where they normally would eat.
- >
- > The sheep, particularly the rams, do not appear emaciated or thin. There are at least two rams of the 6 - 8 year age range (class 3) and at least one that I think is (class 4) perhaps 9 years old, that habituate Silver Rock Resort, all ages not readily attainable if their dietary needs were not being met. The ewes are fat as well.
- >
- > The lack of lambs and the minimal amount of yearlings in the band is of concern as this would indicate poor lamb recruitment, (the ability to survive their first year of life) but I failed to see how denying them their food source could remedy this problem.
- >
- > I would ask what type of predator control is being instigated in these areas to protect the sheep? On my golf course at Rancho La Quinta alone, there are at least six coyotes that I have seen frequently that would decimate those lambs in one night. I have seen bobcat tracks at Silver Rock as well as seeing them live on other local courses.
- >
- > I would also encourage the fencing proponents to consider the actions of Sunriver's Golf Resort in Kamloops, British Columbia. The Rocky Mountain bighorn sheep here thrive on this golf course with a very similar ecosystem of steep dry escape terrain alongside a lush vegetated golf course.
- >

O-1

O-2

O-3

O-4

O-5

> When the band numbers exceed the carrying capacity for the community or the golfers, they are trapped and relocated 20 - 30 at a time to other sheep habitat areas in the province. I and other hunter/conservationists provide the bulk of the funding and the labor to facilitate these transplants under the auspices of Provincial authorities.

O-6

>

> Unless the sight of vultures and eagles circling the hillsides above Silver Rock is going to be the new appeal for golfers to play there, please reconsider this devastating action.

>

> Thank you for this opportunity to voice our concerns.

>

> Yours in sheep conservation.

>

> David Heitsman Treasurer

> Wild Sheep Society of British Columbia

>

>

>

>

>

>

Katie Barrows

**From:** Rich Jarvinen <rich@kanaloea1302.com>  
**Sent:** Friday, March 3, 2017 8:49 AM  
**To:** Katie Barrows  
**Subject:** Comments to the La Quinta Peninsular Bighorn Sheep Barrier Draft EIR

Hi Katie,

Thank you for taking my comments on the La Quinta Peninsular Bighorn Sheep Barrier Draft EIR.

Rich Jarvinen  
 719.201.9925

My Comments:

It is incumbent on the DEIR and eventually the EIR to clearly document how the public will be impacted in relation to access to trails authorized under the adopted 2014 revision of BLM's Trails Plan (under the CDCA Plan, that also complies with needs identified in the Multiple Species Habitat Conservation Plan for the Coachella Valley). In order to comply with the negotiated and accepted trail segments within that Trails Plan, the installation of any fence must not deter any public access per that Plan to any of those adopted trails.

P-1

The only primary public use trail listed in the Trails Plan that is identified in the DEIR, starting at page III-9, is the "2.5-mile Cove-to-Lake Trail." It is also referenced as the "Boo Hoff/ Cove-to-Lake hiking trail" on page III-37 and "Boo Hoof/Cove-to-Lake hiking trail" on page III-42. For clarity, the EIR should refer to that trail using just one name: "Boo Hoff/Cove-to-Lake hiking trail." In the balance of these comments, the term "Trail" will be used to reference the "Boo Hoff/Cove-to-Lake hiking trail."

P-2

There is no depiction of the Trail, nor Trail route on any of the maps or other graphics included in the DEIR. There is also no clear description of how any of the proposed alternatives (other than Alternative D) would impact the Trail or public access and use of the Trail. It is therefore not possible to determine what impacts any of scenarios A, B and C will have on the public's use of that Trail. In fact, the DEIR dismisses impacts to that Trail calling them inconsequential without substantiating that conclusion with facts and design commitments (other than generic "Gates" discussion on page III-219). As an example, the DEIR uses language and terms such as "...will cross portions of this trail..." and "...the fence's impacts to this trail would be less than significant." Both can be found on page III-160, and dismiss the importance of insuring that enjoyable public access and use of the trail will be maintained.

