

CVCC ATTACHMENT 2

RESOLUTION NO. 14-004

RESOLUTION OF THE COACHELLA VALLEY CONSERVATION COMMISSION ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CERTIFYING THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE MAJOR AMENDMENT TO THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN, AND IMPLEMENTING AGREEMENT (SCH # 200006179).

**WHEREAS**, the Coachella Valley Conservation Commission ("CVCC") has prepared, in cooperation and coordination with the California Department of Fish and Wildlife ("CDFW"), United States Fish and Wildlife Service ("USFWS"), the Cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage, the County of Riverside, Riverside County Flood Control, Riverside County Parks, Riverside County Waste Resources Management District, the Imperial Irrigation District ("IID"), Coachella Valley Water District ("CVWD"), Mission Springs Water District ("MSWD"), California Department of Transportation, California Department of Parks and Recreation, the Coachella Valley Mountains Conservancy, and other governmental agencies, property owners, Development interests, environmental interest groups and other members of the public, a comprehensive Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan for the Coachella Valley in Riverside County ("CVMSHCP" or "Plan"); and

**WHEREAS**, the Coachella Valley CVMSHCP is a regional, comprehensive, multi-jurisdictional Habitat Conservation Plan focusing on Conservation of Federal and State-Listed Species, other rare and sensitive species, and their Habitats, while maintaining opportunities for recreation and a strong and sustainable environment for economic Development in the region; and

**WHEREAS**, the CVMSHCP boundary ("CVMSHCP Plan Area") encompasses approximately 1,850 square miles, consisting of approximately 1.1 million acres, extending eastward from the Western Riverside County Multiple Species Habitat Conservation Plan boundary line in Cabazon where it is bounded by the range line common to Range 1 East and Range 2 East, bounded by the San Bernardino County line and the Little San Bernardino Mountains on the north and northeast; the ridgeline of the San Jacinto and Santa Rosa Mountains on the west and southwest; the boundary line with San Diego and Imperial Counties to the south; and bounded by the Chocolate Mountains Aerial Gunnery Range and the range line common to Range 13 East and Range 14 East on the east; and containing the cities of: Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage; and

**WHEREAS**, the CVMSHCP establishes a framework for compliance with State and Federal Endangered Species regulations while accommodating future growth in the CVMSHCP Plan Area, including issuance of "Take" Permits for certain species pursuant to Section

10(a)(1)(B) of the Federal Endangered Species Act ("ESA") and Section 2800, et seq. of the California Fish and Game Code (otherwise known as the "Natural Community Conservation Planning Act" or "NCCP Act of 2002"); and

**WHEREAS**, the CVMSHCP provides Take Authorization for Covered Activities for the Covered Species. The CVMSHCP is "self-mitigating," meaning that most Project impacts are reduced to below a level of significance as a result of implementation of CVMSHCP components. Additionally, implementation of the Management and Monitoring Programs outlined in the CVMSHCP further reduce all the potential impacts/consequences of the CVMSHCP; and

**WHEREAS**, CVCC is the lead agency pursuant to Section 21067 of the California Environmental Quality Act ("CEQA") (Public Res. Code, § 21000 et seq.) and Section 15367 of the State CEQA Guidelines (14 CCR § 15000 et seq.), and the USFWS is the Federal lead agency under the National Environmental Policy Act ("NEPA") (40 C.F.R. 1508.16, 1508.17) (CVCC and USFWS will collectively be referred to hereinafter as "Lead Agencies"); and

**WHEREAS**, a joint Final Recirculated Environmental Impact Report/Statement ("EIR/EIS") was previously prepared in February 2006 pursuant to CEQA and NEPA ("2006 Final CVMSHCP"), which provides a comprehensive assessment of the potential environmental impacts that could result from the adopted CVMSHCP, and provides the appropriate decision-makers with the required information upon which to base a decision to adopt the amendment to the CVMSHCP; and

**WHEREAS**, thereafter the Plan was revised to remove Desert Hot Springs as a Permittee and to reflect other project description modifications and, as a result, the Coachella Valley Association of Governments ("CVAG") prepared a Recirculated Draft EIR/Supplemental Final EIS in September 2007, which it certified in June 2008 (the "September 2007 Recirculated EIR/EIS"); and

**WHEREAS**, because the Lead Agencies now wish to add in the City of Desert Hot Springs ("City") and Mission Springs Water District as Permittees (the "Plan Amendment" or "Project"), the Lead Agencies have prepared a Major Amendment to the CVMSHCP and a Supplemental Environmental Impact Report/Supplemental Final Environmental Impact Statement (the "SEIR/SEIS" or the "Supplemental EIR/EIS") pursuant to State CEQA Guidelines Section 15162 and CEQ NEPA Regulations, 40 C.F.R. 1502.9(c); and

**WHEREAS**, the proposed Project would include the issuance of Take Authorization associated with the Major Amendment for Covered Activities that are not currently included under the existing federal Section 10(a) Permit and state NCCP Permit ("Permits"). This Major Amendment will restore the boundaries from the 2006 Final CVMSHCP for the Upper Mission Creek/Big Morongo Canyon Conservation Area that would be amended to include all of the private lands within the city limits of Desert Hot Springs. The private lands to be included total approximately 770 acres that were removed from this Conservation Area when Desert Hot Springs chose not to participate in 2006. The city limits of Desert Hot Springs also include two parcels in the Whitewater Canyon Conservation Area that are both owned by BLM and are currently managed consistent with the Plan, therefore no additional disturbance associated with the Major Amendment will occur in this area; and

**WHEREAS**, CVCC filed a Notice of Preparation ("NOP") of a Draft Supplemental SEIR/SEIS with the State Clearinghouse on March 30, 2011. The NOP was also distributed to

each responsible and trustee agency (and any federal agency involved in approving or funding the project) pursuant to State CEQA Guidelines Sections 15082(a) and 15373, and was circulated for a period of 30 days, pursuant to State CEQA Guidelines Sections 15082(b) and 15103; and

**WHEREAS**, pursuant to State CEQA Guidelines Section 15082, the Lead Agencies solicited comments from potential responsible agencies, including details about the scope and content of the environmental information related to the responsible agency's area of statutory responsibility, as well as the significant environmental issues, reasonable alternatives and mitigation measures that the responsible agency would need to have analyzed in the Supplemental EIR/EIS; and

**WHEREAS**, pursuant to State CEQA Guidelines Sections 15085 and 15372, the Supplemental EIR/EIS was completed and released for public review, and a Notice of Completion ("NOC") was filed at the State Clearinghouse on or about September 6, 2013, and a Notice of Availability ("NOA") was filed with the Riverside County Clerk on or about September 5, 2013 with a request for a 30-day posting. A copy of the NOA was published in the *Desert Sun* on or about September 6, 2013. The NOC and NOA provided a summary of the Major Amendment and a deadline for submittal of comments, and contact information for obtaining or reviewing the Plan and the Supplemental EIR/EIS; and

**WHEREAS**, CVCC, the lead agency under CEQA, released the Supplemental EIR component of the Supplemental EIR/EIS for public review and comment on September 6, 2013 to October 21, 2013; and

**WHEREAS**, the USFWS, the Federal lead agency, released the Supplemental EIS component of the Supplemental EIR/EIS for public review and comment on September 6, 2013, which review period ended October 21, 2013; and

**WHEREAS**, in September 2013, CVCC sent a letter to each property owner of record ("Property Owner Letter") within the Conservation Areas of the Plan within the City of Desert Hot Springs notifying them that the Major Amendment to the CVMSHCP, Implementing Agreement ("IA"), and Supplemental EIR/EIS were available for review. As a result of the issuance of the Property Owner Letter, CVCC has responded to 5 telephone calls; and

**WHEREAS**, during the official public review period for the Supplemental EIR/EIS, the Lead Agencies received seven written comments on the Supplemental EIR/EIS; and

**WHEREAS**, pursuant to California Public Resources Code Section 21092.5, CVCC provided written responses to comments from all commenting agencies; and

**WHEREAS**, the Lead Agencies prepared the Final Supplemental EIR/EIS and, pursuant to Public Resources Code Section 21092.5, CVCC provided copies of the Supplemental EIR to all commenting agencies; and

