

1.0 INTRODUCTION AND PROPOSED PROJECT DESCRIPTION

Introduction

The Coachella Valley Association of Governments (CVAG) in Riverside County, California, in cooperation and coordination with the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (USFWS), the National Park Service (NPS), Bureau of Land Management (BLM), and U.S. Forest Service (USFS), have prepared a comprehensive Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (MSHCP or Plan) for the Coachella Valley in Riverside County.

The Coachella Valley MSHCP is a regional conservation planning effort that encompasses approximately 1,136,400 acres. The MSHCP Permittees under the plan include eight incorporated cities (Cathedral City, Coachella, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage), the County of Riverside, the Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), Riverside Flood Control and Water Conservation District (County Flood Control), Riverside County Parks and Open Space District (County Parks), Riverside County Waste Resources Management District (County Waste), California Department of Transportation (Caltrans), California Department of Parks and Recreation (State Parks), the Coachella Valley Mountains Conservancy (CVMC), and CVAG. The Local Permittees propose to form a joint powers authority, to be called the Coachella Valley Conservation Commission (CVCC), to implement the Plan. The CVCC would also be a Permittee. The BLM, NPS, and the USFS are managers of significant public lands in the Plan Area and would participate in Plan implementation through Cooperative Agreements or Memoranda of Understandings.

The Coachella Valley MSHCP has been prepared by the CVMC as a contractor to CVAG and the other Applicants. As part of the proposed MSHCP, CVAG and the cooperators prepared a Public Use and Trails Plan for the San Jacinto and Santa Rosa Mountains portion of the Plan Area. The BLM would implement the Trails Plan on their lands within the Plan Area, consistent with the recently amended California Desert Conservation Area Plan (CDCA).

A Memorandum of Understanding (MOU) was signed by Riverside County and eight of the nine member cities¹ of CVAG, as well as the USFWS, CDFG, BLM, USFS, and NPS to initiate and participate in the planning process for the proposed MSHCP. The MOU covers all unincorporated County lands and all municipal lands in eight of the nine cities, including Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, and

¹ Desert Hot Springs has elected to withdraw their Incidental Take Permit application (November 20, 2006) and be excluded from this MSHCP.

Coachella. As an essential part of this effort, CVAG, participating agencies, and the EIR/EIS consultants collected a broad range of data and information on the physical, environmental, regulatory, and socio-economic conditions within the Coachella Valley Plan Area. The proposed Plan allocates responsibility for its management and implementation to local, County, State and Federal agencies, and autonomous public districts.

The Coachella Valley MSHCP is a comprehensive, multi-jurisdictional plan focusing on the conservation of Federal and State-listed species, other rare and sensitive species, and their habitats. An essential goal of the Plan would be to maintain ecological diversity within the rapidly urbanizing Coachella Valley. The proposed MSHCP and its associated Implementation Agreement (IA) would allow the Permittees to manage land use consistent with Plan Conservation Goals and Objectives, while maintaining a strong and sustainable environment for economic development in the region.

The proposed Plan would provide an MSHCP Reserve System and a detailed and adaptive implementation program. The Plan participants propose a local, consistent, and integrated approach to planning for the proposed Covered Species. The Plan also would streamline the development application review process throughout the Plan Area, resulting in predictable mitigation requirements and greater development certainty. Finally, the Plan would also provide permanent open space and recreational and educational opportunities consistent with the management objectives of the Plan.

This joint Environmental Impact Report/Statement (EIR/EIS) prepared pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) provides a comprehensive assessment of the potential environmental impacts that could result from the implementation of the proposed MSHCP. It also provides local, County, State, and Federal decision-makers with an informational document that, in conjunction with the Plan, would be the basis for Permittees to determine whether to adopt the MSHCP.

The Plan and Final EIR/EIS were released in early 2006 for local jurisdiction approval. In June 2006, the City of Desert Hot Springs voted not to approve the Plan. The CVAG Executive Committee then rescinded its approval of the Plan and EIR/EIS certification and directed that the Plan be revised to remove Desert Hot Springs as a Permittee and reflect other project description modifications that had been suggested during public review. This Final Recirculated MSHCP and Final Recirculated EIR/Supplemental Final EIS implements these changes.

1.1 Purpose and Need/Objectives of the MSHCP

The Coachella Valley is characterized by extremes in topography. The desert floor of the Coachella Valley ranges in elevation from more than 150' below sea level at the southeast end to nearly 2,000' at the northwest end of the valley on the alluvial fans. The mountains surrounding the Coachella Valley range in elevation up to 10,804', with elevations on the southern side of the valley substantially higher than those on the north side. Variation in topography, soil, and climate across this elevational range creates habitats for a wide variety of animals and plants, including many that are rare or endemic to Southern California.

The Coachella Valley was largely associated with Native American villages and trails prior to the twentieth century. The Coachella Valley experienced rapid growth in the 1940s and 1950s, with the construction of residential country clubs and other recreational resorts. As the Coachella Valley continued to grow in ensuing years, species and their habitats were impacted by human activities. Several species that occur in the Coachella Valley have been listed as threatened or endangered. A number of other species have been proposed for listing or identified as candidates for listing. Riverside County's population is expected to double by 2020. SCAG forecasts show the County's population at approximately 3.5 million by 2030 and approximately 4.5 million by 2040 (SCAG). The population in the Coachella Valley alone is expected to increase to 456,971 persons by 2020.

Accommodating an increase in population of this magnitude in the County would involve the urbanization of thousands of acres of undeveloped land. Natural habitats once common and extensive in Southern California are in rapid decline. The burden of mitigating for the historic pattern of urbanization in Southern California now falls largely on Riverside County and the other property owners holding much of the last remaining intact habitats in the region. As development pressure has increased, so have conflicts between landowning interests and the State and Federal regulatory agencies charged with habitat protection associated with endangered, threatened, and/or candidate species.

The Plan is intended to address the conflicts over species/habitat conservation and economic development in Riverside County. A continuation of the current piecemeal process of listed species protection and habitat conservation could preclude the ability of creating sustainable Conservation Areas that would protect endangered and threatened species and the habitats upon which they rely. Thus, there is a need for a cohesive regional habitat conservation plan in the Coachella Valley.

