

**Final Recirculated
Coachella Valley Multiple Species Habitat
Conservation Plan
and
Natural Community Conservation Plan**

**Appendix II: MOU to Prepare a
Multiple Species Habitat Conservation Plan/
Natural Community Conservation Plan
("Planning Agreement")**

September 2007

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MEMORANDUM OF UNDERSTANDING
REGARDING THE PREPARATION OF A
COACHELLA VALLEY MULTIPLE SPECIES
HABITAT CONSERVATION PLAN

This Memorandum of Understanding ("MOU") is made and entered into as of February 9, 1996, by and among the UNITED STATES DEPARTMENT OF INTERIOR FISH AND WILDLIFE SERVICE ("SERVICE"); the CALIFORNIA DEPARTMENT OF FISH AND GAME, ("DEPARTMENT"); the COUNTY OF RIVERSIDE, and the cities of CATHEDRAL CITY, COACHELLA, DESERT HOT SPRINGS, INDIAN WELLS, INDIO, LA QUINTA, PALM DESERT, PALM SPRINGS, AND RANCHO MIRAGE; the COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS ("CVAG"); the BUREAU OF LAND MANAGEMENT ("BLM"); the UNITED STATES FOREST SERVICE ("USFS"); and the NATIONAL PARK SERVICE ("NPS"). Collectively the foregoing agencies are herein after called the "Parties".

WITNESSETH:

WHEREAS, the Parties are among the federal, state, and local agencies that have regulatory authority or responsibility under certain federal and state statutes to protect species and their habitats from adverse effects resulting from public and private development actions, including federal agencies' responsibilities under the Endangered Species Act of 1973, as amended ("ESA"), and the National Environmental Policy Act ("NEPA"); state agencies' responsibilities under the California Endangered Species Act of 1984 ("CESA") and the California Environmental Quality Act ("CEQA"); and local agencies' responsibilities under CEQA and State Planning and Zoning Law; and

WHEREAS, the multiple sources of authority under which the Parties operate do not provide any individual agency with the authority to implement a comprehensive program to provide for the long term survival of species and their habitats in the planning area as defined in Exhibit A to this MOU, and hereby incorporated by reference; and

WHEREAS, the state and federal agencies which are parties to this MOU are also parties to, and would call attention to, "The Agreement on Biological Diversity" executed in 1991 to "develop guiding principles and policies, design a statewide strategy to conserve biological diversity, and coordinate implementation of this strategy through regional and local institutions"; and

WHEREAS, the private sector lacks assurances that compliance with requirements imposed by any one public agency (for example mitigation measures required by a local lead agency under CEQA) will satisfy requirements that may be imposed by any other public agency (for example terms and conditions required by the SERVICE under a Biological Opinion pursuant to a Section 7 Endangered Species Act consultation); and

WHEREAS, the Parties together with representatives from private conservation groups, utilities, land owner organizations, development interests, and agricultural interests desire to work together for the purpose of developing a program to conserve Species of Concern, as identified in Exhibit B (as may be amended from time to time by agreement of all Parties) and hereby incorporated by reference; and

WHEREAS, the cities and the County are desirous that local land use regulations and development decisions comply with state and federal environmental and endangered species statutes and regulations while providing for continued economic growth and development;

THEREFORE, it is mutually agreed and understood that:

1.0 PURPOSE OF MEMORANDUM

The Parties have entered into this MOU to: (1) agree to cooperate in the development of a Coachella Valley Multiple Species Habitat Conservation Plan ("CV MSHCP"), and (2) define the general nature of the planning process and the components of the CV MSHCP.

2.0 PURPOSES OF THE CV MSHCP

Preparation of a CV MSHCP serves two main purposes: (1) balancing environmental protection and economic development objectives in the CV MSHCP area, and (2) simplifying compliance with endangered species related laws. These purposes are more fully described below.

2.1 Balancing environmental protection and economic development objectives in the CV MSHCP area. The CV MSHCP is intended to conserve adequate habitat in an unfragmented manner to provide for the protection and security of long-term viable populations of the Species of Concern. (Note: based on information gathered through the planning process, the Species of Concern list (Exhibit B) may be amended to either add or remove species as appropriate.) The CV MSHCP is thereby intended to proactively address requirements of the state and federal endangered species acts to avoid disruption of economic development activities in the CV MSHCP area. This will be accomplished as follows:

- (1) Where possible, sufficient habitat for Species of Concern shall be protected by the CV MSHCP to obviate the need to list species as threatened or endangered.
- (2) For Species of Concern which are currently listed as threatened or endangered, the CV MSHCP will be the basis for securing incidental take permits within the area covered by the CV MSHCP.

- (3) For Species of Concern which are not currently listed, the CV MSHCP will address the conservation of the species and its habitat as if the species were listed, such that if the species is subsequently listed, the CV MSHCP will be the basis for securing the issuance of incidental take permits, and no further mitigation requirements will be imposed.
- (4) The CV MSHCP will utilize a habitat based approach intended to conserve overall biodiversity in the CV MSHCP area. Therefore, to the fullest extent possible under the ESA and the CESA, it is the intent of the CV MSHCP that, before proposing a species which occurs in one of the protected habitats but which is not specifically identified as a Species of Concern in the CV MSHCP for listing, the SERVICE and the DEPARTMENT shall analyze the CV MSHCP to determine if it serves as a habitat conservation plan such that either the species does not need to be listed, or, in the event that factors outside the CV MSHCP area necessitate listing, incidental take permits would be issued in the CV MSHCP area should the species be listed. If the CV MSHCP does not provide adequate protection, the SERVICE and the DEPARTMENT shall cooperate with the other Parties in evaluating an amendment to the CV MSHCP which would provide adequate protection for the proposed species and, therefore, either obviate the need to list the species or provide the basis for an incidental take permit.

2.2 Simplify compliance with endangered species related laws. The CV MSHCP is intended to provide a means to standardize mitigation/compensation measures for the Species of Concern so that, with respect to public and private development actions, mitigation/compensation measures established by the CV MSHCP will concurrently satisfy applicable provisions of Federal and State laws pertaining to endangered species protection. It is further the intent of the Parties to eliminate project by project review of the effect of development activities on the Species of Concern, to the full extent authorized by law. It is also the intent of the CV MSHCP to specify mitigation and/or compensation measures needed to lessen or avoid the cumulative effects of development activities on Species of Concern and eliminate, where possible, the requirement of case-by-case review of all such effects that will be mitigated by the specified measures.

2.2.1 Section 7 of the ESA requires all federal agencies to initiate formal consultation if their actions may affect federally listed species (50 CFR § 402.14). Though a conservation plan may address federal land, the issuance of a Section 10(a) permit does not eliminate the need for federal agencies to comply with Section 7. Nonetheless, a federal agency may, regardless of whether that agency is a Party to this MOU or any conservation plan, use the mitigation/compensation measures established by the CV MSHCP towards fulfilling the requirements of Section 7.

3.0 COMPONENTS OF THE CV MSHCP

The CV MSHCP will include, but not be limited to: (1) a long term conservation plan for Species of Concern and their habitats; (2) an Implementation/Management Agreement to ensure the execution of the conservation plan;

(3) Section 10(a) permits to authorize incidental take of federally listed species, and Fish and Game Code Section 2081 MOUs to authorize incidental take of state listed species; (4) Conservation (Pre-listing) Agreements recognizing that the conservation plan meets ESA, and CESA requirements to authorize incidental take for Species of Concern should they be listed in the future; (5) assurances that no requirements beyond those specified in the CV MSHCP and the Implementation/Management Agreement will be imposed by the state and federal governments; (6) provisions for continuing operations and maintenance of existing public facilities; and (7) provisions for evaluating the siting of new public facilities within habitat conservation areas.

3.1 Conservation Plan A conservation plan will be prepared for Species of Concern and their habitats and, subject to city and county approval, submitted to the SERVICE as part of an application for a Federal permit authorizing incidental take of federally listed endangered and threatened species pursuant to Section 10(a) of the ESA, and to the DEPARTMENT as part of the application for a CESA MOU authorizing incidental take of state listed endangered and threatened species pursuant to Section 2081 of the Fish and Game Code. It is also intended that the conservation plan will be the basis for a biological opinion pursuant to Section 7 of the ESA for Federal agencies which are party to this MOU. The conservation plan shall specify the mitigation/compensation measures that may be used towards fulfilling the requirements of federal and state law, including but not limited to ESA and CESA, regarding the protection of the Species of Concern and their habitats. The CV MSHCP shall assess the extent to which existing conservation lands provide viable habitat for the Species of Concern and could be a component of the conservation plan.

3.1.1 The Scope of Work for the development of the conservation plan is attached to this MOU, and hereby incorporated by reference, as Exhibit C. All parties to this MOU have reviewed the Scope of Work and acknowledge that, if properly implemented, the Scope of Work will provide adequate information and constitutes an adequate process to develop a conservation plan which will meet the requirements of the ESA and the CESA for purposes of conserving species and authorizing incidental take.

3.2 Implementation/Management Agreement. The Parties shall consider for approval an enforceable Implementation/Management Agreement to define the respective rights, obligations, authorities, responsibilities, liabilities, benefits, and privileges of the Parties with respect to implementation of the conservation plan. The Agreement will establish an administrative process to implement the management and protection measures adopted as part of the conservation plan. The Agreement will need to be approved by the cities and the County before incidental take permits and conservation (pre-listing) agreements will be approved by the SERVICE and the DEPARTMENT.

3.3 Permit Applications. Upon completion of the conservation plan, the County and the cities may collectively submit applications for incidental take pursuant to Section 10(a) of the ESA and Section 2081 of the Fish and Game

Code. It is the intent of the Parties that the term of these permits shall be 30 years.

3.4 Conservation (Pre-listing) agreements. It is the intent of the Parties that the conservation plan shall provide for the long term preservation of Species of Concern which are not currently listed as threatened or endangered such that should they become listed, the DEPARTMENT and the SERVICE shall authorize incidental take for the species under the terms and conditions of the CV MSHCP.