**WHEREAS**, notice of a public hearing to be held on March 13, 2014, was published in the *Desert Sun*; and

**WHEREAS**, notices to all landowners in the Conservation Areas notifying them of the March 13, 2014 public hearing and informing them that they may make a public comment of up to three minutes were mailed on February 28, 2014; and

**WHEREAS**, CVCC, at a public meeting on March 13, 2014, reviewed the Final Supplemental EIR/EIS, CVMSHCP/Natural Communities Conservation Plan ("NCCP"), IA, and other related documents in the record before it; and

**WHEREAS**, CVCC finds that all environmental impacts identified in the EIR are less than significant and do not require mitigation as described in Section 2 hereof; and

**WHEREAS**, the cumulative impacts of the Project identified in the SEIR/SEIS and set forth herein, are described in Section 3 hereof; and

**WHEREAS**, the potential significant and irreversible environmental changes that would result from the proposed Project identified in the SEIR/SEIS and set forth herein, are described in Section 4 hereof; and

**WHEREAS**, the existence of any growth-inducing impacts resulting from the proposed Project identified in the SEIR/SEIS and set forth herein, are described in Section 5 hereof; and

**WHEREAS**, although no significant and unavoidable impacts were disclosed, alternatives to the proposed Project are set forth herein, as described in Section 6 hereof; and

**WHEREAS**, prior to taking action, CVCC has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including the Final Supplemental EIR/EIS, and all oral and written evidence presented to it during all meetings and hearings; and

**WHEREAS**, the Supplemental EIR/EIS reflects the independent judgment of the CVCC and is deemed adequate for purposes of making decisions on the merits of the Project; and

**WHEREAS**, no comments made in the public hearings conducted by the Lead Agencies or any additional information submitted have produced substantial new information requiring recirculation or additional environmental review under State CEQA Guidelines Section 15088.5; and

**WHEREAS**, as contained herein, CVCC has endeavored in good faith to set forth the basis for its decision on the Project; and

**WHEREAS**, all of the findings and conclusions made by CVCC pursuant to this Resolution are based upon the oral and written evidence presented to it as a whole; and

**WHEREAS**, all the procedures of CEQA and the State CEQA Guidelines have been met, and the Supplemental EIR/EIS, prepared in connection with the Project, is sufficiently detailed so that all potentially significant effects of the Project on the environment and measures necessary to avoid or substantially lessen such effects have been evaluated in accordance with the above-referenced Act and its Guidelines; and

**WHEREAS**, at a special meeting assembled on March 13, 2014, the CVCC determined that, based on all of the evidence presented, including but not limited to the SEIR/SEIS, written and oral testimony given at meetings and hearings, the submission of testimony from the public, organizations and regulatory agencies, and the whole of the administrative record, which is incorporated by reference herein, that all environmental impacts associated with the Project are less than significant and do not require mitigation; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, THE COACHELLA VALLEY CONSERVATION COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1: FINDINGS**

- A. Certain plant and animal species and Habitat exist, or may exist, within the CVMSHCP Plan Area, which are: 1) state or federally listed as threatened or endangered; 2) proposed for listing as threatened or endangered; or 3) identified as a CDFW Species of Special Concern, a California Fully Protected Species, a California Specially Protected Species, a sensitive plant species as determined by the California Native Plant Society, or other unlisted wildlife considered to be sensitive.
- B. Future growth and land Development within the CVMSHCP Plan Area, including both public and private projects, may result in impacts to 27 species (“Covered Species”) identified in the Plan and its associated documents, eleven of which are listed under the ESA or the California Endangered Species Act (“CESA”). Thus, Take Authorization is required prior to the carrying out of otherwise lawful activities that may “Take” one or more of these Covered Species.
- C. The CVMSHCP establishes the conditions under which entities defined under the Plan and its associated documents as “Permittees” will receive certain long-term Take Authorizations and other assurances that will allow the taking of Covered Species incidental to lawful uses authorized by the Permittees; and
- D. The CVMSHCP provides for the assembly and management of a reserve for the Conservation of natural Habitat and its constituent wildlife populations, and establishes an overall Conservation Strategy for the CVMSHCP Plan Area that will guarantee the protection of the Covered Species. The Conservation Strategy includes the Conservation of the Covered Species, existing Habitat, the restoration of degraded Habitat, managing a Reserve System, and conducting biological monitoring in perpetuity.
- E. The CVMSHCP provides for the creation of a Reserve System that will conserve and manage approximately 723,680 acres of Habitat for the 27 Covered Species which includes approximately 557,100 acres of Existing Reserves (as of 2006) and 166,580 acres of Complementary Conservation and Additional Conservation Lands. (CVMSHCP, Table 4-1.)
- F. The CVMSHCP serves as a Habitat Conservation Plan (“HCP”) pursuant to Section 10(a)(1)(B) of the ESA, as well as an NCCP pursuant to the NCCP Act of 2002, as amended. The approval of the CVMSHCP and execution of the IA allows the CDFW and USFWS (collectively, the “Wildlife Agencies”) to issue Take Authorizations for Covered Species in the CVMSHCP Plan Area to the signatories of the IA.
- G. The CVMSHCP provides Take Authorization for Covered Activities for the Covered Species. The CVMSHCP is “self-mitigating,” meaning that most Project

impacts are reduced to below a level of significance as a result of implementation of CVMSHCP components. Additionally, implementation of the Management and Monitoring Programs outlined in the CVMSHCP will further reduce all the potential impacts/consequences of the CVMSHCP.

## **SECTION 2: FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT REQUIRING MITIGATION**

**BE IT FURTHER RESOLVED** by CVCC that the Supplemental EIR/EIS and the evidence in the administrative record before it confirms that implementation of the CVMSHCP will result in no significant and unavoidable adverse environmental impacts.

### **A. Biological Resources**

Finding: The proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service; would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means; would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. (SEIR/SEIS at 4.1-3–19.)

Supporting Explanation: When Desert Hot Springs opted not to participate in the CVMSHCP in 2006, it was anticipated that development would still occur inside and outside the Conservation Areas. Therefore, the amount of disturbance, or Take, authorized in the 2008 Permit included the acres subject to disturbance within the city of Desert Hot Springs. The City of Desert Hot Springs covered projects in the Conservation Areas are road improvements that are already covered as CVAG's covered projects. Although this Take was authorized by the state and federal permits, as a non-Permittee, the City does not have the authority to allocate this Take. The Major Amendment will include Take authorization for Desert Hot Springs in the CVMSHCP Permits, allowing the disturbance to occur consistent with the Plan Conservation Goals and Objectives. (SEIR/SEIS at 4.1-3.)

The additional disturbance to Covered Species and natural communities associated with MSWD Covered Activities will be mitigated through the Plan by permanent protection of habitat within Conservation Areas and contributions to the Adaptive Management and Monitoring Program. MSWD projects will be

subject to the Joint Project Review process to minimize the potential impacts and ensure consistency with Conservation Goals and Objectives. (SEIR/SEIS at 4.1-4.)

The Major Amendment benefits would include the expansion of conserved, unfragmented Habitat and natural communities, continued maintenance of Essential Ecological Processes to sustain the Covered Species and their Habitat, and further protection of Biological Corridors and Linkages. Most of the disturbance associated with the city of Desert Hot Springs is already covered under the existing Permit. As shown in Table 4.1-1 of the Supplemental EIR/EIS, the potential additional disturbance authorized by the Major Amendment is limited (less than three acres) for a majority of the Covered Species and would not exceed approximately 29 acres of Habitat (e.g., desert tortoise). The disturbance allowed under the Preferred Alternative would be less than significant because additional loss of Habitat within Conservation Areas would be offset by approximately 770 acres of additional conservation within the Conservation Area, including desert tortoise Habitat. (SEIR/SEIS at 4.1-4.)