The traditional project-by-project process for resolving conflicts between species preservation and development can involve a costly expenditure of time and money. Moreover, this piecemeal

process often results in uncoordinated preservation of scattered habitat areas set aside as mitigation for individual project impacts. These sometimes small, unconnected habitat areas may not necessarily guarantee the continued viability of species populations or ecosystem functions, which generally depend on large interconnected habitat areas designed and managed in a coordinated manner. The proposed MSHCP would replace the current piecemeal approach to project approval and mitigation with a coordinated, comprehensive approach based on the basic conventions of biological reserve design. This approach provides that project mitigation is directed to those areas most critical to maintenance of ecosystem function and species viability.

The proposed Plan addresses twenty-seven species native to this area of Riverside County that either have special status under the FESA and/or the CESA or species that are likely to become listed during the term of the Permit. These include species that are listed as “endangered” or “threatened” under the FESA or that have been “proposed” or are “strong candidates” for such listing. Additionally, twenty-seven natural communities are included in the MSHCP. This ecosystem or natural community based approach protects general biological diversity in the Plan Area, resulting in healthier ecosystems, reduces conflicts with development activities, and reduces the potential for additional species to be listed in the future.

Each Permittee participating in the proposed Plan Area would be a signatory to the IA, which is an obligation among the individual Permittees, CDFG, and USFWS. Upon issuance of the Permit, the Permittees would be granted Take Authorization for otherwise lawful actions, such as development, that may result in Take. Local Permittees would be required to ensure future development is consistent with the MSHCP. Authority for the issuance of Federal and State Take Authorizations is set forth in section 10(a)(1)(B) of the FESA and Section 2835 of the California Fish and Game Code, respectively.

1.1.1 Purpose and Need (USFWS and BLM)

Purpose (USFWS)

The purpose for which this EIS is being prepared for USFWS is to analyze the impacts of the Proposed Action and other alternatives in response to the application of an Incidental Take Permit for the species related to activities that have the potential to result in take, pursuant to section 10(a)(1)(B) of the FESA and its implementing regulations and policies.

The specific purpose of the Proposed Action:

- To protect, conserve, and enhance species and associated habitats for the continuing benefit of the people of the United States.

- To provide a means and take steps to conserve the ecosystems depended on by species.
- To ensure the long-term survival of species through protection and management of the species and associated habitats.
- To ensure compliance with the FESA, NEPA, and other applicable Federal laws and regulations.

Need

The need for the USFWS's proposed action is based on the potential that activities proposed by the Applicants could result in the Take of species, thus providing the impetus for an Incidental Take Permit.

Purpose (BLM)

The purpose for which this EIS is being prepared for BLM is to analyze the impacts of the Proposed Action as it relates to the Santa Rosa and San Jacinto Mountain Trails Plan and other alternatives. The Public Use and Trails Plan element of the MSHCP for the Santa Rosa and San Jacinto Mountains constitutes an implementation action affecting public lands for which the BLM is proposing to issue a separate Record of Decision upon approval of the MSHCP by the Permittees.

The specific purpose of the proposed action as it relates to the Trails Plan is to:

- Provide opportunities for public use of the lands within the Santa Rosa and San Jacinto Mountain Conservation Area, including the development, use, and maintenance of trails and areas for hiking, equestrian, and mountain bike use.
- Ensure compliance with the FESA, NEPA, and other applicable Federal laws and regulations.

Need

The need for BLM is to address the Santa Rosa and San Jacinto Mountain Trails Plan in this EIS and provide the basis of approval.

1.1.2 Project Objectives (Permittees)

The overall goals and objectives of the MSHCP are to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth within the Coachella Valley.

This goal would allow preservation of a quality of life characterized by well-managed and well-planned growth integrated with an associated open-space system. The primary goals and objectives of the MSHCP are to:

- Obtain permits from the Wildlife Agencies to Authorize take for the Covered Activities.
- Protect Core and Other Conserved Habitat for 27 proposed Covered Species and 27 natural communities, maintain the Ecological Processes to keep the Core Habitat viable and link core habitat to maximize the conservation value of the land within the Coachella Valley.
- Improve the future economic development in the Plan Area by providing an efficient, streamlined regulatory process through which development can proceed in an efficient way. The proposed Plan is intended to provide a means to standardize mitigation/compensation measures for the Covered Species so that, with respect to public and private development actions, mitigation/compensation measures established by the Plan will concurrently satisfy applicable provisions of Federal and State laws pertaining to species protection.
- Provide for permanent open space, community edges, and recreational opportunities, which contribute to maintaining the community character of the Coachella Valley.

1.1.3 Purpose of the Joint EIR/EIS

Based upon the initial environmental review process it was determined that the approval and implementation of the proposed MSHCP and issuance of Take Authorizations could result in significant environmental impacts. Therefore, preparation of an EIR/EIS is necessary.

This joint EIR/EIS evaluates the potential for environmental effects from the proposed Project. This EIR/EIS has been prepared in compliance with CEQA and NEPA. Joint environmental documents are permitted and encouraged under both CEQA and NEPA. For this joint document, both CEQA and NEPA terminology is used, generally with CEQA being listed first.

This joint EIR/EIS is an informational document intended to provide public decision makers, responsible or other interested agencies, and the general public with an assessment of the potential environmental impacts associated with implementation of the proposed MSHCP. This document evaluates the potential environmental consequences and impacts associated with implementation of the proposed MSHCP; evaluates the alternatives at an equal level of detail, provides mitigation measures for environmental effects identified as significant; addresses cumulative and growth inducing effects that could result from implementation of the proposed MSHCP; and provides enough data to enable decision-makers to make an informed decision

whether to approve the proposed MSHCP. This Final Recirculated EIR/Supplemental Final EIS document also incorporates corrections, revisions and limited additional information, as well as the incorporation of a revised Trails Plan alternative as a consequence of input from public agencies and other interested parties.