3.5 Assurances. Pursuant to the Department of the Interior's and Department of Commerce's joint "No Surprises" policy for HCPs, the CV MSHCP will incorporate legal assurance that the federal government will not seek additional property interests or financial compensation beyond the level which is otherwise adequately provided under the terms of the CV MSHCP because of changes in the status of affected species.

3.6 Operation and Maintenance of Existing Public Facilities. It is the intent of the Parties that the CV MSHCP will provide for the cities, the County, water agencies, flood control districts, utilities, and other public entities to conduct those activities necessary to operate and maintain public facilities located throughout the CV MSHCP area.

3.7 Siting new Public Facilities within Habitat Conservation Areas. With respect to habitat conservation areas established by the CV MSHCP, it is the intent of the Parties that new public facilities will not automatically be excluded from these areas, and that new public facilities may be permitted in these areas if it is determined through the CEQA and NEPA processes that they would not have a significant adverse impact on the viability and ecological integrity of the habitat conservation areas; they are consistent with the intent and purpose of the Implementation/Management Agreement; and there is no practicable alternative available. Pursuant to CEQA and NEPA, mitigation and/or compensation measures may be required. In addition, during the preparation of the CV MSHCP the Parties will identify all potential future public facilities in habitat conservation areas and, to the extent feasible, assess the potential impacts of these facilities. Where the impacts can be adequately assessed through the CEQA and NEPA documentation for the CV MSHCP, a finding may be made in the CV MSHCP that such facilities are permissible under the CV MSHCP subject to project approval by the appropriate lead agency, and the inclusion of appropriate mitigation measures.

4.0 INTERIM PROJECT REVIEW GUIDELINES

Interim Project Review Guidelines are attached as Exhibit D, herein incorporated by reference. The Guidelines, which may be utilized during the preparation of the CV MSHCP, provide for the timely review by the SERVICE and the DEPARTMENT of individual projects which have the potential to preclude long term preservation planning or impact the viability of biological resources.

5.0 CV MSHCP PLANNING PROCESS

The CV MSHCP will be prepared under the direction of the Coachella Valley Association of Governments (CVAG). CVAG will be responsible for: (1) entering into and overseeing contracts with consultants as needed, (2) administering funds secured for plan preparation, and (3) performing other administrative functions. The CVAG Executive Committee shall make decisions regarding administrative matters or delegate necessary authority to fulfill administrative functions to CVAG staff. Policy decisions, such as approval of the CV MSHCP, including permit applications, environmental documents, and the like, shall be made by each of the participating cities and the County, and by the other signatories to the MOU as their interests are affected.

5.1 Policy Advisory Group. A Policy Advisory Group (PAG), similar to the PAG which has assisted CVAG in the preliminary phases of the CV MSHCP effort to date, shall be established to provide input and support to CVAG in the preparation of the CV MSHCP. The PAG shall meet on a regular basis and shall consist of the representatives of the Parties to this MOU, insofar as each may agree to serve, and any other members as may be invited to participate by all of the Parties. It is the intent of the Parties to include, at a minimum, representatives of business, agricultural, conservation, development, and property-owner interests on the PAG.

5.2 Public Participation. It is the intent of the Parties to provide ample opportunity for and to encourage public participation in the development of the CV MSHCP. This may be accomplished through an appropriate combination of workshops, forums, meetings, and written materials made available to the public.

6.0 FUNDING AND ECONOMIC IMPACT ANALYSIS

CVAG will coordinate securing funds for the preparation of the CV MSHCP. The Parties may assist CVAG in securing necessary funding. Funding sources to be explored include, but are not limited to, federal, state, and local agency funds (including grants, loans, and staff commitments), foundation grants, and contributions from organizations and individuals.

It is the intent of the Parties that the potential economic impacts and benefits of the CV MSHCP will be assessed, and that appropriate measures will be incorporated into the CV MSHCP and Implementation Agreement to address any impacts, including funding equity issues. To accomplish this, the Parties agree that an impact analysis model will be developed, and that this model will be used to develop a Fiscal Impact Report in conjunction with the preparation of the CV MSHCP to provide each jurisdiction with an understanding of the CV MSHCP's impact and potential adjustments to the CV MSHCP to address those impacts. An example of the need for this type of analysis is the potential impact of setting aside lands for habitat protection if those lands are within a benefit

assessment district, such as a road and bridge assessment district intended to finance regional transportation improvements. Potential revenues from development on such lands would no longer be available, potentially causing a funding shortfall for public services and facilities. A suggested framework and general methodology for the economic impact analysis is attached as Exhibit E, herein incorporated by reference. The CV MSHCP shall also include provisions for the preparation of an annual Fiscal Impact Report to monitor the potential fiscal effects of implementation of the CV MSHCP and to provide recommendations for adjustments in how implementation commitments are met. Exhibit E further identifies the suggested contents and purposes of the annual Fiscal Impact Report.

It is further the intent of the Parties that funding for implementation of the CV MSHCP shall reflect a fair share contribution by federal, state, and local agencies.

7.0 ENVIRONMENTAL REVIEW

Both state and federal environmental review of the CV MSHCP will be required.

7.1 California Environmental Quality Act (CEQA) Compliance. Approval of a CV MSHCP is an action subject to CEQA review. CVAG will act as the lead agency under CEQA for the preparation of environmental documents. In the preparation of the environmental documents, the DEPARTMENT, the cities, and the County shall act as responsible agencies pursuant to CEQA. The CV MSHCP and accompanying environmental documents shall function as a Master Environmental Assessment ("MEA") pursuant to CEQA with respect to biological resources. The preparation of an MEA is intended to avoid duplicative reconsideration in subsequent projects of basic policy considerations and to ensure consideration of cumulative effects of project impacts. The MEA would provide agencies with information to use in initial studies to decide whether certain environmental effects would be likely to occur and whether the effects would be significant. Future projects within the CV MSHCP area which comply with measures described in the CV MSHCP to avoid or mitigate significant impacts to Species of Concern could reference the MEA with respect to biological resource issues in preparing environmental documents.

7.2 National Environmental Policy Act (NEPA) Compliance. Issuance of a Section 10(a) permit by the SERVICE is an action subject to NEPA review. The SERVICE is the lead agency under NEPA and will prepare, or cooperate in the preparation of, either an Environmental Assessment ("EA") or an Environmental Impact Statement ("EIS"), as appropriate, with regard to the Section 10(a) permit and accompanying conservation plan. The SERVICE may enter into an agreement with CVAG whereby the EA or EIS may be prepared and circulated by CVAG concurrently with the environmental documentation prepared by CVAG pursuant to CEQA.

8.0 TERMS OF THE MOU

8.1 Effective Date of Agreement. This MOU shall take effect upon the dates of signature.

8.2 Amendment of the MOU. This MOU may be amended from time to time with the concurrence of all Parties. Approved amendments must be in writing.

8.3 Termination. The MOU shall automatically terminate upon approval and adoption of the CV MSHCP or on December 31, 1997, which ever occurs first, unless extended through an amendment.

IN WITNESS WHEREOF, THE PARTIES HERETO have executed this Memorandum of Understanding, on the date(s) set forth below, as of the day and year first above written.

By Gail C. Kobetich
Field Supervisor,
U.S. Fish and Wildlife Service
Carlsbad, California

Date 2-9-96

By Ed Hunter
State Director,
U.S. Bureau of Land Management
Sacramento, California

Date 3/19/96

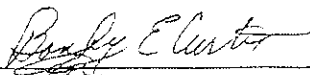
By Paul W. Weldon
Forest Supervisor,
U.S. Forest Service
San Bernardino, California

Date 4/21/96

By Ernest R. Dux
Regional Director,
National Park Service
San Francisco, California

Date 5-6-96

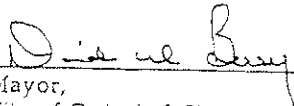
Contingent upon inclusion of changes in Letter dated April 29, 1996

By 
Director,
California Department of Fish and Game
Sacramento, California

Date Jan 12, 1996

By See 9a + 9b
Chairman,
Riverside County Board of Supervisors
Riverside, California

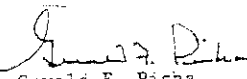
Date _____

By 
Mayor,
City of Cathedral City
Cathedral City, California

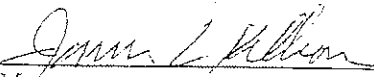
Date November 20, 1995

By _____
Mayor,
City of Coachella
Coachella, California

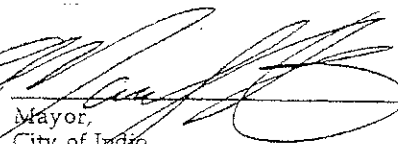
Date _____

By 
Gerald F. Pisha
Mayor,
City of Desert Hot Springs
Desert Hot Springs, California

Date January 16, 1996

By 
Mayor,
City of Indian Wells
Indian Wells, California

Date November 2, 1995

By 
Mayor,
City of Indio
Indio, California

Date 6-7-96

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



Page 1 of 2

2.0b

9:30 a.m. being the time set for consideration of the Status Report and Policy Direction for County Participation in the Development of a Multi-Species Habitat Conservation Plan for Western Riverside County, the Chairman called the matter for discussion.

A motion was made by Supervisor Cenicerros that the above matter be tentatively continued to a Workshop on Monday, January 22, 1996.

Motion failed for lack of a second.

Supervisor Cenicerros noted that continuing the matter will allow time to consider funding issues and the habitat will be able to present policy issues.

Supervisor Tavaglione suggested late January or early February for a workshop.

Supervisor Buster mentioned that the resolution has many legal problems and wants it scheduled before the 18th.

Supervisor Cenicerros made a motion to continue the above matter to Tuesday, January 9, 1996 at 3:30 p.m.

Motion failed for lack of a second.

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on
December 18, 1995 _____ of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: December 18, 1995

Gerald A. Maloney, Clerk of the Board of Supervisors, in and for
the County of Riverside, State of California.