P-3

In the discussion of "Gates" on page III-219, there is no commitment to the ease and longevity of access through those gates. For example, no mention is made of access 24 hours per day, 365 (or 366) days per year. There is also no description of the maximum number of gates that trail users will be required to go through. Nor is there an explanation of the procedures to be used should, for unforeseeable reasons, the gates are inoperable in a closed position. A better description, such as "unlockable, spring loaded seven foot high, three foot wide gate that opens to the north and closes on its own, which does not require stepping over a barrier" should be used.

P-4

One important element of the Trail not addressed at all is how fragile the Trail is to weather and heavy use. It was originally designed and constructed to be on the hillside, out of the wash. But the soils under the Trail are sandy and subject to rapid deterioration, especially after weather events, periodically making it unsafe for the public. As a result, when the trail is not usable, the public moves to the wash along the Quarry development to travel between the Cove

P-5



and Lake. That is the same access equestrians use to avoid the hillside section of the Trail – that portion not designed properly for equestrian use. There is no discussion in the DEIR on how this need will be addressed for the public to use safe, alternative routes. Also missing from the DEIR is the identification of dedicated resources from the City of La Quinta or other government entities to ensure the safety of the Trail is maintained for continued public access.

Finally, through the Trails Management Subcommittee (TMS) of the Coachella Valley Conservation Commission, trail additions within the impacted area covered under the DEIR have been suggested and considered. There is no discussion in the DEIR about the impacts any of the proposed fence alternatives might have on those trail additions. By ignoring those proposed trail additions, the DEIR has inappropriately ignored the oversight responsibilities of appointees from Coachella Valley cities and other political entities. Those potentially new trails have subsequently not been adequately addressed in the DEIR.

P-6

Katie Barrows

**From:** Susan's Email <kemosabesusan@aol.com>  
**Sent:** Monday, February 27, 2017 4:08 PM  
**To:** Katie Barrows  
**Subject:** I have concerns regarding the fence that is suppose

I have concerns regarding the fence that is supposed to be put up and supposed to save the sheep.

This particular species habitat range is from Palm Springs to basically Interstate 8. They live below 4,000 feet, there are slope requirements, grazing habits, etc., etc.. We know enough information to know what they need to continue living.

Over the course of time the Tradition, the Quarry, Silver Rock, and numerous other developments have filled in the baseline and the washes along this baseline. This is where the sheep feed, at the base of the mountains. Of course you should know this because you are the experts.

I have lived at PGAWest since 1994 and in that time the herd here has grown from about four to well over thirty. They are healthy looking, content and thriving. They have adapted to us invading their territory again and again. We've taken away their water sources and places to eat now you want to take area as well. Shame on you. They are happily grazing and not threatened. You don't want them interacting in human spaces, well we are in their space. Leave them alone or at least give them that space. They aren't hurting anyone. Their space is continuously being taken away for man's projects.

Q-1

The premise of this fence is supposed to be in their favor. Half way up the slope or on top of the ridge is almost idiotic considering the territory, the undertaking, not to mention the costs. The fence way back in the cove and Quarry area would really reduce their space. There has been not been adequate give and take.

Q-2

There has been pointed out the that the human interaction will frighten them. They have accepted us once again and proven they are able to exist in our presence. I might add the cannon sounding gun that has been utilized to scare away the golf course birds isn't in their interest. Man builds a golf course with water features but he doesn't want birds and he plants vegetation he doesn't want the sheep to eat. The gun shooting range is situated at the bottom of the slope. Does that not frighten them?

Q-3

This small area they call home has already been invaded upon. The canal has blocked the natural water run off areas and the golf course holes take up other space. The little bit of area between PGA West and Silver Rock that is currently fenced off was a dumping ground. The amount of garbage, piles of it, over there is terrible. At one point in time another person and I had cleaned up the surface trash and all the glass but every time there is substantial rainfall, an entire new layer of broken glass and trash is revealed. And this is what we are 'giving' them?