As required by both CEQA and NEPA, lead and responsible agencies must be identified, if possible, to review, comment, and approve of the environmental document. CVAG is the Lead Agency for CEQA and the USFWS is the Lead Agency (with BLM as a Cooperating Agency) under NEPA. Eight of the nine incorporated cities within the proposed MSHCP Plan Area (Cathedral City, Coachella, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage), the County of Riverside, CVWD, IID, County Flood Control, County Parks, County Waste, California Department of Transportation, State Parks, CVMC, and the CVCC are Responsible Agencies under the MSHCP.

State and Federal Incidental Take Permits: In lieu of the current case-by-case development review process, as it relates to biological resources, the proposed action is meant to provide a comprehensive biological resource conservation strategy that provides adequate assurance of habitat conservation and long-term viability and protection of Covered Species. At the same time, the action also provides the basis for the issuance of State and Federal Incidental Take permits for species covered by the Plan. Federal authority for the issuance of an Incidental Take permit is set forth in section 10(a)(1)(B) of the FESA and State authority is set forth in Section 2800 et seq. of the California Fish and Game Code (see below).

1.2 Lead Agencies: CVAG and USFWS

The CVAG and the USFWS are the local and Federal lead agencies, respectively, responsible for the preparation of this EIR/EIS. CVAG's mailing address is: 73-710 Fred Waring Drive, Suite 200, Palm Desert, CA 92260. CVAG Contact: Katie Barrows, Director of Environmental Resources, Phone: (760) 346-1127; FAX (760) 340-5949. USFWS's mailing address is: 6010 Hidden Valley Road, Carlsbad, CA 92011 Phone: (760) 431-9440; FAX: (760) 431-9624. USFWS Contact: Therese O'Rourke.

1.3 Responsible and Cooperating Agencies

Numerous Responsible and Cooperating Agencies are also associated with the development and implementation of the Plan, as well as the review of this EIR/EIS. The authority of Responsible Agencies that may have responsibility for carrying out or approving a project and for complying with CEQA is limited to that part of the project that they will be called upon to carry out or

approve. (Public Resources Code Sections 21104(c), 21153(c); CEQA Guidelines Sections 15041(b), 15042).

The Code of Federal Regulations (CFR) for the NEPA identify a Cooperating Agency as one that may be any Federal or State agency other than the non-Permittee Lead Agency that has discretionary authority over the proposed action, jurisdiction by law, or special expertise with respect to the environmental impacts expected to result from the proposed action (40CFR 1501.6). Responsible and Cooperating Agencies include the BLM, California Regional Water Quality Control Board, South Coast Air Quality Management District, CDFG, and local Native American Tribes.

1.4 CEQA AND NEPA Requirements

California Environmental Quality Act: Requirements for environmental review and analysis in California are established by the CEQA as set forth in Public Resources Code 21000 et seq. and the CEQA Guidelines (14 Cal. Reg. 15000 et seq.). This Final Recirculated EIR/Supplemental Final EIS document has been prepared in compliance with CEQA and the State CEQA Guidelines.

CEQA provides that if the EIR identifies significant environmental impacts that cannot be mitigated, the Lead Agency must prepare a "Statement of Overriding Consideration", if it wishes to approve and implement the MSHCP. The Statement must demonstrate that the benefits of the Plan would outweigh the significant environmental impacts likely to result from Plan implementation.

National Environmental Policy Act: Requirements for environmental review and analysis on the Federal level are established by NEPA of 1969, which is administered by the Council of Environmental Quality (CEQ). The implementation of the Federal environmental review process is further set forth in the CEQ Regulations (40 CFR 1500-1508).

This Final Recirculated EIR/Supplemental Final EIS document has been prepared in compliance with section 102(2)(c) et seq. of NEPA and the provisions of the CEQA, including 40 CFR 1502.1-1502.25. This integrated EIR/EIS document also complies with 40 CFR 1500.4(0) and 40 CFR 1500.5(i) with regard to reducing paperwork and delay in conducting environmental review, and with 40 CFR 1502.4(c) as to type.

1.5 MSHCP Planning and Regulatory Environment

In the Coachella Valley MSHCP Plan Area, the planning and regulation of land use and development is directed by Riverside County and eight of the nine member cities of CVAG.

Development regulation is also affected by the management and regulatory authority of the various districts providing water, sewer, and flood control facilities and services. Each city and the county have their own General Plans and Zoning Ordinances, which regulate development in their respective jurisdictions. Water, sanitary sewer, and flood control districts support, protect, or otherwise facilitate development.

Precedents for coordinated management and regulation have already been well established in the Coachella Valley, and include conservation planning and implementation of the single-species Habitat Conservation Plan (HCP) for the Coachella Valley fringe-toed lizard (*Uma inornata*) in 1985. CVAG has also coordinated two other important regulatory and management programs, including the Coachella Valley Area Transportation System (CVATS) Plan and its associated Transportation Uniform Mitigation Fee (TUMF) program, and the regional Air Quality Management Plan for PM₁₀.

Local Plans and MSHCP Implementation

A variety of local plans currently regulate or otherwise affect land use within the Plan Area. These include the various General Plan and Zoning Ordinances of CVAG member jurisdictions, the BLM CDCA Plan, the USFWS Bighorn Sheep Recovery Plan, the CVWD Water Management Plan, and CVWD and County flood control plans covering various portions of the Plan Area. The implementation of the proposed MSHCP by the parties would be accomplished through the adoption of the Plan and its IA, and through the Local Permittees adoption of a resolution or ordinance, as set forth in the IA.

MSHCP Regulatory Environment

The proposed Coachella Valley MSHCP has been designed to serve as a multiple species HCP pursuant to the FESA, and as a Natural Community Conservation Plan (NCCP) under the NCCP Act of 2002. Approval and execution of the associated IA would allow the USFWS and CDFG to issue Take Authorization to signatories of the IA. Issuance of Take Authorizations to local, county, and State jurisdictions would allow Plan participants to implement land use decisions and critical public infrastructure projects that are consistent with the proposed MSHCP without the need for project-by project review and permitting by USFWS or CDFG.

A local streamlined approach to planning for endangered, threatened, and sensitive species and their habitats is set forth in the Plan. It would result in greater economic development certainty and provide for and maintain biological diversity by creating an interconnected MSHCP Reserve System in the proposed Plan Area. The Plan also would provide for the immediate and long-term

provision and protection of open space and recreational opportunities that would be developed in conformance with the Conservation Goals and Objectives of the Plan.