(seal)

By: [Signature] Deputy

AGENDA NO.

2.0b

xc: A.O., CoCo, ~~CVAG~~, Coachella Valley Habitat Policy Committee

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



Page 2 of 2

On motion of Supervisor Cenicerros, seconded by Supervisor Mullen and duly carried by unanimous vote, IT WAS ORDERED that the above matter is continued to Monday, December 18, 1995 at 3:30 p.m.

3:30 p.m. being the time set for consideration of Status Report and Policy Direction for County Participation in the Development of a Multi-Species Habitat Conservation Plan for Western Riverside County, the Chairman called the matter for discussion.

On motion of Supervisor Cenicerros, seconded by Supervisor Tavaglione and duly carried by unanimous vote, IT WAS ORDERED that the January, 1996 Monday meeting, is rescheduled from January 29, 1996 to Monday, January 8, 1996 at 9:30 a.m., and that the above matter is scheduled for a workshop on January 8, 1996 at 9:30 a.m.

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on
December 18, 1995 _____ of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: December 18, 1995

Gerald A. Maloney, Clerk of the Board of Supervisors, in and for
the County of Riverside, State of California.

(seal)

By: *G. Mullen* Deputy

AGENDA NO.

2.0b

By Gladys L. Holt
Mayor,
City of La Quinta
La Quinta, California

Date 2/25/97

By Richard Kelly
Mayor,
City of Palm Desert
Palm Desert, California

Date February 27, 1997

By M. G. Kleindienst
Mayor,
City of Palm Springs
Palm Springs, California

Date 3/6/97

APPROVED BY THE CITY COUNCIL
BY RES. NO. 5-92.2 3/5/97
me ABC 25

By Jeanne E. Parrish
Mayor, Jeanne E. Parrish
City of Rancho Mirage
Rancho Mirage, California

Date Nov. 21, 1995

By Ronald F. Davis
Chairman,
Coachella Valley Association of Governments
Palm Desert, California

Date _____

EXHIBIT A

BOUNDARIES OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

The area covered by the CV MSHCP may generally be described as the Coachella Valley and the surrounding mountains in Riverside County. This area is bounded generally on the west by Cabazon, on the north by the San Bernardino County line and the ridgeline of the Little San Bernardino Mountains, on the east by the Chocolate Mountain Aerial Gunnery Range and the limits of the Salt Creek watershed, and on the south by the Imperial and San Diego County lines and the ridgeline of the Santa Rosa and San Jacinto Mountains. To facilitate GIS use and land use planning, boundaries have been squared off to follow section lines rather than topographic features such as ridgelines. The actual legal boundary is described below, and is followed by a generalized map of the CV MSHCP area.

Legal description of the CV MSHCP area

The area covered by the CV MSHCP consists of that portion of Riverside County bounded by a line commencing at the intersection of the San Bernardino-Riverside County boundary and the range line common to R. 1 E. and R. 2 E.;

thence south along that range line to its intersection with the section line common to sections 6 and 7, T. 4 S., R. 2 E.; thence east along that section line to its intersection with the section line common to sections 8 and 9, T. 4 S., R. 2 E.;

thence south along that section line to its intersection with the section line common to sections 9 and 16, T. 4 S., R. 2 E.; thence east along that section line to its intersection with the range line common to R. 2 E. and R. 3 E.;

thence south along that range line to its intersection with the section line common to sections 18 and 19, T. 4 S., R. 3 E.; thence east along that section line to its intersection with the section line common to sections 20 and 21, T. 4 S., R. 3 E.;

thence south along that section line to its intersection with the section line common to sections 20 and 29, T. 4 S., R. 3 E.; thence west along that section line to its intersection with the section line common to sections 29 and 30, T. 4 S., R. 3 E.;

thence south along that section line to its intersection with the section line common to sections 29 and 32, T. 4 S., R. 3 E.; thence east along that section line to its intersection with the section line common to sections 32 and 33, T. 4 S., R. 3 E.;

thence south along that section line to its intersection with the section line common to sections 9 and 16, T. 5 S., R. 3 E.; thence east along that section line to its intersection with the section line common to sections 15 and 16, T. 5 S., R. 3 E.;

thence south along that section line to its intersection with the section line common to sections 15 and 22, T. 5 S., R. 3 E.; thence east along that section line to its intersection with the section line common to sections 22 and 23, T. 5 S., R. 3 E.;

thence south along that section line to its intersection with the section line common to sections 23 and 26, T. 5 S., R. 3 E.; thence east along that section line to its intersection with the section line common to sections 25 and 26, T. 5 S., R. 3 E.;

thence south along that section line to its intersection with the township line common to T. 5 S. and T. 6 S.; thence east along that township line to its intersection with the section line common to sections 5 and 6, T. 6 S., R. 4 E.;

thence south along that section line to its intersection with the section line common to sections 5 and 8, T. 6 S., R. 4 E.; thence east along that section line to its intersection with the section line common to sections 8 and 9, T. 6 S., R. 4 E.;

thence south along that section line to its intersection with the section line common to sections 21 and 28, T. 6 S., R. 4 E.; thence east along that section line to its intersection with the section line common to sections 27 and 28, T. 6 S., R. 4 E.;

thence south along that section line to its intersection with the township line common to T. 6 S. and T. 7 S.; thence east along that township line to its intersection with the section line common to sections 2 and 3, T. 7 S., R. 4 E.;

thence south along that section line to its intersection with the section line common to sections 14 and 23, T. 7 S., R. 4 E.; thence east along that section line to its intersection with the section line common to sections 23 and 24, T. 7 S., R. 4 E.;

thence south along that section line to its intersection with the section line common to sections 24 and 25, T. 7 S., R. 4 E.; thence east along that section line to its intersection with the section line common to sections 29 and 30, T. 7 S., R. 5 E.;

thence south along that section line to its intersection with the section line common to sections 29 and 32, T. 7 S., R. 5 E.; thence east along that section line to its intersection with the section line common to sections 35 and 36, T. 7 S., R. 5 E.;

thence south along that section line to its intersection with the township line common to T. 7 S. and T. 8 S.; thence east along that township line to its intersection with the range line common to R. 5 E. and R. 6 E.;

thence south along that range line to its intersection with the section line common to sections 6 and 7, T. 8 S., R. 6 E.; thence east along that section line to its intersection with the section line common to sections 7 and 8, T. 8 S., R. 6 E.;

thence south along that section line to its intersection with the section line common to sections 8 and 17, T. 8 S., R. 6 E.; thence east along that section line to its intersection with the section line common to sections 16 and 17, T. 8 S., R. 6 E.;

thence south along that section line to its intersection with the section line common to sections 16 and 21, T. 8 S., R. 6 E.; thence east along that section line to its intersection with the section line common to sections 22 and 23, T. 8 S., R. 6 E.;

thence south along that section line to its intersection with the section line common to sections 23 and 26, T. 8 S., R. 6 E.; thence east along that section line to its intersection with the range line common to R. 6 E. and R. 7 E.;

thence south along that range line to its intersection with the section line common to sections 30 and 31, T. 8 S., R. 7 E.; thence east along that section line to its intersection with the section line common to sections 32 and 33, T. 8 S., R. 7 E.;

thence south along that section line to its intersection with the Riverside-San Diego County boundary; thence east along the Riverside-San Diego County boundary and continuing along the Riverside-Imperial County boundary to its intersection with the boundary of the United States Navy Chocolate Mountain Aerial Gunnery Range;

thence following that boundary northwesterly and thence northeasterly to its intersection with the range line common to R. 13 E. and R. 14 E.;

thence north along that range line to its intersection with the township line common to T. 5 S. and T. 6 S.; thence west along that township line to its intersection with the range line common to R. 12 E. and R. 13 E.;

thence north along that range line to its intersection with the section line common to sections 12 and 13, T. 5 S., R. 12 E.; thence west along that section line to its intersection with the section line common to sections 10 and 11, T. 5 S., R. 11 E.;

thence north along that section line to its intersection with the section line common to sections 3 and 10, T. 5 S., R. 11 E.; thence west along that section line to its intersection with the range line common to R. 10 E. and R. 11 E.;

thence north along that range line to its intersection with the township line common to T. 4 S. and T. 5 S.; thence west along that township line to its intersection with the section line common to sections 35 and 36, T. 4 S., R. 10 E.;

thence north along that section line to its intersection with the section line common to sections 26 and 35, T. 4 S., R. 10 E.; thence west along that section line to its intersection with the section line common to sections 26 and 27, T. 4 S., R. 10 E.;

thence north along that section line to its intersection with the section line common to sections 15 and 22, T. 4 S., R. 10 E.; thence west along that section line to its intersection with the section line common to sections 19 and 20, T. 4 S., R. 10 E.;

thence south along that section line to its intersection with the section line common to sections 19 and 30, T. 4 S., R. 10 E.; thence west along that section line to its intersection with the section line common to sections 22 and 23, T. 4 S., R. 9 E.;

thence north along that section line to its intersection with the section line common to sections 10 and 15, T. 4 S., R. 9 E.; thence west along that section line to its intersection with the section line common to sections 9 and 10, T. 4 S., R. 9 E.;

thence north along that section line to its intersection with the section line common to sections 4 and 9, T. 4 S., R. 9 E.; thence west along that section line to its intersection with the section line common to sections 4 and 5, T. 4 S., R. 9 E.;

thence north along that section line to its intersection with the township line common to T. 3 S. and T. 4 S.; thence west along that township line to its intersection with the section line common to sections 31 and 32, T. 3 S., R. 9 E.;

thence north along that section line to its intersection with the section line common to sections 30 and 31, T. 3 S., R. 9 E.; thence west along that section line to its intersection with the section line common to sections 25 and 26, T. 3 S., R. 8 E.;

thence north along that section line to its intersection with the section line common to sections 14 and 23, T. 3 S., R. 8 E.; thence west along that section line to its intersection with the section line common to sections 15 and 16, T. 3 S., R. 8 E.;