The establishment and management of Conservation Areas, including additional conserved lands within the City, would help further reduce Habitat fragmentation, promote maintenance of Essential Ecological Processes including sand transport that supports sensitive Habitat, and enhance connectivity along corridors and linkages by limiting development in this area. Consequently, implementation of the proposed Major Amendment will not result in significant impacts to any sensitive species. Figure 4-1 of the Supplemental EIR/EIS shows Natural Communities in the Conservation Area with the proposed additions. As shown, the additional areas to be conserved consist of Sonoran creosote bush scrub and Sonoran mixed woody and succulent scrub. Figure 4-2 of the Supplemental EIR/EIS shows Covered Species in the Conservation Area with the proposed additions. As shown, two Covered Species occur in the additional areas to be conserved, the Palm Springs pocket mouse and desert tortoise. The limited impact identified in Tables 4.1-1 and 4.1-2 of the Supplemental EIR/EIS will be offset by additional conservation of 770 acres; with a maximum of 10% development allowed in Conservation Areas, 693 of these acres will be permanently conserved. (SEIR/SEIS at 4.1-4-10.)

The existing CVMSHCP provides Take Authorization for Covered Activities as long as such activities comply with required Avoidance, Minimization, and Mitigation Measures as specified in Section 4.4 of the Plan and Land Use Adjacency Guidelines as specified in Section 4.5 of the Plan, and Obligations of Permittees as described in Section 6.6 of the Plan. Details of the general requirements for all Local Permittees are described in Section 2.1 of the SEIR/SEIS. Specific obligations that MSWD has committed to are discussed on Pages 4.1-13 through 4.1-17 of the SEIR/SEIS. The required measures are designed and implemented as part of the Plan to assure future development within and adjacent to established Conservation Areas would result in less than significant impacts to Covered Species, Habitats, natural communities, and Essential Ecological Processes. The development and operation of any Covered Activities proposed by the City and MSWD within the Major Amendment areas will be required to comply with the applicable measures in the Plan designed to mitigate potential effects on the Covered Species. (SEIR/SEIS at 4.1-12.)

Covered Activities for MSWD would not include groundwater extraction and therefore, no direct impacts to sensitive species or associated Habitats related to such activity would occur as a result of the Major Amendment. However, because MSWD will be added as a Permittee and in light of comments received during the NOP review period (Letter from Worden-Williams, Appendix A), MSWD has committed to a number of obligations in addition to the current Monitoring Program outlined in Section 8.4.1 of the Plan as it pertains to the relationship between groundwater extraction and the continued viability of mesquite hummocks as a conserved natural community. (SEIR/SEIS at 4.1-13.)

As discussed in Section 8.4.1 of the Plan, the Monitoring and Adaptive Management Program will include the use of appropriate methods and technologies (which may change over time) to monitor groundwater levels in the Willow Hole, East Indio Hills, and Thousand Palms Conservation Areas where a substantial lowering of the water table could have a significant adverse impact on mesquite hummocks and associated Covered Species. Should monitoring detect a substantial lowering of the water table or a decline in mesquite health, the following actions will be taken: 1) evaluate the results of the monitoring, 2) prepare a damage assessment report, 3) develop effective measures to ameliorate the effects of substantial lowering of the water table on mesquite hummocks and associated Covered Species, and 4) implement effective measures through Adaptive Management. (SEIR/SEIS at 4.1-14.)

In addition to the required Avoidance, Minimization, Mitigation Measures and Land Use Adjacency Guidelines, MSWD has also agreed to implement measures that will be added to Section 6.6.1 of the Plan should this Major Amendment be adopted. They include conservation measures for the approximately 61 acres they own in the Conservation Areas and other measures for activities outside Conservation Areas. (SEIR/SEIS at 4.1-14–16.) All of these measures will ensure the ongoing health of mesquite hummocks in the affected Conservation Areas of the Mission Creek Subbasin.

#### *Riparian Habitat*

The addition of approximately 770 acres to the Upper Mission Creek/Big Morongo Canyon Conservation Area would result in an overall beneficial effect to natural communities within the Plan area. There are no riparian communities currently located within either the existing or the additional lands in the Conservation Areas to be addressed under the Major Amendment; therefore, no impacts would occur as a result of the Major Amendment. (SEIR/SEIS at 4.1-17.)

#### *Federally Protected Wetlands*

There are no wetlands, defined by Section 404 of the Clean Water Act or other sensitive natural communities such as wetlands, marshes, or vernal pools within the existing or the additional areas to be addressed under the Major Amendment. Therefore, no impacts to federally protected wetlands would occur. (SEIR/SEIS at 4.1-17.)



### *Wildlife Movement*

The additional areas to be included within the Upper Mission Creek/Big Morongo Canyon Conservation Area would result in a beneficial effect to the movement of wildlife species by expanding the limits of the established Conservation Area. The establishment of Conservation Areas within the City would reduce the potential for urban development in the affected area, and would preserve it as open-space and natural desert areas, allowing the continued use by wildlife species. Therefore, no significant adverse impacts to wildlife movement would occur as a result of implementing the Major Amendment. (SEIR/SEIS at 4.1-17.)

### *Local Policies*

There are currently no local policies protecting biological resources within the areas to be included in the Conservation Area. However, due to two recent annexations of approximately 4,000 acres of County lands into the City (together known as the Desert Hot Springs I-10 Annexation) all provisions of the approved CVMSHCP were adopted by the City for that area. The Major Amendment would provide for adoption of CVMSHCP policies throughout the remaining parts of the City not currently covered by the Plan, resulting in a more cohesive biological planning policy throughout the City. (SEIR/SEIS at 4.1-18.)

### *Adopted Habitat Conservation Plan*

The proposed Major Amendment will result in the City of Desert Hot Springs being included as a Permittee to the CVMSHCP that will allow for expansion and continuity of the established Conservation Areas. Conservation Areas within the MSWD service area outside Desert Hot Springs City limits will remain unchanged. As indicated in the preceding discussions, adding the City and MSWD as Permittees of the Plan, and establishing Conservation Areas within the City, would result in an overall beneficial effect to the Covered Species and natural communities currently protected by the Plan. (SEIR/SEIS at 4.1-18.)

### *Climate Change*

The changing climate has the potential to affect wildlife throughout North America, either directly or indirectly through responses to changing habitat conditions (Hinkley et al. 2004). (Final SEIR/SEIS at 4.1-18.)

Because specific effects of climate change on CVMSHCP Covered Species and Natural Communities are speculative and could change over time, both the State of California (California Natural Resources Agency 2009) and the USFWS (2012) emphasize flexible, adaptive strategies for coping with climate change. Hulme (2005) states that adaptation strategies should focus on increasing the flexibility of managing vulnerable ecosystems and increasing the adaptability of vulnerable ecosystems and species. Management also needs to address interacting species and ecosystems. Additionally, large reserves, especially those spanning broad elevational gradients, are critical to encompassing a broad range of present and future climates (Ackerly 2012). Halpin (1997) recommended the following management prescriptions to address climate changes (Final SEIR/SEIS at 4.1-19.):

1. Selection of redundant reserves and selection of reserves that protect habitat diversity;
2. Management for buffer zone flexibility;
3. Management for landscape connectivity;
4. Management for habitat maintenance;

The CVMSHCP incorporates all four elements identified by Halpin (1997) to address climate change; builds a large, interconnected reserve system that spans temperature and elevational gradients; incorporates adaptation strategies to increasing the flexibility of Reserve managers; provides adaptive monitoring to address interacting species and ecosystems. (Final SEIR/SEIS at 4.1-19.)

The external boundaries of the Plan Area encompass approximately 1.1 million acres and the Plan preserves the majority of land from the toe of slope to the ridgeline of mountains surrounding the Coachella Valley and, as such, includes a redundant reserve system that protects habitat diversity in the Coachella Valley. Additionally, the Plan includes adjacency guidelines to manage for buffer zone effects; conservation goals to maintain biological corridors and linkages; and an adaptive management and monitoring strategy to ensure Covered Species and Natural Communities persist in the Plan Area. (Final SEIR/SEIS at 4.1-19.)