Federal Regulations

The Federal Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is meant to ensure that actions or activities subject to Federal regulation shall not jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of the critical habitat of such species. FESA also requires setting forth the means by which identified species shall be protected and the enforcement measures which may be brought to bear to assure all necessary measures are fully implemented.

Section 4 of the FESA sets forth the listing process, requirements for designating "critical habitat," and requirements for preparation of recovery plans. Section 7 of the FESA requires all Federal agencies to consult with the USFWS or the National Marine Fisheries Service (NMFS) before taking any action that may affect a listed species to ensure that the action will not jeopardize the continued existence of the species or adversely modify designated critical habitat.

Section 9 of the FESA prohibits the unauthorized Take of species listed as threatened or endangered, unless otherwise specifically authorized by regulation. Take, as defined by the 1973 FESA, means "...to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." In the 1982 amendments to FESA, section 10 allows for the Incidental Take of endangered and threatened species by non-Federal entities. FESA defines Incidental Take as Take that is "...incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." Prior to 1982, non-Federal parties undertaking otherwise lawful activities that were likely to result in Take of listed species risked violating the provisions of section 9 and had no recourse under the law for exemption. Until that time, only Take occurring during scientific research or conservation actions could be authorized under FESA. The Incidental Take permit process was established under section 10(a)(1)(B) of the FESA precisely to resolve this difficulty.

Section 10(a)(2)(A) of the FESA requires an applicant for an Incidental Take permit to submit a "Conservation Plan" or "Habitat Conservation Plan (HCP)." Preparation of this proposed MSHCP complies with this requirement. As outlined in the *Habitat Conservation Planning and Incidental Take Permit Processing Handbook*, published by the USFWS and the NMFS in November 1996, under section 10(a)(2)(A) of the FESA, and Federal regulation [50 CFR 17.22(b)(1), 17.32(b)(1), and 222.22], a conservation plan submitted in support of an Incidental Take permit application must detail the following information:

- Impacts likely to result from the proposed taking of the species for which permit coverage is requested;
- Measures the applicant would undertake to monitor, minimize, and mitigate such impacts;
- Funds that would be made available to undertake such measures and the procedures to deal with unforeseen circumstances;
- Alternative actions the applicant considered that would not result in Take, and the reasons why such alternatives are not being utilized; and
- Additional measures that the USFWS may require as necessary or appropriate for purposes of the plan.

The USFWS and NMFS published a final addendum to the HCP Handbook on June 1, 2000 (65 FR 35242). This addendum, also known as the Five-Point Policy guidance, provides clarifying guidance for the two agencies in conducting the Incidental Take permit program and for those applying for an Incidental Take permit under section 10(a)(1)(B) of the FESA. Developed to promote efficiency and nationwide consistency within and between the USFWS and NMFS, and to improve the HCP program, the five components addressed in the policy are: (1) biological goals, (2) adaptive management, (3) monitoring, (4) permit duration, and (5) public participation.

Section 10(a)(1)(B) of the FESA authorizes the USFWS to issue permits pursuant to section 10(a)(1)(B) for the Incidental Take of species listed as threatened and endangered. Congress also intended for unlisted species to be addressed in HCPs:

Although the conservation plan is keyed to the permit provisions of the Act, which only apply to listed species, the Committee intends that conservation plans may address both listed and unlisted species. In the event that an unlisted species addressed in the approved conservation plan subsequently is listed pursuant to the Act, no further mitigation requirements should be imposed if the conservation plan addressed the conservation of the species and its habitat as if the species were listed pursuant to the Act. (Source: H.R. Report No. 97-835, 97th Congress, Second Session; and 50 FR 39681-39691)

On February 23, 1998 (63 FR 8859), the USFWS and NMFS published the “No Surprises” final rule that revised parts 17 (USFWS) and 222 (NMFS) of Title 50 of the Code of Federal Regulations (CFR), which was necessary to implement the HCP assurances. This rule provides that, as long as the HCP is being properly implemented, the Federal government would not require any additional lands or money from the Permittee(s) in the event of unforeseen changed circumstances and that additional measures to mitigate reasonably foreseeable changed

circumstances would be limited to those changed circumstances specifically identified in the HCP (and only to the extent of the mitigation specified). Changed Circumstances and No Surprises are described further in Section 6.8 of the proposed MSHCP.

State Regulations

Section 2080 of the California Fish and Game Code (CFG) prohibits the Take of species listed under the CFG as candidate, threatened, or endangered species. CFG Section 1908 prohibits the Take, possession, or sale of rare or endangered native plants. CFG Section 3503 prohibits the Take, possession, or needless destruction of the nest or eggs of any bird. CFG Section 3503.5 prohibits the Take, possession, or destruction of any birds-of-prey or their nests or eggs. The NCCP Act, CFG Section 2800, et seq., identifies the process and standards for NCCPs. CFG Section 2835 authorizes CDFG to permit the Take of any Covered Species whose conservation and management are provided for in an NCCP approved by the CDFG. This includes listed (threatened or endangered) and unlisted species.

The State legislature found that NCCPs are an effective tool in protecting California's natural diversity, and they would reduce conflicts between efforts to protect the State's wildlife heritage and the reasonable use of natural resources for economic development. The legislature further found that development of NCCPs:

- Promotes coordination and cooperation among public agencies, landowners, and other private interests;
- Provides a mechanism by which landowners and development proponents can effectively address concerns about cumulative impacts;
- Promotes conservation of unfragmented habitat areas;
- Promotes multiple-species and multiple-habitat management and conservation;
- Provides one option for identifying and ensuring appropriate mitigation that is roughly proportional to impacts on fish and wildlife; and,
- Promotes the conservation of broad-based natural communities and species diversity.

NCCPs provide for regional or area-wide protection and perpetuation of plants, animals, and their habitat, while allowing compatible land use and economic activity. They are a cooperative planning process that involves local, State, and Federal agencies and the public, including landowners, in the proposed MSHCP Plan Area. The NCCP Act, as amended, CFG section 2830(e), provides for the CDFG to authorize the Incidental Take of identified species for NCCPs that are developed pursuant to a planning agreement entered into before January 1, 2001.