thence north along that section line to its intersection with the section line common to sections 9 and 16, T. 3 S., R. 8 E.; thence west along that section line to its intersection with the section line common to sections 7 and 8, T. 3 S., R. 8 E.;

thence north along that section line to its intersection with the section line common to sections 6 and 7, T. 3 S., R. 8 E.; thence west along that section line to its intersection with the range line common to R. 7 E. and R. 8 E.;

thence north along that range line to its intersection with the section line common to sections 25 and 36, T. 2 S., R. 7 E.; thence west along that section line to its intersection with the section line common to sections 25 and 26, T. 2 S., R. 7 E.;

thence north along that section line to its intersection with the section line common to sections 23 and 26, T. 2 S., R. 7 E.; thence west along that section line to its intersection with the section line common to sections 22 and 23, T. 2 S., R. 7 E.;

thence north along that section line to its intersection with the section line common to sections 15 and 22, T. 2 S., R. 7 E.; thence west along that section line to its intersection with the section line common to sections 15 and 16, T. 2 S., R. 7 E.;

thence north along that section line to its intersection with the section line common to sections 9 and 16, T. 2 S., R. 7 E.; thence west along that section line to its intersection with the section line common to sections 11 and 12, T. 2 S., R. 6 E.;

thence north along that section line to its intersection with the section line common to sections 2 and 11, T. 2 S., R. 6 E.; thence west along that section line to its intersection with the section line common to sections 2 and 3, T. 2 S., R. 6 E.;

thence north along that section line to its intersection with the San Bernardino-Riverside County boundary; thence west along the San Bernardino-Riverside County boundary to the point of origin.

Coachella Valley Multiple Species Habitat Conservation Plan Area

Note: This map is for illustrative purposes only. It follows topographic features, such as ridgelines, to indicate watershed and other biologically significant boundaries. The legal description in Exhibit A squares off the boundaries by following section lines to create a more easily definable boundary for planning purposes.

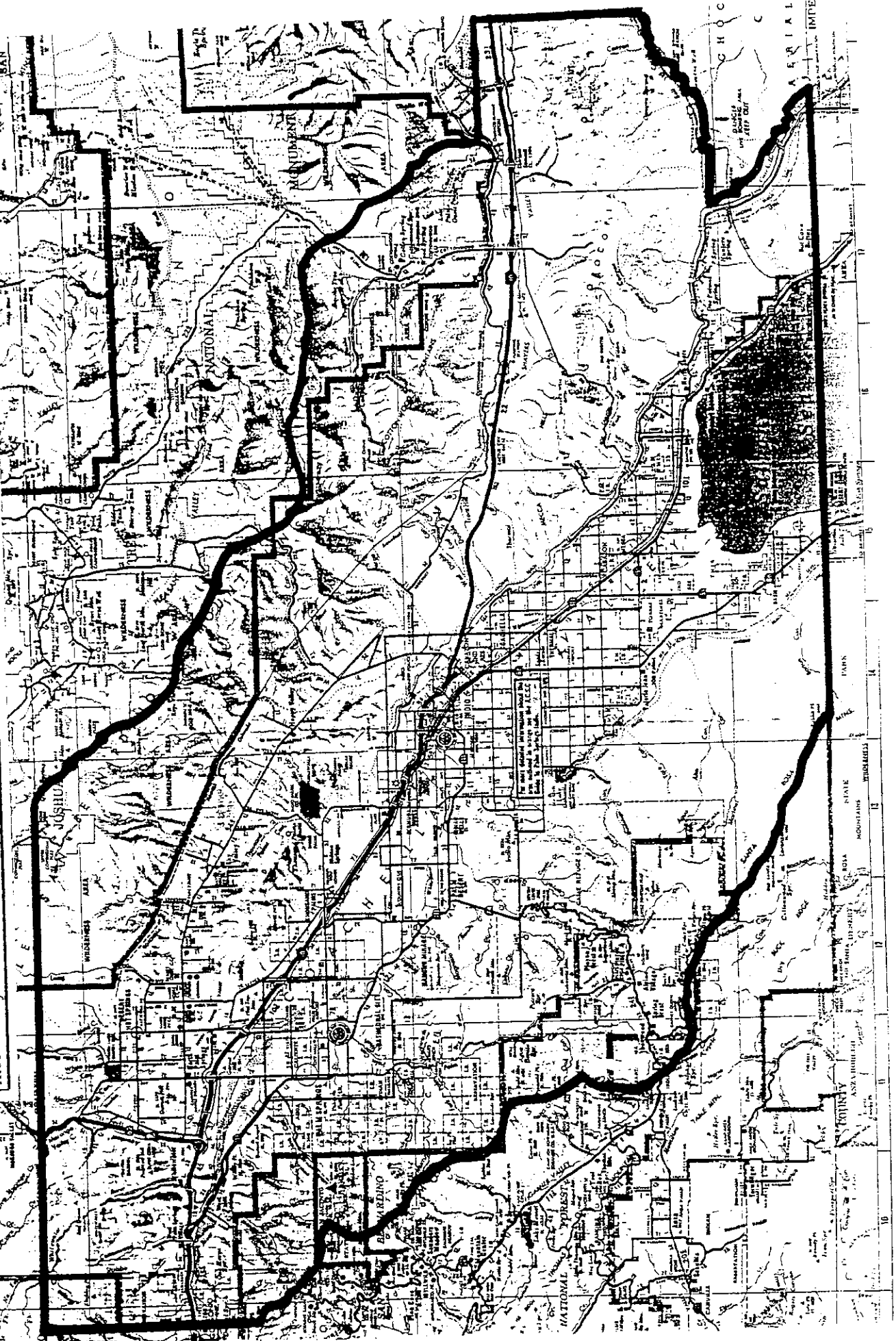


EXHIBIT B

COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN SPECIES OF CONCERN

Desert tortoise, *Xerobates agassizii*, (FT/ST)
Desert slender salamander, *Batrachoseps aridus*, (FE/SE)
California legless lizard, *Anniella pulchra pulchra* (SC)
Flat-tailed horned lizard, *Phrynosoma mcallii*, (FPE)
San Diego horned lizard, *Phrynosoma coronatum blainvillei*, (FC2)
California red-legged frog, *Rana aurora draytonii* (FC1)
Mountain yellow-legged frog, *Rana muscosa* (FC2)
Arroyo toad, *Bufo microscaphus californicus* (FE/SC)
Lowland leopard frog, *Rana yavapiensis* (FC2/SC)
Desert pupfish, *Cyprinodon macularius*, (FE/SE)
Least Bell's vireo, *Vireo bellii pusillus*, (FE/SE)
Gray vireo, *Vireo vicinior* (SC)
Yellow warbler, *Dendroica petechia brewsteri* (SC)
Yellow-breasted chat, *Icteria virens* (SC)
Willow flycatcher, *Empidonax traillii*, (SE/FPE)
Summer tanager, *Piranga rubra*¹
Crissal thrasher, *Toxostoma crissale* (SC)
Le Conte's thrasher, *Toxostoma lecontei* (SC)
Yuma clapper rail, *Rallus longirostris umanensis*, (FE/ST)
California black rail, *Laterallus jamaicensis*, (ST)
Burrowing owl, *Speotyto cunicularia* (SC)
Peninsular bighorn sheep, *Ovis canadensis cremnobates*, (FPE/ST)
California leaf-nosed bat, *Macrotus californicus* (FC2/SC)
Yuma myotis, *Myotis yumanensis* (FC2/SC)
Long-eared myotis, *Myotis evotis* (FC2/SC)
Long-legged myotis, *Myotis volans* (FC2/SC)
Western small-footed myotis, *Myotis ciliolabrum* (FC2/SC)
Fringed myotis, *Myotis thysanodes* (FC2/SC)
Southern yellow bat, *Lasiurus ega*¹
Western big-eared bat, *Plecotus townsendii pallescens* (FC2/SC)

Pallid bat, *Antrozous pallidus* (SC)
 Pocketed free-tailed bat, *Tadarida femorosacca* (SC)
 California mastiff bat, *Eumops perotis californicus* (SC)
 Palm Springs ground squirrel, *Spermophilus tereticaudus chlorus*, (FC2)
 Palm Springs pocket mouse, *Perognathus longimembris bangsi*, (FC2)
 Coachella giant sand treader cricket, *Macrobaenetes valgum*, (FC2)
 Coachella Valley Jerusalem cricket, *Stenopelmatus caluilaensis*, (FC2)
 Coachella Valley grasshopper, *Spaniacris deserticola*¹
 Casey's June beetle, *Dinacoma caseyi*¹
 Euphilotes enoptes cryptorufes¹
 Morongo desert snail, *Eremarionta morongoana*, (FC2)
 Thousand Palms desert snail, *Eremarionta millepalmarum*, (FC2)
 Coachella Valley milk-vetch, *Astragalus lentiginosus* var. *coachellae*, (FPE)
 Triple ribbed milk-vetch, *Astragalus tricarlinatus*, (FPE)
 Mecca aster, *Machaeranthera cognata*¹
 Little San Bernardino Mountains Gilia, *Gilia maculata*, (FC1)
 California ditaxis, *Ditaxis californica* (FC2)
 Orocopia sage, *Salvia greatae*, (FC2)

Species About Which More Information is Needed Before Deciding Whether or Not to Include Them²

Robison's Monardella, *Monardella robisonii*, (FC2)
 Glandular ditaxis, *Ditaxis clariana* (CNPS List 2)
 Cliff spurge, *Euphorbia misera* (CNPS List 2)
 Flat seeded spurge, *Chamaesyce* (FC2)

¹ These species have no official status at this time; however, the SERVICE and the Scientific Advisory Committee have recommended inclusion of the species because of the likelihood of their being elevated to listing status in the coming years due to their rarity and decline.

² These species will be evaluated during the first phase of preparation of the CV MSHCP to determine whether or not they should be included as Species of Concern.