Q-4

Where will the sheep move to from here? They will look through this fence and see the land that used to provide for them. This fence takes and there is no give. There isn't any plan for alternative water source or grazing. There is only an extremely limited space for them to live along this mountain base that is safe and provides for them. The amount of fenced and walled off land just continues. The sheep are existing along with us. Does every bit of land need to be built up? Is man that greedy? Wild life needs freedom and man needs to restrain himself. This is another instance of we want this, we take this, we make it to suit our desire, and you stay over on the side of yet another barrier. We get to control all the water and lush vegetation and have it all to ourselves. Nothing in the plans for you this time. Shame on us.

Q-5

All the studies with fancy labels, environmental and economical, mean nothing. Simple common sense and observation of the sheep should indicate this area is important for them otherwise they wouldn't have made this area their home.

Q-6

Has any effort ever been made to plant vegetation favorable to the sheep on the areas which are their territory? Areas that are watered on the golf course's perimeter?

Does this community need more shops, hotels, golf courses? Really, where do the sheep move on to? They are about out of options.

I am glad I shall never be young  
Without wild country to be young in.  
Of what avail are forty freedoms  
Without a blank spot on the map.

Susan Fry  
54-280 Riviera  
La Quinta

Sent from my iPad

**From:** Shirley Nichols <shirleynichols44@gmail.com>  
**Sent:** Friday, January 13, 2017 4:13 PM  
**To:** Katie Barrows  
**Subject:** Bighorn sheep fence

NO FENCE!!

The sheep population has been increasing at a good rate. Evidently the golf course environment has not caused them any unusual demise.

The sheep have a natural mortality rate and some will die from disease and accidents like any animal.

Use common sense the sheep will find a way around the fence. What a waste of tax payer's money that could be used for something that would actually be of benefit to the community.

R-1

The fence will be unsightly to the residents of the golf course communities. When we purchased our homes with the lovely natural scenery we didn't choose them with the condition of looking at an ugly fence!

R-2

We enjoy the sheep. They are an asset to our communities. You can be sure that the Career Builder Challenge which will be televised to the world at the end of January will most certainly feature many cameos of our beautiful Bighorn Sheep!!

R-3

Shirley Nichols  
Gary Sharman  
54495 Riviera  
LaQuinta, CA

--  
Sent from Gmail Mobile

Katie Barrows

---

**From:** Dennis Gallifent <dgallifent@dc.rr.com>  
**Sent:** Tuesday, January 24, 2017 3:18 PM  
**To:** Katie Barrows  
**Subject:** Fence

*You asking the city of La Quinta to build the fence to keep the big horn sheep off the golf course is like me asking my neighbor to build a fence around his property so my children will not play in his yard.*

*Doesn't make a lot of sense in my mind.*

*Hope this helps*

S-1

*Dennis*

Katie Barrows

---

**From:** billie costello <billiecostello8@hotmail.com>  
**Sent:** Monday, February 6, 2017 5:12 PM  
**To:** Katie Barrows

Katie,

I have a problem with all of the alternative programs. I do not want the sheep to be denied their food and water, which is getting to be harder with our climate change that is occurring in this world and when the natural area where they live, the water and food supply becomes harder to find. So what do they do, they come down looking for both. I am not convinced that the few deaths that have happened was due to their eating & drinking our water @ silverrock. The two babies that had a breathing condition, which I understand is quite common in the Bighorn sheep population. Do you know how many have died up in the mountains? Putting this Tempt fence @ Silverrock is not going to solve the problem. I understand why the La Quinta Council approved of this, so the Robert Green Co. can start their construction.

If the Sierra Club was really concerned about the welfare of the sheep, they would look @ removing them to a better place. My point is they will find a way for food & water or they will die.

Thank you for taking the time to read this, but it looks like a loss cause. When that fence goes up, they will go to Tradition, PGA West and Lake Cahuilla, plus the Cove.

We love them at SilverRock and I am concerned about them traveling, but that is who they are. So maybe the Joshua Tree Park might be the answer for them to be relocated.