CFGF section 2820(f) authorizes the CDFG to provide assurance to Plan participants commensurate with long-term conservation assurances and associated implementation measures pursuant to the approved plan and further states:

When providing assurances pursuant to this subdivision, the department's determination of the level of assurances and the time limits specified in the implementation agreement for assurances may be based on localized conditions and shall consider all of the following:

- *The level of knowledge of the status of the Covered Species and natural communities.*
- *The adequacy of analysis of the impact of Take on Covered Species.*
- *The use of the best available science to make assessments about the impacts of Take, the reliability of mitigation strategies, and the appropriateness of monitoring techniques.*
- *The appropriateness of the size and duration of the plan with respect to quality and amount of data.*
- *The sufficiency of mechanisms for long-term funding of all components of the plan and contingencies.*
- *The degree of coordination and accessibility of centralized data for analysis and evaluation of the effectiveness of the plan.*
- *The degree to which a thorough range of foreseeable circumstances are considered and provided for under the adaptive management program.*
- *The size and duration of the plan.*
- *If there are unforeseen circumstances, additional land, water, or financial compensation or additional restrictions on the use of land, water, or other natural resources shall not be required without the consent of plan participants for a period of time specified in the implementation agreement, unless the department determines that the plan is not being implemented consistent with the substantive terms of the implementation agreement.*

1.6 Summary of the Proposed Project and Relationship to Other Plans

The MSHCP Joint EIR/EIS sets forth the anticipated environmental consequences of implementing the proposed Plan. CVAG is the local Lead Agency for CEQA, and the USFWS is the Federal Lead Agency (with BLM as a Co-Lead Agency) under NEPA. As discussed in Section 4, the proposed Plan would benefit from many of the policies and programs currently being implemented under the General Plans and other regulatory documents of the Plan

signatories. The proposed Plan also includes the aforementioned IA, which is a separate document but is integral to the Plan and its effective implementation.

Summary of MSHCP Project

The Coachella Valley is the western-most extension of the Colorado River subunit of the Sonoran Desert and has unique and diverse habitats that support many highly specialized species of plants and animals. The primary components of the proposed MSHCP are set forth below:

- 1) Commitments by local, State and Federal governments to implement the MSHCP. Incorporation of lands into the proposed Reserve System by USFWS, BLM, NPS, and the USFS; and by the CDFG, California Department of Parks and Recreation, Coachella Valley Mountains Conservancy, CVAG member cities, County of Riverside, and local and private conservation lands. Other agencies, including but not limited to special districts, are also among the Permittees and signatories to the Plan and IA.
- 2) Land acquisition and management strategies to be implemented by the United States, State of California, and local government on lands located throughout the Plan Area, and the inclusion of existing public and quasi-public lands.
- 3) Permanent protection and management of habitats and populations of plant and animal species conserved in the Coachella Valley Plan Area by the MSHCP. Take permits would be issued in exchange for the implementation of an integrated conservation strategy and maintenance of the proposed Preserve System under the multiple species MSHCP.
- 4) Seek issuance of Take Permits from FWS under the FESA and the CDFG under the NCCP Act, in response to permit applications by CVAG to allow its member jurisdictions and other Plan signatories to Take Federal and State listed species and to provide assurances regarding other species conserved by the MSHCP; for CEQA analysis purposes, mitigation by land use or development, which disturbs Covered Species' habitats and natural communities included in the Plan.
- 5) Incorporation of BLM amendments to the California Desert Conservation Area Plan into the MSHCP, and consideration of any other actions by other Federal or State agencies, including wildlife management plans, addressed in the EIS/EIR that are necessary or appropriate to implement the MSHCP (also see following section).

Relationship of the MSHCP to Other Plans

A wide range of other regulatory plans and programs relevant to this Plan include the adopted general plans by the permit Applicants, various land use and resource management plans

governing State and Federal lands in the Plan area, species management plans approved by State and/or Federal agencies, and habitat conservation plans in adjoining or overlapping areas.

Section 65350 et seq. of the California Government Code requires each city and county in California to prepare and adopt "...a comprehensive, long-term general plan for the physical development of the city or county." The plan must contain seven mandated elements, including conservation, open space, and land use elements. Habitat conservation is cited in the Government Code in connection with three of the mandatory general plan elements. The general plan of each of the permit Applicants addresses the issue of sensitive species and habitat protection in the appropriate elements.

In addition to identifying conservation needs on private lands within the Plan Area, the Plan also identifies existing State and Federal public lands with important habitat values as conservation areas for the species and natural communities covered by the Plan. The Plan references the management prescriptions and conservation measures in existing management plans for these areas, where appropriate, and recommends additional management prescriptions and conservation measures for these areas where needed. These management prescriptions and conservation measures are proposed to be adopted and implemented by the relevant State or Federal agency.

Relevant plans considered in the preparation of this MSHCP are listed below.

Bureau of Land Management

California Desert Conservation Area Plan

The California Desert Conservation Area (CDCA) Plan (1980), as amended, provides long-range guidance for the management of public lands of the California Desert by the BLM. The goal of the CDCA is to provide for the use of public lands and resources of the CDCA in a manner that enhances wherever possible—and which does not diminish, on balance—the environmental, cultural, and aesthetic values of the Desert and its productivity.

In 1996, the BLM signed an MOU along with nine Coachella Valley cities, the County of Riverside, and State and other Federal agencies to initiate preparation of the MSHCP. The CDCA Plan Amendment for the Coachella Valley (2002) was developed in tandem with the MSHCP in order to provide the framework for implementation actions on public lands which would support a landscape-level approach to conservation and provide for community needs. The recovery strategy for Peninsular bighorn sheep approved through the Plan Amendment identifies methods to be used in combination to avoid, reduce, or mitigate disturbance to bighorn sheep, including voluntary avoidance programs, closures, seasonal restrictions, and permit stipulations and mitigations. The Public Use and Trails Plan element of the MSHCP for the Santa

Rosa and San Jacinto Mountains constitutes an implementation action affecting public lands for which the BLM is proposing to issue a separate Record of Decision upon approval of the MSHCP by the Permittees.