Sensitive Natural Communities to be Considered in the Coachella Valley MSHCP

Desert Sink Scrub
 Desert Dry Wash Woodland
 Active Desert Dunes and sand source areas
 Stabilized and Partially-stabilized Desert Dunes
 Stabilized and Partially-stabilized Desert Sand Fields
 Mesquite Bosque
 Sonoran Creosote Bush Scrub
 Sonoran Mixed Woody and Succulent Scrub (alluvial fans and slopes)
 Desert Fan Palm Oasis Woodland
 Southern Cottonwood Willow Riparian Forest
 Southern Sycamore Alder Riparian Forest
 Freshwater Marsh
 Semi-desert Chaparral
 Mesic North Slope Chaparral
 Redshank Chaparral
 Peninsular Juniper Woodland and Scrub
 Peninsular Pinon Woodland
 Jeffrey Pine Forest
 Jeffrey Pine-Fir Forest
 Southern California White Fir Forest
 Lodgepole Pine Forest
 Southern California Subalpine Forest
 Southern California Fell Field

Key:	FE	=	Federal Endangered
	FT	=	Federal Threatened
	FPE	=	Proposed for Federal Endangered listing
	FC1	=	Candidate for federal listing, sufficient information exists to support a proposal to list
	FC2	=	Candidate for federal listing, additional information needed to support proposal to list
	FC3	=	Candidate for federal listing, but may be sufficiently widespread or not threatened
	SE	=	State Endangered
	ST	=	State Threatened
	SC	=	Species of Special Concern (species which may become listed in the near future due to habitat modification or destruction, over-collecting, disease, or other threats)

EXHIBIT C

SCOPE OF WORK

SECTION 1: APPROACH

The CV MSHCP is being developed through a multi-agency, cooperative effort (see Attachment 1) whereby as much of the work as possible is being performed by the participating agencies themselves, with consultants retained selectively to supplement the work of the agencies. Project management is being provided by CVAG and CVMC staff. CVAG and CVMC staff, working closely with the Policy Advisory Group (PAG) and the four working committees established by the PAG, and assisted by CVAG legal counsel, will be responsible for the overall drafting of the CV MSHCP, utilizing information provided by the participating agencies and consultants. The four working committees are the Scientific Advisory Committee (SAC), the Land Use Committee (LUC), the Public Participation Committee (PPC), and the Fiscal Issues Committee (FIC). The PAG may establish additional committees if needed, or terminate any of the existing committees if its function is completed. The GIS database and analyses will be undertaken by a GIS team consisting of the County of Riverside, the Bureau of Land Management, and the SERVICE, with oversight and support from CVAG and CVMC staff, and the SAC. Participating agency staff and consultants will be utilized to generate and provide information and specific types of analysis as needed. The CV MSHCP will be developed in four phases, generally described below. Specific task descriptions are provided in Section 2 of this Scope of Work. NOTE: written approval of the products produced in each phase and authorization to proceed will be required of the DEPARTMENT, the SERVICE, the PAG, or from all Parties, as appropriate, before a subsequent phase will be initiated.

Phase 1: (a) Data Gathering and Interim Project Review, (b) Technical Analysis

To assist in establishing quantitative goals for the CV MSHCP, biologists from participating agencies, including the DEPARTMENT and the BLM, and consultants will gather data regarding species occurrence, distribution, ecology, and habitat quality. The SAC has determined that sufficient information exists for some of the Species of Concern. Data gathering efforts will focus, therefore, on compiling this information and on field surveys only for those species for which additional information needs have been identified. The data needs have been specified in a Request for Proposals which was disseminated on January 20, 1995. The Request for Proposals was reviewed and approved by the SERVICE and the DEPARTMENT.

Also in Phase 1a, a vegetation map of the CV MSHCP area will be developed. This task will be accomplished by CVMC and BLM staff, and the GIS Team, with support from the SAC. Various biological, geographic, and land use data layers will be created by the GIS Team. Approval of a Baseline Conditions Report will be secured from the PAG.

The Interim Project Review Guidelines will be initiated to provide early input by the DEPARTMENT and the SERVICE on projects which might have the potential to affect

long term preservation planning and the viability of Species of Concern. This early input will afford maximum opportunity to avoid, minimize, or mitigate these impacts. Opportunities to acquire habitat which is clearly of value for the CV MSHCP preserve system will also be pursued through grants and other available funding sources.

Phase 1b: Technical Analysis

Using biological data gathered in Phase 1a, the GIS Team, assisted by the SAC, will model species and habitat distribution in the CV MSHCP area, and analyze this information to identify gaps in the existing level of protection for the Species of Concern. The GIS Team will also perform a quantitative analysis of city and county general plans and anticipated public projects, as well as BLM, USFS, NPS, and DEPARTMENT management plans, to determine the magnitude of incidental take of Species of Concern and their habitats expected to result from general plan activities and other anticipated land use activities in the CV MSHCP area, including conversion of land to agriculture, and activities anticipated to occur on public lands. Note: this analysis will be refined as preserve design alternatives and conservation measures proposed by the CV MSHCP are developed and assessed.

A public forum will be held to present information to, and receive input from, the public. An agency workshop will also be held to present information to and receive input from the participating agencies. Written approval of the Phase 1b products will be obtained from the DEPARTMENT, the SERVICE, and the PAG before proceeding to Phase 2.

Phase 2: Plan Design and Preparation

CVAG and CVMC staff will prepare an administrative review draft of the CV MSHCP. The GIS Team, assisted and overseen by CVAG and CVMC staff and by the SAC, will prepare and provide maps for recommended and alternative preserve designs including the amount, type, and locations of target conservation areas sufficient to offset levels of incidental take of Species of Concern and loss of habitat. A fiscal and economic analysis will be prepared based on the recommended and alternative preserve designs and conservation measures proposed in the administrative review draft. A consultant may be retained to prepare the economic analysis. The economic analysis will evaluate the cost of implementing the CV MSHCP and the economic impact resulting from CV MSHCP required changes to general plan land uses and changes in other land use activities induced by the CV MSHCP. The economic analysis will also evaluate potential financing alternatives and funding sources for implementation of the CV MSHCP. A preliminary environmental effects analysis will also be prepared to identify probable issues to be addressed in the CEQA/NEPA documents which will be prepared later. The analysis is intended to facilitate evaluation of the administrative review draft by the PAG. Written approval of the Phase 2 work products will be secured from the participating agencies before proceeding to Phase 3.

Phase 3

Based on the economic analysis and input from the PAG, the public, and the participating agencies, CVAG and CVMC staff will revise the administrative review draft of the CV MSHCP to prepare a draft CV MSHCP for CEQA and NEPA review purposes. The GIS Team will perform additional analysis of preserve designs and the calculation of incidental take as needed, and prepare maps for the draft CV MSHCP. A consultant may be retained for preparation of CEQA and NEPA documents.

CVAG and CVMC staff will prepare a draft Implementation Agreement and 10(A)(1)(b) Permit; 2081 Management Authorization, and 2090 Biological Opinion applications; and a draft Conservation Agreement to provide incidental take for Species of Concern if and when they become listed as threatened or endangered in the future.

A public forum will be held to present the draft plan to and receive input from the public. A workshop will also be held to present the draft plan to and receive input from the participating agencies and the PAG. Written approval of the Phase 3 work products will be secured from the participating agencies before proceeding to Phase 4.

Phase 4: Plan Approval and Submittal

The Draft CV MSHCP; the Draft Implementation Agreement; 10(A)(1)(b) Permit, 2081 Management Authorization, and 2090 Biological Opinion applications; and the draft Conservation Agreement will be submitted to the cities and the County, as well as to the BLM, USFS, and NPS, for review. CVAG and CVMC staff will make presentations to city councils and the Board of Supervisors as needed, and will meet with representatives of other agencies as needed.

Based on input from the participating agencies (including the SERVICE and the DEPARTMENT), the PAG, and the public, including comments received through the CEQA and NEPA processes, CVAG and CVMC staff will prepare the Final CV MSHCP and Final Implementation Agreement. CVAG and CVMC staff will also revise the 10(A)(1)(b) Permit, 2081 Management Authorization, and 2090 Biological Opinion applications, and the draft Conservation Agreement, as needed. Final CEQA and NEPA documents will also be prepared; a consultant may be retained for this task.

Upon approval of the CV MSHCP; Implementation Agreement; 10(A)(1)(b) Permit, 2081 Management Authorization, and 2090 Biological Opinion applications; and the Conservation Agreement by the participating agencies, the documents will be submitted to the SERVICE and the DEPARTMENT. After review by these agencies, the documents may be revised if necessary. Any proposed revisions will be reviewed by the PAG and will need to be approved by the participating agencies. The CV MSHCP preparation process will conclude with approval of the agreements and permits by the SERVICE and the DEPARTMENT, and the implementation process will commence.

Section 2: TASK DESCRIPTIONS

Phase 1a: Data Gathering and Interim Project Review

Task 1: Finalize information needs for species of concern.

CVMC staff, working with agency biologists and volunteers as available, will gather available data on species, then convene meetings with biologists with appropriate expertise, and with the DEPARTMENT and the SERVICE, to review and evaluate the information and identify additional information needs for the Species of Concern to finalize agreement on data gathering needs. Areas for focused biological surveys will be identified. Data from these areas, combined with existing data, will be used in Phase 2 to model species and habitat distribution in the CV MSHCP area. A preliminary discussion of acceptable methodology for biological surveys for the various species will also be conducted.

Task 2: Develop GIS data standards

The GIS Team will develop a protocol for biological data recordation to facilitate its entry into the GIS. Similarly, data standards will also be developed for other types of information: existing and proposed land use, topography, parcel configuration, vegetation, existing and future public facilities, and public ownership and conservation management.

Task 3: Issue RFP and retain consultants

CVAG and CVMC staff will develop and issue a Request for Proposals for consultants to perform biological studies and surveys. CVAG will interview and retain consultants to perform the needed work.