Sincerely,  
Billie Costello

T-1



Katie Barrows

---

**From:** Ian Gellatly <ianwgellatly@gmail.com>  
**Sent:** Sunday, February 5, 2017 8:57 PM  
**To:** Katie Barrows  
**Subject:** The fence

Hello Katie,

I think the idea of a fence around La Quinta to keep the sheep off the golf courses is a bad idea. Maybe fence off the canal so they don't fall in and drown, like very few have. They are wonderful creatures that should be free to roam where they want. From what I understand, they are not a big problem at SilverRock, if anything, people golf there to see the sheep!

U-1

Sincerely,

Ian Gellatly

47835 Wind Spirit Dr  
La Quinta, 92253



Katie Barrows

---

**From:** Jimmy Tucker <tuckster7513@aol.com>  
**Sent:** Saturday, February 11, 2017 12:49 PM  
**To:** Katie Barrows  
**Subject:** Bighorn Sheep

I feel the commission should go with ( C ). Easier to get equipment and manpower to. In all honesty I believe this lawsuit was not about the sheep, but the Sierra Club doing what it does best. Interfering with the lives of humans and animals when it is not necessary. If they are worried about animals drowning place the fence around the canal. One sheep being hit by a vehicle on 52nd is not a travesty. They herd has grown larger with easy access to water and grass. I guess it is ok to have illegals here but not animals. I will never understand California.

V-1

Sent from my iPad

**Subject:** Alternative A Fence Project plus V. Chadwick email - batch #3  
**Date:** Tuesday, February 28, 2017 at 2:26:41 PM Pacific Standard Time  
**From:** Katie Barrows  
**To:** Kim Cuza, John Criste, Andrea Randall  
**Attachments:** image001.png, LQ PBS DEIR - email comment - Virginia Chadwick - 2-27-2017.pdf

There's two emails in this one, below and attached.



---

**From:** pamsklar [mailto:pamsklar@aol.com]  
**Sent:** Monday, February 27, 2017 10:47 AM  
**To:** Katie Barrows <kbarrows@cvag.org>  
**Subject:** Alternative A Fence Project

Hello, My name is Pam Sklar. I am a resident of Rancho Mirage and our home borders a fence for the Bighorn sheep. We are in the Mirage Cove community and heard stories and saw pictures of how the Bighorn use to roam this community. We also heard how the Bighorn would eat the Oleander bushes, which are poisonous, and are everywhere in the landscaping of our community. The Bighorn would also wonder onto the 111 highway and would be hit by cars.

I applaud the city of Rancho Mirage to install a barrier fence. These sheep are on the endangered list. The city saw the importance to help keep this sheep safe and to keep them around for future generations. I hope the residents and city officials of La Quinta can see there is a problem with the Bighorn coming down on their golf courses. These magnificent creatures are on the endangered list! Please, I hope the city can be part of a solution. PLEASE SUPPORT ALTERNATIVE A AND SAVE THESE BIGHORN SHEEP.

Sincerely,

Pam Sklar

Sent via my Samsung Galaxy, an AT&T 4G LTE smartphone

W-1

Katie Barrows

---

**From:** Robert Waska <drwaska@gmail.com>  
**Sent:** Wednesday, February 1, 2017 9:58 PM  
**To:** Katie Barrows  
**Subject:** Feedback

**Follow Up Flag:** Follow Up  
**Due By:** Wednesday, February 1, 2017 10:39 PM  
**Flag Status:** Flagged

My wife and I are La Quinta residents at PGA West and we play Silverrock Golf course all the time. We enjoy seeing the sheep and have been following the whole issue from the beginning. We would like to say, with strong conviction, that we want to see the "do nothing" option implemented. We do not think a fence will help anything. Please hear our opinion when making your decisions. No Fence, please.