The Northern and Eastern Colorado Desert Coordinated Management Plan (2002) and West Mojave Desert Coordinated Management Plan (in progress)—amendments to the CDCA Plan—affect public lands in the eastern and northern portions of the MSHCP area, respectively. The primary purpose of these amendments has been to develop specific management prescriptions for wildlife species and habitats on Federal lands, providing in particular for the recovery of the desert tortoise.

Santa Rosa and San Jacinto Mountains National Monument Management Plan

The Santa Rosa and San Jacinto Mountains National Monument Management Plan (2004) was prepared by the BLM and USFS in accordance with the Monument’s establishing legislation (Public Law 106351, October 24, 2000). All land use allocations for public lands approved through the CDCA Plan (1980), as amended, were carried forward into the National Monument Plan, including the recovery strategy for Peninsular bighorn sheep. Proposed implementation actions for BLM-managed lands identified in the Public Use and Trails Plan element of the MSHCP for the Santa Rosa and San Jacinto Mountains constitute the trails management plan for the National Monument.

ACEC and Special Area Plans

Areas of Critical Environmental Concern (ACEC) and Special Areas are designated through the land use planning process in accordance with the Federal Land Policy and Management Act (1976). ACECs are areas where special management attention is required to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources, or other natural systems or processes, or to protect life and safety from natural hazards. Special Areas possess rare, unique, or unusual qualities of scientific, educational, cultural, or recreational significance that require additional management attention. Several implementation-level management plans for ACECs and Special Areas located within the MSHCP area have been prepared.

- *Big Morongo Canyon ACEC Management Plan.* This plan provides additional protection to an area especially high in wildlife and vegetation values.
- *Dos Palmas ACEC Management Plan.* This plan maintains ecosystem functioning and the diversity of life within ecosystems.
- *Whitewater Canyon ACEC Management Plan.* This plan provides additional protection to wildlife and Native American resource values.

- *Coachella Valley Preserve System Management Plan.* This multi-agency plan, in part, addresses management of public lands in the Thousand Palms, Willow Hole-Edom Hill, and Indian Avenue Preserves primarily for the protection of the Coachella Valley fringe-toed lizard. Public lands within these areas have been designated as an ACEC.
- *Chuckwalla Bench ACEC Management Plan.* This plan provides special management attention to the unique wildlife and vegetation values in this area. The Chuckwalla Bench ACEC was enveloped by the Chuckwalla Desert Wildlife Management Area (DWMA), also designated as an ACEC through the Northern and Eastern Colorado Desert Coordinated Management Plan. The Chuckwalla DWMA was designated to protect desert tortoise and significant natural resources including special status plant and animal species and natural communities. Upon designating the Chuckwalla DWMA as an ACEC, the Chuckwalla Bench ACEC designation was terminated.

U.S. Forest Service

- San Bernardino National Forest Land Use Management Plan
- Santa Rosa/San Jacinto National Monument Management Plan (with BLM)

National Park Service

- Land Protection Plan for Joshua Tree National Park
- Joshua Tree National Park General Management Plan
- Backcountry and Wilderness Management Plan

U.S. Fish and Wildlife Service

- Arroyo Southwestern Toad Recovery Plan
- Recovery Plan for Bighorn Sheep in the Peninsular Ranges, California
- Desert Tortoise Recovery Plan
- Desert Pupfish Recovery Plan
- Draft Recovery Plan for the Least Bell's Vireo
- Yuma Clapper Rail Recovery Plan

California Department of Fish and Game

- Carrizo Canyon Ecological Reserve Management Plan
- Hidden Palms Ecological Reserve Management Plan
- Magnesia Spring Ecological Reserve Management Plan
- Oasis Springs Ecological Reserve Management Plan

California Department of Parks and Recreation

- Salton Sea State Recreation Area Management Plan
- Mount San Jacinto State Park Management Plan

Multiple Agency Plans

- Northern and Eastern Colorado Desert Coordinated Management Plan
- West Mojave Desert Coordinated Management Plan
- Coachella Valley Fringe-toed Lizard Habitat Conservation Plan
- Coachella Valley Preserve System Management Plan
- Santa Rosa Mountains Wildlife Habitat Management Plan
- Flat-tailed Horned Lizard Range-wide Management Strategy (1997)

Local Plans

- City of Cathedral City General Plan
- City of Coachella General Plan
- City of Desert Hot Springs General Plan
- City of Indian Wells General Plan
- City of Indio General Plan
- City of La Quinta General Plan
- City of Palm Desert General Plan
- City of Palm Springs General Plan
- City of Rancho Mirage General Plan
- County of Riverside General Plan
- Coachella Valley Water District (CVWD) Coachella Valley Water Management Plan
- Riverside County Flood Control and Water Conservation District Master Drainage Plans for Palm Springs Area
- Coachella Valley Area Transportation System Plan

Tribal Plans

- Draft Agua Caliente Band of Cahuilla Indians Tribal MSHCP (in Federal review)

1.7 Public Participation and Scoping Process

The Coachella Valley MSHCP planning effort has been under way since 1994 when a scoping study prepared for CVAG by the CVMC was publicly considered and led to the initiation of Plan preparation. Subsequently, an MOU was prepared, considered at public hearings of CVAG member jurisdictions and the CVAG Executive Committee, and fully executed in early 1996. The CVAG members amended the MOU in 1997 to concurrently prepare an NCCP.

Project Advisory Group

Subsequent to the execution of the Plan MOU, a diverse Project Advisory Group (PAG) was established, comprising representatives of parties to the MOU and a variety of other entities, including CVWD, University of California, Building Industry Association, Sierra Club, The

Nature Conservancy, Center for Natural Lands Management, Riverside County Farm Bureau, and a variety of other interest groups and private citizens. PAG meetings have been and continue to be open to the public where provision is made for public comment during meetings. A representative of the Agua Caliente Band of Cahuilla Indians attended many PAG meetings.

Public forums were held in 1998, 1999, and 2000, and special meetings and contact by mail have provided additional opportunities for potentially affected landowners to offer input into the planning process. See Section 1.1 in Appendix I of the MSHCP for a complete list of public meetings held.