The CVMSHCP provides for the long-term conservation of ecological diversity by creating a 210,000 acre integrated Reserve system that maintains physical linkages over a range of existing temperature-moisture regimes and elevations. This climate envelope approach includes the current range of climatic and environmental conditions occupied by each Covered Species and Natural Community. By including geographically distinct sites, the multiple sites criterion will include the range of conditions a given species inhabits today. As the climate changes in the future, there is a possibility that the habitat at one or more sites will become unsuitable for a target species. But preserving multiple sites will increase the likelihood that some refuge for each of the Covered Species will be maintained if climatic conditions change over time, which may provide Covered Species and Natural Community resiliency to even the most extreme predicted effects of climate change (Barrows et. al. 2010). (Final SEIR/SEIS at 4.1-19–20.)

The Plan uses adaptive management and monitoring to ensure Covered Species and Natural Community persistence and support a landscape-scale, ecosystem-based management strategy. The Plan incorporates flexibility into management of vulnerable ecosystems by coordinating the necessary management to achieve the conservation goals and objectives through Resource Management Unit Plans ("RMUP"). The premise of the RMUP is that maximizing cooperation and coordination will result in enhanced, flexible management of all Reserve lands and facilitate management actions. Additionally, RMUP's include components for monitoring and managing natural communities; ecological processes; and biological corridors and linkages to address interacting species and ecosystems.

The Major Amendment would enhance the Plan's ability to ensure Covered Species and Natural Communities persist in the face of accelerated climate change because it will expand an existing conservation area and improve the coordination of management and monitoring by adding Desert Hot Springs and

Mission Springs Water District as permittees with responsibilities and obligations to ensure the Plan's conservation goals are achieved. (Final SEIR/SEIS at 4.1-20.)

Conclusion: Therefore, the proposed Major Amendment would not result in a significant impact to biological resources within the Plan Area. The addition of the City and MSWD as Permittees of the Plan provides a more comprehensive and cohesive Plan that would provide benefits for the Covered Species and natural communities protected in the Plan Area. The Plan also incorporates required Avoidance, Minimization and Mitigation Measures; Land Use Adjacency guidelines; and a comprehensive Monitoring and Management Program designed to mitigate potential adverse effects to the greatest extent practicable. Because the Plan has been designed to adequately conserve the Covered Species and natural communities, and has already incorporated all feasible measures to mitigate Plan impacts as part of the design of the Plan, no additional mitigation measures are either necessary or feasible. (SEIR/SEIS at 4.1-18.)

## **B. Land Use and Planning**

Finding: The proposed Project would not physically divide an established community; would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect; and would not conflict with any applicable habitat conservation plan or natural community conservation plan. (SEIR/SEIS at 4.2-3-6.)

Supporting Explanation: The proposed Major Amendment would not result in the physical separation of a community. The proposed Plan Amendment does conflict with some of the land uses established in the existing City General Plan. However, when the City opted out of becoming a Permittee of the Plan, an agreement was made with CVAG to establish most of the previously proposed Conservation Area adjacent to the Morongo Wash floodplain area as a Special Provisions Area, which allows for the purchase and preservation of that area. The General Plan is currently being updated and when complete will have land use designations that are compatible with the proposed Conservation Areas within the City limits and Sphere of Influence. The proposed Major Amendment will result in the City being included as a Permittee to the CVMSHCP that will allow for continuity of the previously established Conservation Areas. Conservation Areas within MSWD boundaries outside City limits will remain unchanged. (SEIR/SEIS at 4.2-4.)

The Major Amendment will not conflict with any plans adopted for the purpose of avoiding or mitigating an environmental effect. The proposed Major Amendment would serve to strengthen the existing CVMSHCP by including the City of Desert Hot Springs and MSWD as Permittees of the Plan and thereby broadening the potential to achieve the land use control and conservation objectives of the Plan to protect Covered Species. The proposed Major Amendment will also establish the area within the City currently designated as the Morongo Wash Special Provisions Area as part of the Upper Mission Creek/Big Morongo Canyon Conservation Area, and will facilitate the future development of County Flood

Control's planned Morongo Wash Flood Control facility. These actions would serve to broaden and reinforce the Plan's goals and objectives aimed at protecting sensitive resources and facilitating logical development in a sustainable manner, and therefore, would not conflict with the adopted CVMSHCP. (SEIR/SEIS at 4.2-4-5.)

Conclusion: Based on the preceding analysis, it has been determined that no significant adverse impacts related to land use have been identified in association with the implementation of the proposed Major Amendment. Therefore, no mitigation measures are required. (SEIR/SEIS at 4.2-6.)

### **C. Socioeconomic and Fiscal**

Finding: The proposed Project would not cause a significant adverse socioeconomic effect on communities located within the amended planning area; would not create a substantial adverse fiscal effect on the City or local governments as a consequence of the loss of public revenues or in association with the provision of governmental infrastructure (staff and facilities) associated with implementation of the Major Amendment; would not create a substantial adverse economic effect on an important sector of the planning area's economy; would not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure); would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere; and would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. (SEIR/SEIS at 4.3-8-26.)

Supporting Explanation: The 2007 Recirculated EIR/EIS prepared for the Plan considered the lands in Conservation Areas in each city and on unincorporated County lands, and calculated potential costs and revenues associated with build-out of those lands according to each jurisdiction's General Plan, in current dollars. Although not a Permittee of the Plan, Desert Hot Springs was included in the analysis because the Upper Mission Creek/Big Morongo Canyon Conservation Area encompasses the portions of the Mission Creek flood control channel and Morongo Wash within the City of Desert Hot Springs. The area was designated as a Special Provisions Area to address a potential Morongo Wash flood control facility and its associated mitigation, as well as conservation for a wildlife habitat corridor. (SEIR/SEIS at 4.3-8.)

The overall purpose of the SEIR/SEIS is to evaluate amending the Plan to include both Desert Hot Springs and MSWD as Permittees. However, the supporting Fiscal Impact Assessment (Appendix to SEIR/SEIS) focuses on public costs and revenues that would result if vacant lands identified for conservation by the CVMSHCP were instead allowed to develop in Desert Hot Springs consistent with the current General Plan land use designation. MSWD does not have decision-making authority over land use designations and no Conservation Area boundaries will change within the MSWD service area outside of Desert Hot Springs; therefore, the fiscal impact of adding MSWD as a Permittee is considered less than significant. (SEIR/SEIS at 4.3-8.)

Table 4.3-15 of the SEIR/SEIS summarizes all general fund and restricted fund revenues, that would be lost if vacant lands in Desert Hot Springs with development potential were placed in conservation under the proposed Major Amendment. This table also shows potential annual investment income that would be lost as a result of conservation of these lands. (SEIR/SEIS at 4.3-20–21.)

If lands being proposed for conservation are allowed to develop in the future, they will generate additional municipal costs. Expenditures will be required for general government services and the expansion and/or extension of infrastructure, roads, and other public services. The supporting fiscal model estimates the costs of providing general government services, public safety, and transportation/roadway maintenance to new development on lands identified for conservation under the proposed Major Amendment. The City will not incur these costs if these lands remain undeveloped and are placed in conservation. Table 4.3-19 of the SEIR/SEIS depicts the total annual costs to the City should the lands proposed for conservation under the Plan be developed. (SEIR/SEIS 4.3-23–24.)

Based on Table 4.3-20 of the SEIR/SEIS, currently vacant lands with potential for urban development in Desert Hot Springs would, if developed, result in a negative cash flow for the City over the long term. This is attributable to the fact that residential development does not generate sufficient municipal revenues to cover associated costs, particularly in areas such as Desert Hot Springs, where housing is affordable. Therefore, conservation of these potentially developable lands under the proposed Major Amendment will benefit Desert Hot Springs over the long term. (SEIR/SEIS at 4.3-24–26.)

#### *Population Growth*

The proposed Major Amendment would not directly induce population growth in the Plan Area as it would simply result in establishing Conservation Areas within the City and granting Permittee status to the City and MSWD. (SEIR/SEIS at 4.3-26.)

#### *Housing Displacement*

The proposed Major Amendment would establish Conservation Areas within City limits and would not displace any existing housing or persons that would necessitate the construction of replacement housing elsewhere. The inclusion of MSWD as a Permittee of the Plan would not result in displacement of any existing housing. (SEIR/SEIS at 4.3-26.)