Thanks,

Robert and Liz Waska

[Drwaska@gmail.com](mailto:Drwaska@gmail.com)

415-883-4235

Robert Waska LPCC, MFT, PhD  
Individual Psychotherapy  
Couple's Counseling  
Psychoanalysis

Licensed Professional Clinical Counselor LPCC #19  
Marriage Family Therapist MFT #28161  
Full Member of San Francisco Center for Psychoanalysis

Offices in San Francisco (94118)  
and in San Rafael (94903)  
Mailing: P.O. Box 2769, San Anselmo, Ca 94979

X-1

**From:** scott connelly <scottdesert@gmail.com>  
**Sent:** Wednesday, February 8, 2017 11:47 AM  
**To:** Katie Barrows  
**Subject:** Bighorn DEIR

I support the alternatives that provide the maximum protection to the Bighorn sheep and provide for the preservation of necessary habitat.

Y-1

Scott Connelly  
Palm Springs



Katie Barrows

---

**From:** Scott Doyle <scott@doyleproperties.net>  
**Sent:** Friday, February 3, 2017 7:11 AM  
**To:** Katie Barrows  
**Subject:** Peninsular Bighorn Sheep Barrier

Katie Barrows  
 Coachella Valley Conservation Commission

Dear Katie,

I am writing in regard to the proposals to keep the Peninsular Bighorn Sheep off the golf courses and local communities in La Quinta. As a nineteen year La Quinta resident, local realtor and cove hiking enthusiast I feel I can offer some feedback that your group would find helpful.

The solution seems rather simple to this writer, that being the Cove to Lake proposal. This proposal makes the most sense. It's the lowest cost, will not harm local vistas impacting real estate values and most importantly be the easiest option to install and maintain. I have hiked the route and it's a much, much better solution than the other options, particularly referencing on-going maintenance.

I realize the Cove to Lake option takes habitat from the sheep, however the amount taken due to the fence route is minuscule compared to the large area the sheep can still range.

Thank you!

Scott Doyle

Office: (760) 600-5080  
 Mobile: (760) 350-5350  
 Text: [click here](#)  
 Address: 81070 Chanticleer Drive  
 La Quinta, CA 92253

License # 01859744  
[www.doyleproperties.net](http://www.doyleproperties.net)



#

#

Z-1

Katie Barrows

---

**From:** Virginia Chadwick <ginniebeth@me.com>  
**Sent:** Monday, February 27, 2017 10:38 AM  
**To:** Katie Barrows  
**Subject:** DEIR Study Endangered Peninsular Bighorn Sheep  
**Attachments:** PastedGraphic-4.pdf

Dear Ms. Burrows,

I am supporting Alternative A regarding building the fence to protect the endangered bighorn. It would be really bad press for LaQuinta to continue to resist protecting endangered animals.

Thank You,

Virginia Chadwick

\*\*\*\*\*

Virginia Foster Chadwick Ph.D.  
Professor Emerita of Kinesiology

California State University Fresno

AA-1

*"May your trails be crooked, winding, lonesome, dangerous, leading to the most amazing view.*

*May your mountains rise into and above the clouds."*

--Edward Abbey

Katie Barrows

---

**From:** Audrey Perkins <dperkins@dc.rr.com>  
**Sent:** Monday, February 27, 2017 12:47 PM  
**To:** Katie Barrows  
**Subject:** Bighorn Sheep Barrier Project

Katie...

I am wholly in favor of the fence Alt. A.  
The Institute has worked so hard and tirelessly  
to protect our sheep, and it behooves us as  
local residents to understand this and respond  
appropriately.

Audrey Perkins, Member

BB-1

Katie Barrows

---

**From:** Betty Ann Haggard <haggard12@aol.com>  
**Sent:** Monday, February 27, 2017 3:00 PM  
**To:** Katie Barrows  
**Subject:** Bighorn Sheep Fence

Please use the Alternative A for building a fence to protect the bighorn sheep. They are a treasure for our Valley, and need to be kept from the unnatural and health-damaging golf courses and urban environment. Thank you for listening to my concerns.