The MSHCP planning process has included the local agencies that are also the proposed Local Permittees. They include the eight cities of the Coachella Valley (Cities), the County of Riverside (County), CVWD, IID, County Flood Control, County Parks, and County Waste. Caltrans, State Parks, and CVMC will be State Permittees and signatories to the IA. BLM, NPS, and USFS are managers of significant public lands in the Plan Area and will participate in Plan implementation through Cooperative Agreements or Memoranda of Understandings.

Notice of Preparation and Notice of Intent

Formal public notices were prepared and published regarding the intent of CVAG to prepare a joint EIR/EIS. The CEQA Notice of Preparation (NOP) was transmitted on June 19, 2000, to a wide audience of public agencies, quasi-public entities and public utilities, and other parties of interest. The NOP included the CEQA Initial Study Checklist, Addendum to same and detailed discussion of areas of potential environmental concern associated with the proposed MSHCP. A variety of responses were received on the NOP and are included in Appendix A of this Final Recirculated EIR/Supplemental Final EIS.

On June 28, 2000 a Notice of Intent (NOI) was published by the USFWS in the Federal Register (65 FR 125) in compliance with 40 C.F.R. 1501.7 and 40 C.F.R. 1508.22. The NOI identified participating agencies, provided a detailed summary of the proposed action and the species planned for protection, involved parties and dates and times for three public scoping sessions held on the following dates:

- July 10, 2000, 6:30 p.m. to 8:30 p.m., City Hall Council Chambers, 68-700 Avenida Lalo Guerrero, Cathedral City, California.
- July 11, 2000, 6:30 p.m. to 8:30 p.m., City Hall Council Chambers, 68-700 Avenida Lalo Guerrero, Cathedral City, California.
- July 12, 2000, 6:30 p.m. to 8:30 p.m., City Hall Council Chambers, 78-495 Calle Tampico, La Quinta, California.

The meetings on July 10, and 12, 2000, broadly focused on the scope and content of the EIR/EIS as it relates to the proposed Plan and to associated proposed amendments of the CDCP. The meeting on July 11, 2000, specifically focused on the trail component of these plans. See Appendix I of the MSHCP for more information on public scoping. The public comment period for the EIR/EIS was originally designated from November 5, 2004, until February 2, 2005. This period was extended an additional 30 days until March 7, 2005, providing for a 90-day comment period. Several public meetings were also held during the public comment period and testimony was documented by a court reporter for consideration in preparing the Final EIR/EIS.

A Final EIR/EIS was prepared in February 2006. In June 2006, the City of Desert Hot Springs voted not to approve the Plan. The CVAG Executive Committee then rescinded its approval of the Plan and EIR/EIS certification and directed that the Plan be revised to remove Desert Hot Springs as a Permittee and reflect other project description modifications that had been suggested during public review. Section 15088.5 of CEQA states that, "A lead agency is required to recirculate the EIR when significant new information is added." The revisions to the project description represent significant new information; therefore, a revised and Recirculated Draft EIR/Supplemental Final EIS was prepared and recirculated pursuant to Section 15088.5 of CEQA. As part of that Recirculated Draft EIR/Supplemental Final EIS preparation effort, the determination was made that a new Notice of Preparation and Notice of Intent are not necessary.

1.8 Environmental Issues Analyzed in the EIR/EIS

The environmental issues of the proposed project are addressed in two distinct sections of this document. Section 4.0 reflects analysis of impacts from adoption/implementation of the MSHCP, while Section 5.0 reflects analysis of impacts from adoption/implementation of the Santa Rosa and San Jacinto Mountains Trail Plan. Environmental issues analyzed include land use compatibility, transportation, mineral and energy resources, agricultural lands, flooding, water resources, biological and cultural resources, air quality, noise, visual/scenic resources, utilities and public facilities, socio-economic resources, and environmental justice and children.

1.9 Regional Project Location

The Coachella Valley MSHCP Plan Area is located in a low desert region of central Riverside County, in southern California and encompasses approximately 1,136,400 acres or about 1,776 square miles. It is located approximately 100 miles east of Los Angeles and about 75 miles west of the Colorado River. The boundaries of San Bernardino, San Diego, and Imperial counties delineate portions of the Plan Area. The Plan Area encompasses more than 25% of Riverside County, which is roughly the size of the State of Connecticut and is the fourth largest county in the United States. Please see *Exhibits 1* and *2*.