Task 4: Determine methodology for surveys and habitat quality assessment.

CVMC staff, participating agency biologists, volunteers, and consultants will confer with the DEPARTMENT and the SERVICE to determine criteria for assessing habitat quality for each Species of Concern, and to secure agreement from the SERVICE and the DEPARTMENT on the methodology for biological surveys.

Task 5: Data gathering and biological surveys

Agency biologists and consultants will collect and compile existing data and conduct biological surveys, as needed, on species occurrence, distribution, and ecology, and will assess habitat quality. Note: based on information gathered, the Species of Concern list (Exhibit B) may be amended to either add or remove species as appropriate.

Task 6: Develop vegetation map

CVMC staff and the GIS Team, in consultation with the SAC, will develop a vegetation map and secure approval of it from the SERVICE and the DEPARTMENT.

Task 7: Prepare GIS data layers

CVAG and CVMC staff will collect information for the GIS Team on existing and proposed land use, topography, parcel configuration, infrastructure, and public ownership and conservation management. The GIS Team will prepare data layers for:

- species occurrence, distribution, and habitat quality
- parcel size and configuration
- topography, floodplain, and other geographic features
- vegetation
- jurisdictional boundaries, including special and assessment districts, spheres of influence, municipal area committee boundaries, etc.
- existing land use (agriculture, urban, open space, etc.)
- proposed future land use (general plan designations)
- public facilities (existing and proposed)
- existing public land and conservation management areas

Task 8: Implement Interim Project Review Guidelines

CVAG, the participating agencies, the DEPARTMENT, and the SERVICE will initiate the cooperative Interim Project Review Process.

Task 9: Initiate land acquisition program as appropriate

CVAG and the participating agencies will avail themselves of acquisition opportunities when habitat which is clearly of value for the CV MSHCP preserve system is available for acquisition through a grant or other means.

Task 10: Public information program

The public information program will include public forums and periodic publication and dissemination by CVAG and CVMC staff of a newsletter to the interested public. Materials to be mailed will be developed in conjunction with the Public Participation Committee of the PAG.

Task 11: Review of Baseline Conditions Report by participating agencies

The Baseline Conditions Report and vegetation map will be sent to all participating agencies and PAG with a request for their review and comment prior to action pursuant to Task 12.

Task 12: Approval and authorization to proceed

Written approval of Phase 1a products and authorization to proceed to Phase 2 will be secured from the PAG.

Products

- Baseline Conditions Report and Maps. This report will provide a picture of the existing situation in the planning area, including the results of the biological survey findings, land use information, and existing conservation information. The report and maps will also depict currently proposed future land use and public facilities information in the CV MSHCP area.
- Vegetation map.

Phase 1b: Technical Analysis

Task 1: Modeling and analysis

Using biological data gathered in Phase 1, the GIS Team, assisted by the SAC, will model species and habitat distribution in the CV MSHCP area. The modeling technique will be developed by the GIS Team and approved by the DEPARTMENT and the SERVICE. This information, combined with land use and ownership and management information will be used to:

- Identify existing conservation areas for the Species of Concern.
- Identify gaps in the existing level of protection for the Species of Concern.
- Identify additional conservation requirements, including movement corridors, for the Species of Concern.

Task 2: Determine magnitude of anticipated incidental take and habitat loss

The GIS Team will conduct a quantitative analysis of general plans and management plans on public lands to determine the magnitude of anticipated incidental take and habitat loss for the Species of Concern.

Task 3: Agency workshop

CVAG and CVMC staff will conduct a workshop with staff from the participating agencies to review the results of tasks 1 and 2, and obtain input from the agencies.

Task 4: Policy Advisory Group meeting

CVAG and CVMC staff will meet with the PAG to review the results of tasks 1, 2, and 3, and obtain input from the PAG members.

Task 5: Public forum and agency review

CVAG and CVMC staff, and representatives of the participating agencies, will conduct a public forum to provide information to and receive input from the public. The Phase 1b work products will be sent to the participating agencies with a request for their review and comment prior to action pursuant to Task 6.

Task 6: Approval and authorization to proceed

Written approval of Phase 1b products and authorization to proceed to Phase 2 will be secured from the DEPARTMENT, the SERVICE, and the PAG.

Products

- GIS maps depicting the results of the modeling and analysis, and the magnitude and extent of anticipated incidental take and habitat loss.
- Narrative summary of technical analyses report.

Phase 2: Preliminary Plan Design and Preparation

Task 1: Preserve Design

CVAG and CVMC staff will work with the GIS Team, and consult with the SAC, the LUC, and the PAG to develop recommended and alternative preserve designs and recommended conservation measures for the Species of Concern.

Task 2: Prepare administrative review draft of CV MSHCP

CVAG and CVMC staff, in consultation with legal counsel, will prepare an administrative review draft of the CV MSHCP (with maps prepared by the GIS Team) for administrative review. The draft will include the recommended and alternative preserve designs and provide the following additional information/analysis:

- the proposed activities which may result in incidental take, including the operation and maintenance of existing public facilities
- the impacts which will likely result from such take
- the potential effects of future proposed public facilities in habitat conservation areas
- measures that would be taken to monitor, minimize, and mitigate the anticipated impacts to the Species of Concern
- what alternative actions to the anticipated incidental take were considered and the reasons why such alternatives are not being utilized
- procedures that would be used to deal with unforeseen circumstances

- preliminary identification of funding sources for establishing and managing the proposed reserve system and implementing other mitigation measures.

Task 3: Economic impact analysis

An economic impact analysis consistent with Exhibit E will be conducted to assess potential impacts and benefits from implementation of the CV MSHCP. The economic analysis will evaluate the cost of implementing the CV MSHCP, taking into consideration both negative and positive aspects. The analysis will also consider the effects of changes to general plan land uses, changes in other land use activities induced by the CV MSHCP, and possible simplification of the development review process with respect to biological resources, avoidance of delays which may arise in addressing threatened and endangered species issues in the absence of a CV MSHCP, and provision of a uniform and consistent mitigation/ compensation program. The economic analysis will also evaluate the preliminary financing alternatives and funding sources for implementation identified in the administrative draft and recommend any additional financing alternatives. Possible methodologies include the case study and per acre multiplier methods. A Land Development Potential Factor could be assigned to each acre of land which will adjust cost and revenue amounts. The LDP factor would be an indicator of the land's development potential which, in turn, would be an indicator of the jurisdiction's potential and probability of realizing general fund revenues from any form of development within the life time of the CV MSHCP.

Task 4: Preliminary environmental effects analysis

A preliminary environmental effects analysis will be prepared to identify probable issues to be addressed in the CEQA/NEPA documents which will be prepared later. The Initial Study pursuant to CEQA will not be prepared until the administrative review draft has been refined into a public review draft; however, it is felt that the a preliminary analysis will facilitate evaluation of the administrative review draft by the PAG and participating agencies.

Task 5: Review administrative review draft

Both the SAC and the LUC will assist the planning team in evaluating the alternative reserve configurations and other mitigation measures to assess feasibility, habitat viability over time for the target species, and costs, and in identifying the preferred alternative. The PAG will review and develop consensus on the information and analysis generated. The SERVICE and the DEPARTMENT will participate in the review of the administrative draft and identify any deficiencies they perceive in the accuracy and adequacy of the information, and any areas of disagreement they have with the conclusions and proposals in the administrative review draft.

Task 6: Approval of work products and authorization to proceed

Written approval of Phase 2 products and authorization to proceed to Phase 3 will be secured from the participating agencies.

Products:

- Administrative review draft of CV MSHCP.
- Economic Impact Analysis. This report will provide an economic impact analysis of the potential effects of the recommended and alternative reserve configurations and conservation measures on future development and agricultural activities, and of the projected costs of implementation of the CV MSHCP.
- Preliminary environmental effects analysis.

Phase 3: Plan Design and Preparation

Task 1: Prepare Draft CV MSHCP

CVAG and CVMC staff will utilize the information from the Phase 2 review to revise and refine the Administrative Review Draft into a Draft CV MSHCP. The GIS Team will perform any additional analysis needed and prepare any additional maps required.

Task 2: Draft Implementation Agreement, permit applications, and Conservation Agreement.

CVMC and CVAG staff and legal counsel will prepare a draft Implementation Agreement; 10(A)(1)(b) permit, 2081 Management Authorization, and 2090 Biological Opinion applications; and a draft Conservation Agreement to provide for incidental take of Species of Concern if and when they become listed as threatened or endangered in the future for review by the participating agencies.

Task 3: Initiate CEQA and NEPA review processes.

The Draft CV MSHCP will be considered a project for CEQA and NEPA review purposes. An Initial Study and Environmental Assessment will be prepared; a consultant may be retained for preparation of CEQA and NEPA documents. The CEQA and NEPA documents shall, to the extent feasible, assess the potential impacts of proposed future public facilities projects in habitat conservation areas.

Task 4: Public forum

A public forum will be held to provide information to, and receive input from, the public regarding the Draft CV MSHCP, the fiscal and economic impact analysis, and the CEQA/NEPA documentation.

Task 5: Approval and authorization to proceed

Written approval of Phase 3 products and authorization to proceed to Phase 4 will be secured from the participating agencies.

Products:

- Draft CV MSHCP.
- Draft Implementation Agreement; 10(A)(1)(b) permit, 2081 Management Authorization, and 2090 Biological Opinion applications; and draft Conservation Agreement.
- CEQA/NEPA documents.

Phase 4: Plan Approval and Submittal

Task 1: Agency workshop

CVAG and CVMC staff will conduct a workshop with staff from the participating agencies to review the draft documents and obtain input from the agencies.

Task 2: Policy Advisory Group meeting

CVAG and CVMC staff will meet with the PAG to review the draft documents and obtain input from the PAG members.

Task 3: Public forum

CVAG and CVMC staff, and representatives of the participating agencies, will conduct a public forum to provide information to and receive input from the public.