#### *Displacement of People*

The project would not displace any existing housing or persons and would not necessitate the construction of replacement housing elsewhere. (SEIR/SEIS at 4.3-26.)

Conclusion: The Major Amendment would not result in any significant adverse socioeconomic or fiscal impacts.

## D. Transportation

Finding: The Proposed Project would not Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; would not conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); would not result in inadequate emergency access; and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

Supporting Explanation: As shown in Table 2-1, Section 2.4 of the SEIR/SEIS, the City has included a number of roadway projects as Covered Activities under the proposed Major Amendment. Although the affected roadway segments will become Covered Activities under the Major Amendment, they also represent planned improvements per the City's existing General Plan Circulation Element and have been programmatically reviewed under the General Plan EIR. The City has selected key roadway segments from their Circulation Element as Covered Projects under the Major Amendment to ensure efficient levels of service on existing and planned roadways as the City continues to build out in accordance with its General Plan. This is consistent with the approved September 2007 Recirculated EIR/EIS, which specifies that approval of the Plan would result in a significant impact to circulation and transportation systems only if it precluded the ability of the various roadway agencies to make necessary improvements or develop planned key arterials and roadway segments. The currently approved CVMSHCP already includes a number of regional roads within the City as Covered Activities and the impacts of these projects have been evaluated and addressed in the 2007 Recirculated EIR/EIS. These roadways would thus be constructed regardless of whether the City becomes a Plan Permittee. The approved Plan incorporates design and impact avoidance/minimization and mitigation measures that address development, improvement, and operation and maintenance of Covered Activities, including roadways. Implementation of these required measures will be made a condition of project approval for all Covered Activities within the City. (SEIR/SEIS at 4.4-4.)

### *Congestion Management*

The agencies with jurisdiction over transportation in the Major Amendment Area (i.e., City of Desert Hot Springs, CVAG, Riverside County) all have adopted performance criteria for roadway planning and operating procedures. However, only the City of Desert Hot Springs is proposing to add transportation projects to the list of Covered Activities as part of the proposed Major Amendment. The City of Desert Hot Springs utilizes "Level of Service" (LOS) criteria to assess

performance of roadway links and intersections. LOS includes a range of alphabetical connotations "A" through "F", used to characterize roadway operating conditions. LOS A represents the best/free flow conditions and LOS F indicates the worst/system failure. LOS D is considered the generally acceptable service level at intersections and roadways throughout the City, similar to other jurisdictions in the Plan Area, although anything better is desirable.

For purposes of this analysis, a significant impact to transportation caused by the Major Amendment would be one that caused a roadway link or intersection to operate below LOS D. Such a deficiency must be "caused" by implementation of the Major Amendment for it to be considered an impact. Deficiencies that exist without implementation of the Major Amendment are not a result of the "Project" and therefore, would not be considered a significant impact. Significant impacts are also considered based upon substantial conflicts with other transportation systems, including railroads and airports, or the creation of inadequate emergency access as a result of the Major Amendment.

Adding the City of Desert Hot Springs and MSWD as Permittees of the Plan and establishing Conservation Areas within the City will not conflict with the County's Congestion Management Program, as it will not result in the generation of any new vehicle trips. Per the approved September 2007 Final Recirculated EIR/EIS, a LOS deficiency must be caused by implementation of the Plan for it to be considered an impact. Therefore, existing deficiencies in LOS or traffic control systems are not considered a significant impact if they would remain regardless of whether the Major Amendment is approved. The establishment of Conservation Areas within the City and implementation of the stated Conservation Goals and Objectives of the Plan would not conflict with a congestion management program, existing LOS standards, or other standards established by the County for designated roads or highways. (SEIR/SEIS at 4.4-4-5.)

#### *Air Traffic*

As noted above, there are no public or private airports within the Major Amendment Area. Therefore, the proposed Major Amendment would not impede existing air traffic navigational patterns or cause a change in the location of existing airport facilities in the region. No significant impacts related to air traffic would occur as a result of project implementation. (SEIR/SEIS 4.4-5.)

#### *Hazards*

The proposed Major Amendment would not result in new roadways or other physical improvements that could increase roadway hazards. The City proposed Covered Activities (roadway improvements) would result in improvements to existing roadways and would employ standard construction safety measures per City requirements. Therefore, no significant impacts related to roadway hazards would occur as a result of project implementation. (SEIR/SEIS at 4.4-5.)

### *Emergency Access*

The CVMSHCP allows Take Authorization for emergency access and emergency response within the Plan Area. The Major Amendment will not result in any revisions to this policy and therefore, no impacts related to emergency access would occur. (SEIR/SEIS at 4.4-6.)

### *Public Transit*

Implementation of the proposed Major Amendment would not conflict with adopted policies or involve elimination of facilities supporting alternative transportation such as bus turnouts or bicycle racks. Access to bus stops will be maintained to the extent feasible during construction of proposed roadway improvements that are to be included by the City as Covered Activities. Therefore, no significant impacts related to public transit or alternative transportation would occur as a result of implementing the proposed Major Amendment.

Conclusion: No significant adverse impacts on transportation, traffic, or circulation would result from the proposed Major Amendment and no mitigation measures are required. (SEIR/SEIS at 4.4-6.)

## **SECTION 3: CUMULATIVE IMPACTS**

**BE IT FURTHER RESOLVED** by CVCC that the Supplemental EIR/EIS and the evidence in the administrative record before it, that the cumulative analysis in the 2007 Recirculated EIR/EIS remains sufficient and the Project would not have any significant adverse cumulative impacts:

The adopted September 2007 EIR/EIS performed an assessment of the long-term land use impacts the implementation of the CVMSHCP would have within the Plan Area. CEQA Guidelines Section 15130 b(1) allows the use of a summary of land use projections set forth in adopted General Plans (and associated EIRs) and the buildout of these plans. Rates of growth were assumed based upon recent trends in land conversion. (SEIR/SEIS at 6-2-3.)

The intent in determining the significance of those cumulative impacts evaluated in the approved EIR/EIS was an assessment of the aggregated effects of past, present, and reasonably foreseeable future projects or actions, regardless of who undertakes them. (SEIR/SEIS at 6-3.)

A cumulative impacts analysis is largely qualitative in nature but builds upon an extensive quantitative analysis of land use patterns and designations, regulatory and environmental constraints and opportunities affecting development, and socio-economic trends. The potential cumulative impacts of the overall Plan have been evaluated to determine the degree to which they degrade a resource to unacceptable levels and the incremental contribution made by the CVMSHCP to the overall cumulative effect.

The cumulative impacts analysis described in the 2007 Recirculated EIR/EIS provides sufficient analysis of the Plan as a whole and approval of the Major



Amendment would not change the scope of that cumulative analysis. Since the state and federal permits were received in October 2008, an economic recession has resulted in very limited development within the proposed Major Amendment area. Projects that were considered reasonably foreseeable future projects in 2007 were impacted by the economic downturn and are no longer viable. Many of the parcels of land proposed for these projects within Conservation Areas have been purchased by CVCC and other partners. Therefore, no further cumulative impact analysis is considered in the SEIR/SEIS. (SEIR/SEIS at 6-3.)

#### **SECTION 4: SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES**

**BE IT FURTHER RESOLVED** by CVCC, based on the Supplemental EIR/EIS and the evidence in the administrative record before it, that CVCC makes the following findings concerning significant and irreversible environmental changes:

Section 15126.2(c) of the CEQA Guidelines requires the evaluation of the uses of nonrenewable resources during the initial and continued phases of a project when a large commitment of such resources makes removal or non-removal or non-use thereafter unlikely. NEPA regulations also require an EIS analysis to include a discussion of the potential irreversible and irretrievable commitments of environmental resources as a consequence of the approval and implementation of the Proposed Project (40 CFR 1502.16).

The Proposed Project is a Major Amendment to the approved September 2007 CVMSHCP to add the City of Desert Hot Springs and the Mission Springs Water District as Permittees. The current Plan would be amended to include all of the private lands within the City limits of Desert Hot Springs and restore the original boundaries of the Upper Mission Creek/Big Morongo Canyon and Whitewater Canyon Conservation Areas within City limits. Covered Activities that include certain activities carried out or conducted by Permittees are also included in the Major Amendment as described in Section 2.0 of the SEIR/SEIS. (SEIR/SEIS at 5-2.)