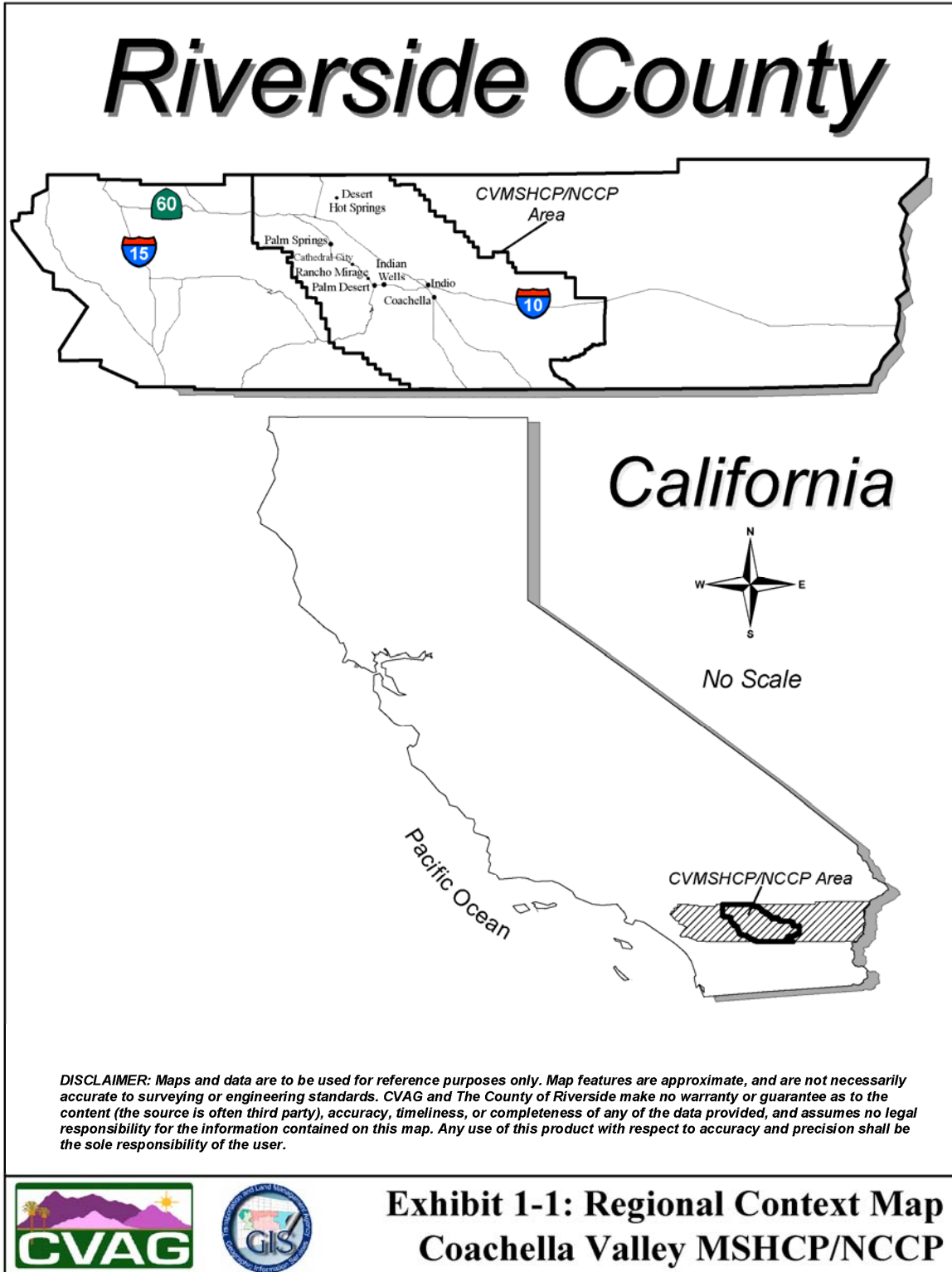
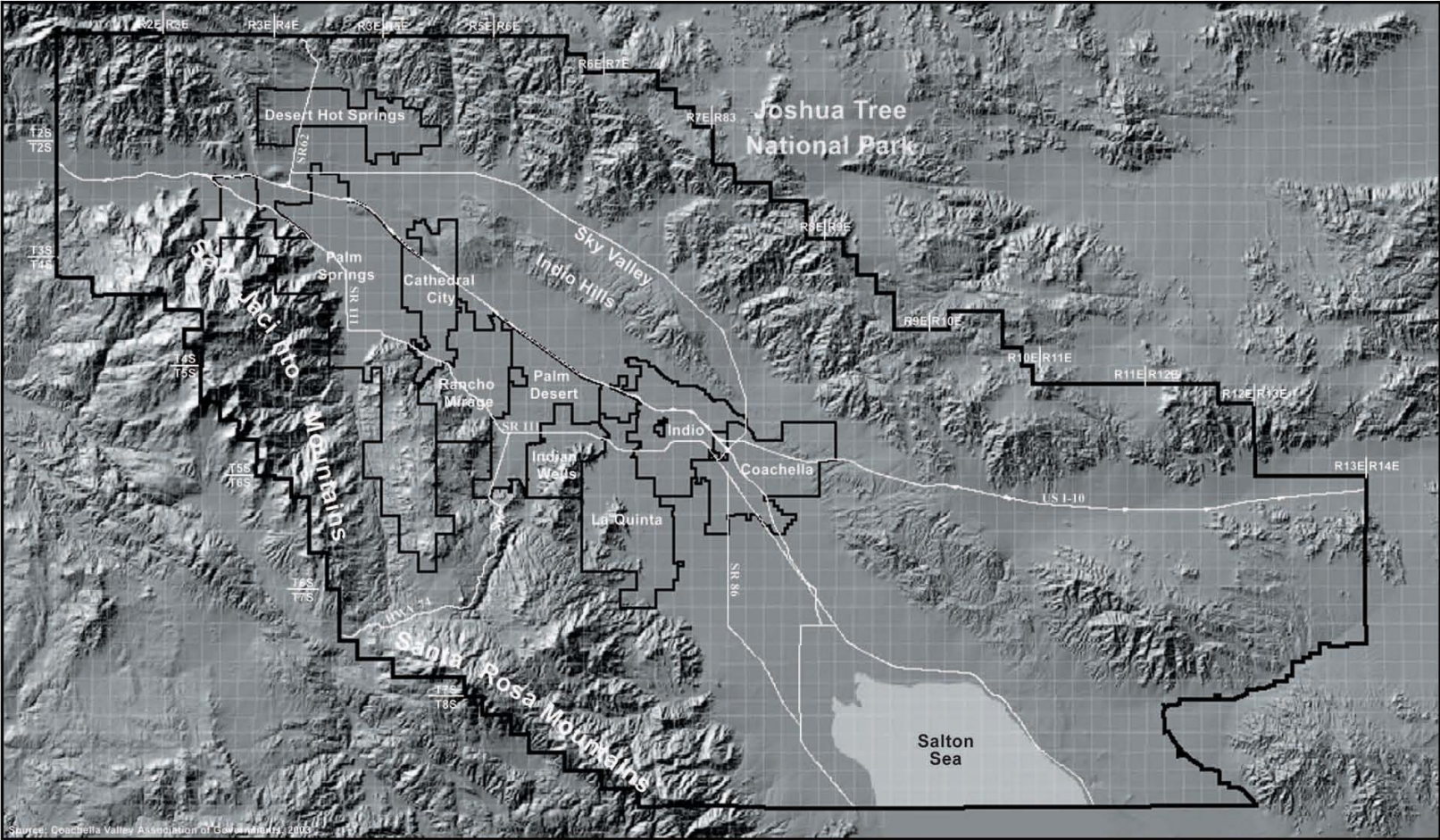


Exhibit 1-1

SECTION 1.0
INTRODUCTION AND PROPOSED PROJECT DESCRIPTION



Coachella Valley MSHCP
Project Boundary Map
Coachella Valley



Exhibit
1-2