Task 4: Submit Draft Documents to Participating Agencies

The Draft CV MSHCP; the Draft Implementation Agreement; 10(A)(1)(b) Permit, 2081 Management Authorization, and 2090 Biological Opinion applications; and the draft Conservation Agreement will be submitted to the cities and the County, as well as to the BLM, USFS, NPS, the SERVICE, and the DEPARTMENT for review. CVAG and CVMC staff will make presentations to city councils and the Board of Supervisors as needed, and will meet with representatives of other agencies as needed.

Task 5: Revisions to draft documents

Based on input from the participating agencies, the PAG, and the public, including comments received through the CEQA and NEPA processes, CVAG and CVMC staff will prepare the Final CV MSHCP and Final Implementation Agreement. CVAG and CVMC staff will also revise the

10(A)(1)(b) Permit, 2081 Management Authorization, and 2090 Biological Opinion applications, and the draft Conservation Agreement, as needed.

Task 6: Prepare final CEQA/NEPA documents

Final CEQA and NEPA documents will be prepared; a consultant may be retained for this task.

Task 7: Submit documents to the SERVICE and the DEPARTMENT

Upon approval of the CV MSHCP; Implementation Agreement; 10(A)(1)(b) Permit, 2081 Management Authorization, and 2090 Biological Opinion applications; and the Conservation Agreement by the participating agencies, the documents will be submitted to the SERVICE and the DEPARTMENT.

Task 8: Final revisions, if needed.

After review by these agencies, the documents may be revised if necessary. Any proposed revisions will need to be approved by the participating agencies.

Products:

- Final CV MSHCP and Final Implementation Agreement; 10(A)(1)(b) Permit, 2081 Management Authorization, and 2090 Biological Opinion applications; Final Conservation Agreement.
- Final CEQA/NEPA documents.

EXHIBIT D

INTERIM PROJECT REVIEW GUIDELINES

The basic purpose of the Interim Project Review Guidelines (IPRG) is to ameliorate the possibility of a project precluding the successful development of the CV MSHCP. By early identification of projects which have the potential to preclude long-term preservation planning, the lead agency, the project applicant, the U.S. Fish and Wildlife Service (SERVICE), and the California Department of Fish and Game (DEPARTMENT) have the opportunity to explore alternatives or mitigation measures which could minimize and mitigate potential project impacts.

The IPRG also ensures early review and consideration of proposed projects by the SERVICE and the DEPARTMENT. With respect to projects which may have the potential to preclude long-term preservation planning or impact the viability of biological resources, the SERVICE and the DEPARTMENT are committing to meet with the appropriate lead agency and/or project proponent at the earliest feasible point in the California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA) process to review such projects. Early identification of potential impacts will assist in the preparation of environmental documents for the project and provide the opportunity to identify potential project alternatives and mitigation measures for consideration in compliance with Public Resources §21080.3(a).

The IPRG is specifically not intended to create an additional layer of project review nor to confer any additional authority on the SERVICE or the DEPARTMENT. The final decision of whether to approve, modify, or deny a project remains in the hands of the lead agency pursuant to existing laws.

Identification of Proposed Projects Subject to the Guidelines

It will be up to each lead agency to determine whether a project should be reviewed pursuant to the IPRG. Should a lead agency make such a determination, the lead agency will utilize the "Biological Resources Information Map" developed during the Scoping Study and "bridge" phase of the CV MSHCP effort, and any other scientific information at its disposal, to evaluate whether a project as defined by CEQA § 21065, except those projects statutorily or categorically exempt from CEQA, has the potential to preclude long term preservation planning or impact the viability of biological resources. The "Biological Resources Information Map" will be updated periodically as additional information is gathered during the preparation of the CV MSHCP.

Overview of the Process

The SERVICE and the DEPARTMENT shall each identify a lead person for project review and meeting attendance. The lead person for the County and each city shall be the Planning Director or the Planning Director's designee. The Planning Director or his/her designee shall initiate consultation with the Service and the Department by notifying the Coachella Valley Association of Governments (CVAG) Director of Planning of the need to schedule the project for review at the next available meeting (see Procedures below for details on the meeting scheduling process). Alternatively, the Planning Director or the Planning Director's designee may simply notify the project applicant of the availability of the IPRG early review consultation process, and leave it up to the project applicant to contact the CVAG Director of Planning to schedule project review at the next available meeting. When the Planning Director or his/her designee makes the determination to schedule a meeting, he/she will notify the project applicant and other affected public agencies and utility purveyors of the time and place of the review meeting. Prior to the project review meeting, the Planning Director or his/her designee, or the project applicant if s/he is responsible for scheduling the meeting, shall provide basic information [as delineated under "Procedures" below] to the CVAG Director of Planning who will then transmit such information to the Service and the Department.

For purposes of CEQA, the project review meeting and any related activities (site visits, follow-up correspondence, etc.) shall constitute a consultation pursuant to Public Resources Code § 21080.3 (a). If possible at the meeting, but otherwise in not more than 30 days following the meeting or such shorter period of time as shall be necessary to enable the lead agency to comply with Title 14 California Code of Regulations §15102, the SERVICE and the DEPARTMENT shall provide input to the lead agency as to whether either agency believes the project may have the potential to preclude long-term preservation planning or impact the viability of a biological resource. The SERVICE and the DEPARTMENT shall also indicate specific issues which either believes should be addressed; suggest any studies they believe may be necessary to assess project impacts to specific biological resources; and propose any mitigation measures or project alternatives which they believe should be considered.

When either the SERVICE or the DEPARTMENT identifies the potential for a project to preclude long-term preservation planning and that the project will have a significant impact on biological resources and identifies either project alternatives and/or mitigation measures, which are addressed in a Mitigated Negative Declaration or a Draft Environmental Impact Report, the lead agency, the Service, and the Department may agree to schedule an additional meeting to discuss the Negative Declaration or the Draft Environmental Impact Report within 30 days after the preparation and release of a Mitigated Negative Declaration and within 45 days after the preparation and release of a Draft Environmental Impact Report.

It is recognized that compliance with the IPRG is voluntary and neither confers any authority not granted by existing planning and environmental laws, nor

negates any authority so granted. The IPRG is intended only to facilitate cooperation among the lead agencies, the resource agencies, and project applicants to ensure timely review of projects which have the potential to preclude long term preservation planning and to facilitate the resolution of issues which might affect the successful preparation of a CV MSHCP.

Procedures

1. In consultation with the Planning Directors or their designees, the CVAG Director of Planning shall prepare an annual schedule of IPRG meetings, at a minimum one meeting each month, and transmit the schedule to the designated representative of each agency. [The SERVICE and the DEPARTMENT shall each identify a lead person for the project review process. For each city and the County, the lead person for the review process shall be the Planning Director or the Planning Director's designee.]
2. At least three weeks prior to the desired IPRG meeting date, the lead agency representative or a project applicant shall notify the CVAG Director of Planning in writing of any project(s) which the lead agency or the project applicant wishes to have reviewed at the IPRG meeting. For each project, the lead agency will transmit two copies of each of the following:
 - a location map on a 7.5' quad sheet identifying the project site
 - a site plan or other illustration depicting the project as proposed
 - the project application or other summary sheet identifying existing general plan designation and zoning, and any proposed changes; existing land use on the site; the type and intensity of land use proposed; and existing general plan designation, zoning, and current land use for the adjacent parcels to provide a context for the proposed project.
 - the Initial Study or Environmental Assessment and a biological resource survey identifying acreage of onsite habitats if one has been prepared; if one has not been prepared, then a description of the site including vegetation, presence of a floodplain, blue line stream, or other environmental resource, hazard or constraint, and a list of sensitive species which have the potential to occur on site based on the "Biological Resources Information Map" and any other scientific information available.
 - Any other information deemed pertinent by the lead agency.
3. At least two weeks prior to the IPRG meeting, CVAG will transmit a list of projects to be reviewed at the meeting and the time at which each one is scheduled to each city, the County, the SERVICE, the DEPARTMENT and project applicants as appropriate, and will transmit the background information on each project to the SERVICE and the DEPARTMENT representatives. In the unlikely event that more projects have been requested for review at an IPRG meeting than can be accommodated, the CVAG Director of Planning will schedule as many as possible on a first come first served basis, and schedule the remaining projects for the next regular IPRG meeting. A Planning Director or his/her designee, or a project applicant, may request that CVAG schedule a project at the next IPRG meeting even if it would not be included based solely on a first come first served basis, or that

CVAG schedule a special meeting, if there are compelling reasons to avoid delay. Every effort shall be made to accommodate such requests.

4. The lead agency shall be responsible for notifying the project applicant and representatives of other affected public agencies and utility purveyors of the date, time, and location of the IPRG review meeting.
5. At the review meeting, the lead agency, project applicant, the SERVICE, the DEPARTMENT, and representatives of other affected public agencies and utility purveyors will have the opportunity to discuss the project, answer questions, etc. At the review meeting if possible, otherwise in not more than 30 days after the review meeting, the SERVICE and the DEPARTMENT representatives shall provide the following information to the lead agency and the project applicant:
 - a list of potential impacts to biological resources which the SERVICE and the DEPARTMENT believes could occur from the project as proposed, and the agency's assessment as to whether those impacts have the potential to preclude long term conservation planning or adversely impact the viability of a species;
 - a list of any additional studies on specific species which the SERVICE or the DEPARTMENT believes may be necessary; and
 - a list of any project alternatives, mitigation measures, or studies which the agency believes should be considered in the environmental review process.
6. A project may be scheduled for an additional IPRG meeting at an appropriate date if there is a need for the SERVICE and the DEPARTMENT to respond to a Draft Environmental Impact Report or Mitigated Negative Declaration.