CC-1

Katie Barrows

---

**From:** zara <zgirlspurpletruck@yahoo.com>  
**Sent:** Monday, February 27, 2017 3:20 PM  
**To:** Katie Barrows  
**Subject:** I Vote for Alternative A to Fence the Bighorn Sheep

I'm tired of reading the stories of lambs dying near the golf courses as a result of eating from the golf courses after they pass thru their natural habitat area because the golf courses are lush and green. The lambs are even being taught to eat from the green of the golf courses. We need to fence off the golf courses using the Toe of the Slope plan!!! The other options will reduce the grazing lambs of natural habitat!

DD-1

Bighorn roamed on natural habitat before they were tempted by the green of the golf courses. With the massive income from these golf courses, they should have ample money to help with the fence cost!!! I've reviewed the various proposals and Alternative A from the toe of the slope is the best to protect the Bighorn! The lambs need to be protected from the sickness they can get from grazing in close contact!

DD-2

Please use Alternative A to protect the Bighorn and fence off the golf courses so the sheep are prevented from accessing these areas!! This should happen as soon as possible!

DD-3

Thank you!!!

Katie Barrows

---

**From:** Ellen Alperstein <ealperstein@2cowherd.net>  
**Sent:** Monday, February 27, 2017 2:25 PM  
**To:** Katie Barrows  
**Subject:** La Quinta fence to protect bighorn sheep

Ms. Barrows,

Your name and address were provided as the appropriate recipient for comments about the excessively tardy fence erection in La Quinta to protect the bighorn sheep, per the Draft Environmental Impact Report.

It is unconscionable that this simple measure has taken so long, and I heartily endorse fence Alternative A as the best sheep barrier. Yes, I know it discomfits La Quinta residents, but the sheep have been here longer, and they are endangered. Residents and civic leaders have known for a long time that a fence is the only way to protect the sheep, who are habituating to the golf courses. That is a recipe for disaster, as you know; a sheep that lives on a golf course doesn't live in its natural habitat, and that is a proven threat to their health and the continuity of the species.

Last year five sheep died thanks to unnatural incursions into human activity. Please, help stop it now.

Thank you,

E. Alperstein  
Palm Desert

EE-1



Katie Barrows

---

**From:** Henry C Goodman <henrycgoodman@gmail.com>  
**Sent:** Monday, February 27, 2017 4:22 PM  
**To:** Katie Barrows  
**Subject:** bighorn sheep

I do not believe putting up a fence is cost effective since the sheep were on the courses due to the drought. Now that the hills are green, I believe the sheep will migrate back into the mountains.

FF-1

Katie Barrows

---

**From:** Michael Byard <byardmj@yahoo.com>  
**Sent:** Monday, February 27, 2017 3:05 PM  
**To:** Katie Barrows  
**Subject:** La Quinta barrier project

Dear Ms. Barrows,

Thank you for the opportunity to provide my input on the Draft EIR for the La Quinta barrier. I am an annual visitor to the Palm Springs area and particularly enjoy hiking in the mountains looking for bighorn sheep. They are a magnificent species to view in their native environment, but it is very disturbing to see them on the golf courses in La Quinta. I fully support building a fence to keep the sheep out of the urban areas and back in their native habitat. I believe Alternative A is the best option for the fence alignment as it keeps the maximum amount of native habitat for the sheep as well as accomplishes the goal of getting the sheep out of the urban area.

GG1

Thank you for taking the time to consider my comments.

Michael Byard

Katie Barrows

---

**From:** doglover@pa.net  
**Sent:** Monday, February 27, 2017 3:08 PM  
**To:** Katie Barrows  
**Subject:** USE ALTERNATIVE A to protect the Bighorn Sheep Lives

I encourage you to protect the Bighorn sheep with the Slope plan!!!

This was the Bighorn roaming area before golf courses were built. I have read the suggested proposals and Alternative A is the best to protect the sheep from wanting to roam and eat on the golf courses.

The lambs need to be taught to eat natural vegetation and be protected from the sickness they can get from grazing in close contact!

I encourage Alternative A be utilized to protect the Bighorn Sheep and fence off the golf courses so the sheep cannot access these areas and sickness is prevented and no more Bighorn die!