The proposed Major Amendment would not in itself increase or decrease the amount of development that is anticipated to occur, and thus does not directly result in development that would involve the irretrievable and irreversible use of land, water, and building materials. Development impacts would occur regardless of whether the CVMSHCP is amended to include Desert Hot Springs and MSWD. As Permittees of the Plan, both agencies will be required to conform to the Avoidance, Minimization, Mitigation Measures and Land Use Adjacency Guidelines outlined in Sections 4.4 and 4.5 of the Plan, in order to implement their Covered Activities. This would potentially result in fewer environmental impacts in the Conservation Areas within City and MSWD boundaries and is expected to result in more efficient land use patterns outside of Conservation Areas. Establishment of the original boundaries of Conservation Areas within City limits will further preserve sensitive species, their habitat, and other natural resources within the City boundaries. Development outside of Conservation Areas would occur as anticipated in the proposed City of Desert Hot Springs General Plan Update that is being prepared concurrently with the SEIR/SEIS. Development within those areas of the MSWD boundaries outside of the City

limits will occur as specified in either the Palm Springs or County of Riverside General Plans. (SEIR/SEIS at 5-2-3.)

### **SECTION 5: GROWTH-INDUCING IMPACTS**

**BE IT FURTHER RESOLVED** by CVCC, based on the Supplemental EIR/EIS and the evidence in the administrative record before it, that CVCC makes the following findings concerning growth-inducing impacts:

Section 15126.2(d) of the CEQA Guidelines requires a discussion of how the potential growth-inducing impacts of the Proposed Project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Induced growth is distinguished from the direct employment, population, or housing growth of a project. If a project has characteristics that “may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively,” then these aspects of the project must be discussed as well. Induced growth is any growth that exceeds planned growth and results from new development that would not have taken place in the absence of the Proposed Project. For example, a project could induce growth by lowering or removing barriers to growth or by creating or allowing a use such as an industrial facility that attracts new population or economic activity. CEQA Guidelines also indicate that the topic of growth should not be assumed to be either beneficial or detrimental (Section 15126.2[d]). (SEIR/SEIS at 5-3.)

The proposed Major Amendment to include the City of Desert Hot Spring and MSWD as Permittees would not directly induce population growth in the CVMSHCP Area and would not displace any existing housing or persons that would necessitate the construction of replacement housing elsewhere. The Major Amendment would result in establishing Conservation Areas within the City and granting Permittee status to the City and MSWD. The City will be responsible for exercising land use authority to implement the CVMSHCP. Consequently, approval of the proposed Major Amendment would not result in significant growth-inducing impacts. (SEIR/SEIS at 5-3.)

### **SECTION 6: RESOLUTION REGARDING ALTERNATIVES**

**BE IT FURTHER RESOLVED** by CVCC that the Supplemental EIR/EIS and the evidence in the administrative record before it confirms that the alternatives discussed in the approved September 2007 Recirculated EIR/EIS provide sufficient analysis and no further alternatives other than an updated No Action/No Project Alternative are considered in the SEIR for the Plan Amendment.

The evaluation of environmental impacts in the SEIR/SEIS concluded that the Plan Amendment would not result in any temporary or permanent significant and unavoidable effects for any of the environmental issue areas identified in Appendix G of the State CEQA Guidelines.

Where significant impacts *are* identified, section 15126.6 of the State CEQA Guidelines requires EIRs to consider and discuss alternatives to the proposed actions. Subsection (a) states:

- (a) An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, 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, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.

Subsection 15126.6(b) states the purpose of the alternatives analysis:

- (b) Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.

In subsection 15126.6(c), the State CEQA Guidelines describe the selection process for a range of reasonable alternatives:

- (c) The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project.

However, when a project would not result in any significant and unavoidable impacts, the lead agency has no obligation to consider the feasibility of alternatives to lessen or avoid environmental impacts, even if the alternative would reduce the impact to a greater degree than the proposed Project. (Pub. Res. Code § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; *Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.)

Pursuant to CEQA Guidelines, Section 15126.6(e)(2), CEQA requires that an environmentally superior alternative, other than the No Project Alternative, be identified in an EIR, after comparing the potentially significant impacts of each alternative as compared to the Proposed Project.

### **Project Objectives**

The specific objective of the Major Amendment is to add the City of Desert Hot Springs and MSWD as Permittees of the Plan. In so doing, all of the private lands within the city limits of the City of Desert Hot Springs will be included, thus restoring the 2006 boundaries of the Upper Mission Creek/Big Morongo Canyon Conservation Area within city limits. In addition, as Permittees of the Plan, Desert Hot Springs and MSWD will contribute to the overall goals and objectives of the CVMSHCP along with the other Permittees within the Plan Area. Desert Hot Springs and MSWD will be included in the state and federal Incidental Take permits issued for species covered by the CVMSHCP in lieu of the current case-by-case development review process, as it relates to biological resources. At the same time, the proposed Major Amendment will bring lands within the city limits of Desert Hot Springs into the CVMSHCP's comprehensive biological resource conservation strategy that provides adequate assurance of habitat conservation and long-term viability and protection of Covered Species. (SEIR/SEIS at 1-8.)

### **Alternatives Selected for Analysis**

The alternatives selected for review include:

- No Action/No Project Alternative
- Public Lands Alternative
- Core Habitat with Ecological Processes Alternative
- Enhanced Conservation Alternative

As discussed in detail in Section 7.0 of the SEIR/SEIS, the SEIR/SEIS supplements the approved September 2007 Recirculated EIR/EIS that discussed a wide range of alternatives to the CVMSHCP without the City of Desert Hot Springs as a Permittee. The Proposed Action/Preferred Alternative is considered the environmentally superior alternative under CEQA and the environmentally preferred alternative under NEPA because it is the only alternative that would meet the primary objectives of the Plan Amendment, which is adding both Desert Hot Springs and Mission Springs Water District as Permittees of the Plan. Amending the CVMSHCP and permit as proposed would be the environmentally preferable alternative because adding these two new Permittees would provide a more comprehensive and cohesive Plan that would benefit the Covered Species and natural communities protected within the Plan Area. Furthermore, no significant environmental impacts of the Proposed Action/Preferred Alternative have been identified in this SEIR/SEIS. (SEIR/SEIS at 2-10–11.)

The alternatives discussed in the approved September 2007 Recirculated EIR/EIS provide sufficient analysis and no further alternatives other than an updated No Action/No Project Alternative are considered in the SEIR/SEIS for the Plan Amendment. However, each of the environmental topics discussed in Section 4.0 of the SEIR/SEIS, and set forth below this Resolution below, provide an analysis of whether the proposed Major Amendment would change any conclusions contained in each of the alternatives. (SEIR/SEIS at 2-11, 7-2.)

## **Evaluation of Alternatives**

### **No Action/No Project Alternative**

Description: Under the approved EIR/EIS, it was determined the No Action/No Project Alternative may result in significant adverse impacts to biological resources for CEQA analysis purposes due to the lack of protection for both Covered and non-Covered Species. Since there is now an approved Plan in place, the No Action/No Project Alternative for the proposed Major Amendment would mean that neither the City nor MSWD would become Permittees of the Plan. (SEIR/SEIS at 7-3.)

#### Impacts:

##### *Biological Resources*

The No Project Alternative under this scenario would mean that some areas of the City and the MSWD boundaries would not receive full protection for Covered and non-Covered Species as provided by the Plan. Therefore, significant adverse impacts to biological resources could occur under the No Action/No Project Alternative. Since no feasible mitigation measures have been identified should the preferred project not be approved, the impact of this Alternative remains significant. (SEIR/SEIS at 4.1-19.)