Thank you!

HH-1

Katie Barrows

---

**From:** zara <zara1950@gmail.com>  
**Sent:** Monday, February 27, 2017 2:25 PM  
**To:** Katie Barrows  
**Subject:** Please utilize Alternative A to protect the Bighorn Sheep!

Katie, I have been enjoying our Bighorn Sheep while volunteering this winter here at Lake Cahuilla. I also subscribe to the Desert Sun and have been reading articles in the LA Times regarding the Bighorn and the sickness they get from the golf courses.

I am very interested in protecting the Bighorn as I am continually reading articles about their deaths through the temptations of the golf courses. The Bighorn were here before the golf courses were built and because of commercialization and takeover of normal roaming territory of the Bighorn, the Bighorn sadly are the victims of greed. Because the golf courses have been built, the sheep should be protected from grazing on them! Please use Alternative A and help SAVE the Bighorn!

Zara Bennett

--

***NEVER post an animal as being FREE on Craigslist - It can be a horrible nightmare for the innocent animals who cannot protect themselves.***

JJ

**From:** Dan Zeising [<mailto:danzeising@gmail.com>]

**Sent:** Thursday, January 12, 2017 7:27 PM

**To:** Linda Rogers <[lrogers@cvag.org](mailto:lrogers@cvag.org)>

**Subject:** Re: Notice of Availability of a Draft Environmental Impact Report for the La Quinta Peninsular Bighorn Sheep Barrier Project (SCH NO. 2016021102)

If one were to put gates up where they cross the canal, it would be cheaper and not as ugly as a fence.

JJ-1

Sent from my iPhone



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

March 6, 2017

Katie Barrows  
Coachella Valley Conservation Commission  
73-710 Fred Waring Drive, Suite 200  
Palm Desert, CA 92260

Subject: La Quinta Peninsular Bighorn Sheep Barrier  
SCH#: 2016021102

Dear Katie Barrows:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 3, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse



**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2016021102  
**Project Title** La Quinta Peninsular Bighorn Sheep Barrier  
**Lead Agency** Coachella Valley Conservation Commission

---

**Type** EIR Draft EIR  
**Description** The project is being planned and proposed to address the urban-related impacts to the federal and state listed Peninsular Bighorn Sheep using artificial sources of food and water in urbanized lands, including golf course and resort residential lands. The project involves the construction of an approximately 9.5+/- mile barrier along the mountain urban interface extending from the Quarry Golf Club to the south, north along the toe of slope west of Lake Cahuilla and the PGA West development, along the SilverRock golf course on the north, and west and south along the foothills adjacent to the Tradition Golf Club.

---

**Lead Agency Contact**

**Name** Katie Barrows  
**Agency** Coachella Valley Conservation Commission  
**Phone** 760-346-1127 **Fax**  
**email**  
**Address** 73-710 Fred Waring Drive, Suite 200  
**City** Palm Desert **State** CA **Zip** 92260

---

**Project Location**

**County** Riverside  
**City** La Quinta  
**Region**  
**Lat / Long** 33° 38' 56.61" N / 116° 12' 35.3" W  
**Cross Streets** Avenue 52/Jefferson Street  
**Parcel No.** various  
**Township** 6 **Range** 7 **Section** 6,7,8, **Base** SBBM

---

**Proximity to:**

**Highways**  
**Airports** Jacqueline Cochran Reg. AP  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** Open Space/Low Density Residential/Golf Course/Tourist Commercial Parks and Recreation/Flood Plain

---

**Project Issues** Archaeologic-Historic; Biological Resources; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Public Services; Recreation/Parks; Vegetation; Landuse; Cumulative Effects; Aesthetic/Visual; Air Quality; Flood Plain/Flooding; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Water Quality

---

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 6; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 8; Department of Food and Agriculture; Native American Heritage Commission; Regional Water Quality Control Board, Region 7

---

**Date Received** 01/18/2017 **Start of Review** 01/18/2017 **End of Review** 03/03/2017