##### *Land Use and Planning*

Under the approved EIR/EIS, it was determined the No Action/No Project Alternative may have a significant long-term adverse impact on land use due to piecemeal habitat conservation that may lead to the fragmentation of human communities and stifle efficient economic development and activities. Since there is now an approved Plan in place, the No Project Alternative for the proposed Major Amendment would mean that both the City and MSWD would not become Permittees of the Plan. Without the Major Amendment, both agencies would have to comply with state and federal regulations for the Covered Species on a case by case basis. Furthermore, this alternative would not have the beneficial effect of strengthening the existing CVMSHCP by broadening the potential to achieve land use control and conservation objectives to protect Covered Species. Therefore, no mitigation measures are required. (SEIR/SEIS at 4.2-6.)

##### *Socioeconomic and Fiscal Impacts*

Under the approved Recirculated EIR/EIS, it was determined the No Action/No Project Alternative would result in all lands proposed for inclusion in Conservation Areas under the Preferred Alternative potentially being available for development. Since there is now an approved Plan in place, the No Action/No Project Alternative for the proposed Major Amendment would mean that both the City of Desert Hot Springs and MSWD would not become Permittees of the Plan. It was concluded that vacant lands with potential for urban development in Desert Hot Springs would, if developed, result in a negative cash flow for the City over the long term and conservation of some lands as recommended under the Proposed Action/Preferred Alternative will benefit Desert Hot Springs over the long term. Therefore, the beneficial fiscal impact for the City would not be realized under the No Action/No Project Alternative. (SEIR/SEIS at 4.3-27.)

## *Transportation*

As indicated in the approved 2007 Recirculated EIR/EIS prepared for the Plan, no significant adverse direct impacts on transportation, traffic, or circulation would result from this Alternative; however, for CEQA/NEPA analysis purposes, significant adverse indirect impacts could result due to rejecting the proposed Major Amendment. Since there is an approved Plan in place, the proposed Major Amendment would further the goals and objectives of the Plan, by increasing conservation within the Plan boundaries and facilitating planned roadway improvements for local and regional roadways within the City's jurisdiction. (SEIR/SEIS at 4.4-7.)

Objectives and Feasibility: Similar to the conclusion in the approved EIR/EIS, the No Action/No Project Alternative under this scenario would mean that some areas of the City and the MSWD boundaries would not receive full protection for Covered and non-Covered Species as provided by the Plan. Therefore, significant adverse impacts to biological resources could occur under the No Action/No Project Alternative. The No Action/No Project Alternative would result in Desert Hot Springs and MSWD not being added as Permittees of the Plan and no Take Authorization would be issued for their proposed Covered Activities. The City and MSWD would not be responsible for ensuring the implementation of the CVMSHCP, including acquisition, monitoring and management within their jurisdictions. The City and MSWD would be responsible for obtaining their own permits through the USFWS and CDFW for any project approvals that may affect sensitive species or core habitat areas. This Alternative would not serve to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth in the planning area. (SEIR/SEIS at 7-3.)

Finding: The CVCC rejects this alternative on the basis that it would fail to achieve the Project's objectives, and finds that this ground provides sufficient justification for rejection of this alternative. Therefore, it is eliminated from further consideration.

## **Public Lands Alternative**

Description: Under the Public Lands Alternative, substantial areas would be protected in the mountainous portions of the Plan Area. Because this Alternative entails no land acquisition, only Core Habitat, Essential Ecological Processes, and Biological Corridors and Linkages that happen to be on existing public conservation lands or private conservation lands would be protected. As a result, sand transport, watershed, and other ecological processes would not be protected, Biological Corridors and Linkages would not be conserved, and Core Habitat areas would likely be fragmented in many instances. As indicated in the approved 2007 Recirculated EIR/EIS, this Alternative would not include a broad acquisition plan as part of the Plan requirements. Management of the existing reserves would be increased, so that Covered Species within these reserves would receive greater protection. (SEIR/SEIS at 7-2.)

### Impacts:

#### *Biological Resources*

Conservation lands would decrease under this alternative and would thus result in a greater impact to Covered Species and natural communities. However, no feasible mitigation measures were identified in the approved EIR/EIS. The Major Amendment would not result in any changes to that conclusion and no mitigation measures are required. (SEIR/SEIS at 4.1-18.)

### *Land Use and Planning*

As indicated in the approved 2007 Recirculated EIR/EIS, the Public Lands Alternative would not include a broad acquisition plan as part of the Plan requirements. Management of the existing reserves would be increased, so that Covered Species within these reserves would receive greater protection. The proposed Major Amendment would not result in any changes to that conclusion. As with the Proposed Action/Preferred Alternative, there would be no direct impact on applicable plans because this Alternative does not propose additional conservation of lands. For the same reason, this Alternative would not result in the physical division of an established community. State and federal lands would be managed in a manner consistent with their respective management plans, and thus this Alternative would not conflict with such plans. The proposed Major Amendment would not result in any changes to that conclusion. Therefore, no mitigation measures are required. (SEIR/SEIS at 4.2-5.)

### *Socioeconomic and Fiscal Impacts*

This Alternative includes all lands managed for conservation under local, state, and federal agency ownership, and Private Conservation Lands, and could require additional management prescriptions to be implemented on certain BLM and other public lands. No new areas would be acquired for CVMSHCP purposes. Because this Alternative does not propose additional conservation of lands, no socioeconomic effects would result including displacement of housing or people. State and federal lands would be managed in a manner consistent with their respective management plans, and thus this Alternative would not conflict with such plans. (SEIR/SEIS at 4.3-26.)

### *Transportation*

As indicated in the approved 2007 Recirculated EIR/EIS prepared for the Plan, no significant adverse impacts on transportation, traffic, or circulation would result from this Alternative for CEQA/NEPA analysis purposes and no mitigation is required. The Major Amendment would not result in any changes to that conclusion. (SEIR/SEIS at 4.4-6.)

Objectives and Feasibility: Although findings rejecting alternatives in favor of the Project are not required because the Project as proposed would not result in any significant and unavoidable impacts (Pub. Res. Code § 21002), for the reasons set forth herein, and as discussed further in the SEIR/SEIS, CVCC hereby rejects the Public Lands Alternative because it would result in potentially significant environmental impacts. Overall conservation lands would decrease under this Alternative and would thus result in a greater impact to Covered Species and natural communities. In addition, it was found to have potentially significant impacts to groundwater recharge. No feasible mitigation measures were identified. Adoption of the Major Amendment would not result in any changes to that conclusion. (SEIR/SEIS at 7-2.)

Finding: The CVCC rejects this alternative on the basis that it would cause potentially significant effects that would not occur with the Proposed Project, and finds that this ground provides sufficient justification for rejection of this alternative. Therefore, it is eliminated from further consideration.

### **Core Habitat with Ecological Processes Alternative**

Description: Under the Core Habitat with Ecological Processes Alternative, it would establish Conservation Areas intended to protect Core Habitat for the Covered Species and natural

communities included in the Plan, Essential Ecological Processes necessary to sustain these habitats, and some Biological Corridors. The Conservation Areas include most of the Public Lands Alternative lands as well as the acquisition of additional private lands particularly in the mountains surrounding the Coachella Valley as necessary to: avoid habitat fragmentation of Core Habitat, protect Essential Ecological Processes, and maintain Biological Corridors. (SEIR/SEIS at 7-2.)

#### Impacts:

##### *Biological Resources*

This Alternative would result in less conservation than the Preferred Alternative, and thus would have greater impacts on Covered Species and natural communities. No Feasible mitigation measures were identified in the approved EIR/EIS. The Major Amendment would not result in any changes to that conclusion and impacts of this alternative would remain significant. (SEIR/SEIS at 4.1-18.)

##### *Land Use and Planning*

As indicated in the approved Recirculated EIR/EIS, this Alternative would have a lower level of conservation of private lands compared to the Proposed Action/Preferred Alternative, and thus would have even fewer potential conflicts with applicable land use plans. Based upon the coordinated and integrated nature of this Alternative, impacts to federal, state, regional, local, or tribal land use plans, policies, or controls are considered to be less than significant. This Alternative would not physically divide an established community for the reasons described under the Proposed Action/Preferred Alternative. The proposed Major Amendment would not result in any changes to that conclusion. Therefore, no mitigation measures are required. (SEIR/SEIS at 4.2-5.)

##### *Socioeconomic and Fiscal Impacts*

This Alternative would have a lower level of conservation of private lands compared to the Proposed Action and Preferred Alternative. Although the jurisdictions would be able to develop lands that would otherwise be conserved, the increased land mass in each jurisdiction would not be significant for CEQA/NEPA analysis purposes, and would not impact any jurisdiction's ability to provide adequate lands for development. Affordable housing could be permitted on lands that would otherwise be conserved. It would not directly induce substantial population growth in the CVMSHCP Area, as the Plan does not propose any new construction. The Major Amendment would not result in any changes to these conclusions. (SEIR/SEIS at 4.3-26-27.)

##### *Transportation*

As indicated in the approved Recirculated EIR/EIS prepared for the Plan, no significant adverse impacts on transportation, traffic, or circulation would result from this Alternative for CEQA/NEPA analysis purposes and no mitigation is required. (SEIR/SEIS at 4.4-6.)

Objectives and Feasibility: Although findings rejecting alternatives in favor of the Project are not required because the Project as proposed would not result in any significant and unavoidable impacts (Pub. Res. Code § 21002), for the reasons set forth herein, and as discussed further in the SEIR/SEIS, CVCC hereby rejects the Core Habitat with Ecological Processes Alternative because it would result in potentially significant environmental impacts that would not result from



the Proposed Project. As indicated in the approved 2007 Recirculated EIR/EIS, this Alternative would result in less conservation than the Preferred Alternative, and thus would have greater impact on Covered Species and natural communities. No feasible mitigation measures were identified. Adoption of the Major Amendment would not result in any changes to that conclusion. (SEIR/SEIS at 7-2.)

Finding: The CVCC rejects this alternative on the basis that it would cause potentially significant effects that would not occur with the Proposed Project, and finds that this ground provides sufficient justification for rejection of this alternative. Therefore, it is eliminated from further consideration.

### **Enhanced Conservation Alternative**

Description: The Enhanced Conservation Alternative expands upon the Proposed Action/Preferred Alternative and includes the same Covered Activities as the Preferred Alternative. It would result in less Take than the Proposed Action/Preferred Alternative and additional Conservation Lands would be added. (SEIR/SEIS at 7-2.)

#### Impacts:

##### *Biological Resources*

This Alternative would result in the acquisition and management of more land than the Preferred Alternative. All other provisions of the Preferred Alternative would apply. Therefore, impacts from this Alternative would be less than significant and no mitigation measures were required in the approved EIR/EIS. The Major Amendment would not result in any changes to that conclusion and no mitigation measures are required. (SEIR/SEIS at 4.1-19.)

##### *Land Use and Planning*

As indicated in the approved Recirculated EIR/EIS, this Alternative would result in a substantial increase in lands in Conservation Areas compared to the other alternatives. The analysis determined this additional conservation could result in significant land use compatibility conflicts and physically divide established communities. The proposed Major Amendment would not result in any changes to that conclusion. Therefore, no mitigation measures are required. (SEIR/SEIS at 4.2-5-6.)

##### *Socioeconomic and Fiscal Impacts*

This Alternative would result in slight increases in lands included in Conservation Areas in the City of Desert Hot Springs. The overall percentage increase, however, would not significantly increase the lands lost by the City. Impacts to the fiscal health of the City would be expected to be similar to those described above under the Proposed Action/Preferred Alternative. Impacts to the development potential within Desert Hot Springs would be expected to be similar to those described above under the Proposed Action/Preferred Alternative. This Alternative would not directly induce substantial population growth in the Plan Area, as the Plan does not propose any new construction. This Alternative would not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. This Alternative also does not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The Major Amendment would not result in any changes to these conclusions. (SEIR/SEIS at 4.3-27.)

### *Transportation*

As indicated in the approved Recirculated EIR/EIS prepared for the Plan, this Alternative would result in significant impacts on transportation, traffic, or circulation for CEQA/NEPA analysis purposes. The impacts of this Alternative to local, regional, state and federal roadways cannot be effectively mitigated. The Major Amendment would not result in any changes to that conclusion. (SEIR/SEIS at 4.4-6.)

Objectives and Feasibility: Although findings rejecting alternatives in favor of the Project are not required because the Project as proposed would not result in any significant and unavoidable impacts (Pub. Res. Code § 21002), for the reasons set forth herein, and as discussed further in the SEIR/SEIS, CVCC hereby rejects the Enhanced Conservation Alternative because it would not achieve the objectives of the CVMSHCP to the same degree as the Project. As indicated in the approved 2007 Recirculated EIR/EIS, this Alternative would not result in any significant impacts. However, it would result in highly fragmented Conservation Areas in some locations interspersed with urban land uses and major transportation links, undermining the effectiveness of Conservation in these areas. Adoption of the Major Amendment would not result in any changes to that conclusion. (SEIR/SEIS at 7-2.)

Finding: The CVCC rejects this alternative on the basis that it would not achieve the objectives of the CVMSHCP to the same degree as the Project, and finds that this ground provides sufficient justification for rejection of this alternative. Therefore, it is eliminated from further consideration.

### **Environmentally Superior Alternative**

As disclosed in the analysis above, the alternative that causes the least damage to biological resources and physical environment and best preserves natural resources is the Proposed Action/Preferred Alternative. The addition of the City and MSWD as Permittees of the Plan provides a more comprehensive and cohesive Plan that would provide beneficial impacts for the Covered Species and natural communities protected within the Plan Area. The Plan also incorporates required avoidance, minimization and mitigation measures; land use adjacency guidelines; and a comprehensive Monitoring and Management Program designed to mitigate potential adverse effects to the greatest extent practicable. Therefore, the Proposed Action/Preferred Alternative is considered the environmentally superior alternative under CEQA. (SEIR/SEIS at 7-4.)

### **SECTION 7: CERTIFICATION OF THE SEIR/SEIS**

**BE IT FURTHER RESOLVED** by the CVCC that it has reviewed and considered the Final Supplemental EIR/EIS, and all other applicable documents in the record, in evaluating the Project, that the Supplemental EIR/EIS is an accurate and objective statement that complies with CEQA and reflects CVCC's independent judgment, and that the Final Supplemental EIR/EIS and all other volumes of the CVCVMSHCP are incorporated herein by this reference.

**BE IT FURTHER RESOLVED** by the CVCC that it hereby **CERTIFIES** the Final Supplemental EIR/EIS, adopts the Major Amendment to the CVCVMSHCP, approves the revised IA, and authorizes the execution of the revised IA.

**Findings**

No significant and unavoidable environmental impacts (both project-specific and cumulative) have been identified in the SEIR/SEIS. As set out in this Resolution, all impacts of the Proposed Project are less than significant.

**Conclusions**

All significant environmental impacts from the implementation of the Project have been identified in the SEIR/SEIS and will be less than significant level.

Other reasonable alternatives to the Project which could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project.

**SECTION 8: RESOLUTION REGARDING CUSTODIAN OF RECORD**

**BE IT FURTHER RESOLVED** by the CVCC that the documents and other materials that constitute the record of proceedings/administrative record for the CVCC's approval of the Project are located at 73710 Fred Waring Drive, Suite 200, Palm Desert, California 92260, and the custodian of these records is the Executive Director of CVCC.

**SECTION 9: RESOLUTION REGARDING STAFF DIRECTION**

**BE IT FURTHER RESOLVED** by the CVCC that staff shall file a Notice of Determination with the Riverside County Clerk of the Board of Supervisors within five (5) working days of final Project approval.

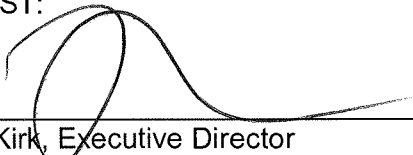
**PASSED, APPROVED AND ADOPTED** this 13<sup>th</sup> day of March, 2014.

AYES: 9  
NOES: 0  
ABSTAIN: 0




Richard W. Kite, Chair  
Coachella Valley Conservation Commission

ATTEST:

  
\_\_\_\_\_  
Tom Kirk, Executive Director  
Coachella Valley Conservation Commission

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Toni Eggebraaten, CVCC Counsel

CVCC  
Approved  
W  
Date  
2/12/14