EXHIBIT E

FRAMEWORK FOR ECONOMIC IMPACT ANALYSIS

Implementation of the CV MSHCP will have a number of economic consequences, including the cost of land acquisition, operation and management of the reserve areas, and administrative costs. Additionally, the acquisition of land for conservation purposes results in the loss of property tax revenues which support the provision of government services, some of which, such as law enforcement and other emergency services, may still be necessary in the reserve areas. If acquired lands are in assessment districts, the financing of various public facilities could also be affected by reduced revenues. Implementation of the CV MSHCP will also have a positive economic benefit in simplifying the development review process with respect to biological resources, avoiding delays which may arise in addressing threatened and endangered species issues in the absence of a CV MSHCP, and providing a uniform and consistent mitigation/ compensation program.

To control potential adverse economic impacts on affected entities, an economic impact analysis of the CV MSHCP will be conducted. Based on the analysis, measures will be developed for inclusion in the CV MSHCP and the Implementing Agreement to avoid, minimize, and/or mitigate adverse economic impacts. The economic impact analysis will include a Fiscal Impact Guide to provide information to each affected jurisdiction and its constituents, and to the state and federal agencies regarding:

1. The effects of habitat conservation on land use resulting from implementation of the CV MSHCP and specifically on the fiscal ability of each jurisdiction to provide required services and facilities to the public. This information is to be considered with other documentation, both social and environmental, regarding the effects, on an annual basis, of the CV MSHCP upon the jurisdiction's net cost for services.
2. Changes in land uses specified in local adopted General Plans caused by the CV MSHCP; lost tax and other revenues - including road and bridge and other assessment districts, the Transportation Uniform Mitigation Fee, and other such fees - on lands proposed for public acquisition or use as habitat conservation; and direct costs of CV MSHCP administration borne by participating local governments and CVAG.
3. Costs related to the mechanisms proposed to finance the CV MSHCP, (e.g., if, due to an increase in development costs attributable to the CV MSHCP, less development would occur, property and sales tax revenues would be impacted; also, fewer costs associated with the provision of public services and facilities might be incurred by the local jurisdictions.)
4. Identification of implementation costs of the CV MSHCP and recommendations for the most equitable method(s) for financing same.

5. Identification of potential impacts on the ability of local jurisdictions to provide affordable housing in accordance with state and federal mandated requirements for affordable housing as a result of the CV MSHCP.
6. Mechanisms for ongoing monitoring of economic impacts of CV MSHCP implementation, and for resolving issues identified through the monitoring.
7. Identification and quantification of the economic effects on land values and development costs, including agriculture.
8. Identification of continued administrative costs of managing lands and other assets of the MSHCP and evaluation of the feasibility of assuring continued funding to cover these costs. Suggest funding sources.
9. Benefits which may accrue from the CV MSHCP, including potentially simplifying the development review process with respect to biological resources, avoiding delays which may arise in addressing threatened and endangered species issues in the absence of a CV MSHCP, and providing a uniform and consistent mitigation/compensation program.

In addition to the initial economic and fiscal impact analysis prepared in conjunction with the CV MSHCP, an annual Fiscal Impact Report would be prepared which would include: a determination of each jurisdiction's service and facility requirements, a projection of the direct costs and revenues to support such services and facilities, the impact of the CV MSHCP on the jurisdiction's ability or inability to provide these services and facilities to the public as a result of the preserve maintenance costs and/or loss of revenue potential as a result of the CV MSHCP, and any direct or indirect fiscal benefits resulting from the CV MSHCP. The annual Fiscal Impact Report would be used to:

- Evaluate the adequacy and appropriateness of the CV MSHCP implementation measures utilized in the preceding year, and recommend any changes in implementation measures.
- Identify the level of funding needed by each jurisdiction or participating state or federal agency to maintain the current level of service to and provide management of the conserved lands.
- Identify any additional funding needed to provide adequate services to the public in each local jurisdiction which may be impacted by implementation of the CV MSHCP.
- Determine the level of financial assistance needed by local jurisdictions to implement the Plan in the event of changed conditions resulting from catastrophic events, adverse long term economic impacts, new legislation, or other significant events.

AMENDMENT

This Amendment to the MEMORANDUM OF UNDERSTANDING REGARDING THE PREPARATION OF A COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN ("MOU") is made and entered into this 27th day of January, 1997, by and among the Parties to the original MOU: the UNITED STATES DEPARTMENT OF INTERIOR FISH AND WILDLIFE SERVICE ("SERVICE"); the CALIFORNIA DEPARTMENT OF FISH AND GAME, ("DEPARTMENT"); the COUNTY OF RIVERSIDE, and the cities of CATHEDRAL CITY, COACHELLA, DESERT HOT SPRINGS, INDIAN WELLS, INDIO, LA QUINTA, PALM DESERT, PALM SPRINGS, AND RANCHO MIRAGE; the COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS ("CVAG"); the BUREAU OF LAND MANAGEMENT ("BLM"); the UNITED STATES FOREST SERVICE ("USFS"); and the NATIONAL PARK SERVICE ("NPS"). Collectively the foregoing agencies are herein after called the "Parties".

RECITALS

A. **EXISTING MOU.** The parties have previously entered into an MOU for the preparation of a Coachella Valley Multiple Species Habitat Conservation Plan ("CV MSHCP") to conserve adequate habitat in an unfragmented manner to provide for the protection and security of long-term viable populations of Species of Concern, which include state and federal threatened and endangered species, species proposed for federal listing, and state and federal candidate species for listing. The CV MSHCP is also intended to protect sensitive natural communities in the plan area to protect biodiversity and other species which could be listed in the future absent protection.

B. **JOINT EFFORTS.** The Parties share a common interest in sustaining the integrity of biological and natural resource systems as well as the human and economic values they support. Each of the Parties agrees that the preparation and implementation of a multiple species habitat conservation plan/natural communities conservation plan as herein contemplated can and should provide for protection of ecosystems and natural resources as well as responsible economic growth opportunities.

C. **NCCP ACT.** The State of California has enacted the Natural Communities Conservation Plan ("NCCP"), [California Fish and Game Code, Section 2800, et. Seq.], to promote the proactive protection of wildlife and flora and their habitats. Pursuant to the NCCP, local, state, and federal agencies are encouraged to prepare and implement NCCPs to provide comprehensive management and conservation of multiple species and their habitats in one plan, rather than wait and later adopt many individual plans for individual species as those become in danger of extinction. Pursuant to the terms of the NCCP Act, approved NCCPs shall be compatible with the Federal Endangered Species Act. Furthermore, the NCCP Act provides that, after approval of a NCCP, the DEPARTMENT may authorize the incidental taking of any species identified in the NCCP for whose benefit habitat is conserved and managed.

D. **FEDERAL ENDORSEMENT OF NCCP.** The SERVICE is cooperating with the State of California to promote the NCCP process as a means of proactively protecting species and their habitats.

E. **ECOSYSTEM BASED PLANNING EFFORT.** The DEPARTMENT, as a party to the MOU, has participated in the preparation of the CV MSHCP and has approved the methodology being utilized in the CV MSHCP effort. The Parties to the MOU concur with the goals of the NCCP Act and have determined that the NCCP Act may provide the appropriate vehicle to provide adequate protection for the range of biological resources while at the same time safeguarding the economic, social, health, safety, and property rights of area residents. The CV MSHCP in progress is a habitat and ecosystem based multiple species plan which is intended to be consistent with the intent of the NCCP Act. Furthermore, insofar as economically feasible, the CV MSHCP is intended to provide for the conservation of a full range of native biodiversity across the region in large, interconnected habitat blocks so that viable populations of endangered, threatened, proposed, candidate, and key target species and their habitats are maintained,

F. **PURPOSE OF AMENDMENT OF THE MOU.** The Parties have agreed to amend the MOU for the purpose of agreeing that the CV MSHCP will meet the intent of the NCCP Act as well as the California Endangered Species Act ("CESA") and the Federal Endangered Species Act ("FESA"). The parties further agree that the CV MSHCP MOU constitutes the agreement to prepare an NCCP as specified in Fish and Game Code Section 2810, noting, however, that the Department of Fish and Game shall not receive compensation for its participation in the preparation and implementation of the CV MSHCP. Any guidelines for the CV MSHCP prepared pursuant to Fish and Game Code Section 2825 will not be implemented for the CV MSHCP without the written approval of all Parties to the MOU.

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements set forth herein, the Parties do hereby agree as follows:

I. MULTIPLE SPECIES/NATURAL COMMUNITIES CONSERVATION PLANNING

A. **PREPARATION OF CV MSHCP:** The Parties will continue to work together to prepare and submit an MSHCP for lands within the plan area.

B. **FINANCIAL CONTRIBUTIONS TO FACILITATE PLANNING:** The SERVICE and the DEPARTMENT agree that execution of the amendment by the Parties to the MOU is intended to and does fulfill any condition imposed by Congress, the state legislature, or any state or federal agency regarding participation in the NCCP process as a condition precedent to the receipt of such state or federal funds as may be available, either now or in the future, to plan for, create, or meet the intent of the NCCP Act.

SUBMIT TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: COUNTY EXECUTIVE OFFICE SUBMITTAL DATE: January 28, 1997

SUBJECT: AMENDMENT TO MEMORANDUM OF UNDERSTANDING
WITH CVAG FOR COACHELLA VALLEY MULTI-SPECIES
HABITAT CONSERVATION PLAN

RECOMMENDED MOTION: That the Board approve the first amendment to the Memorandum of Understanding with the Coachella Valley Association of Governments for the Coachella Valley Multi-Species Habitat Conservation Plan, and authorize the Chairman to sign on behalf of Riverside County.

BACKGROUND: In January, 1996, the Board approved a Memorandum of Understanding (MOU) with the Coachella Valley Association of Governments (CVAG), establishing the guidelines and scope of work for preparation of a multi-species habitat conservation plan for the Coachella Valley (CV MSHCP). It should be noted, however, that approval of the MOU does not require any financial support of the planning effort, nor is the Board bound to approve the CV MSHCP upon its completion.

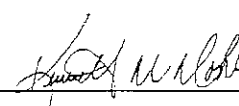
Work has been progressing on the CV MSHCP, as summarized by the attached CVAG staff report (dated 11-6-96, and submitted to the Executive Committee on 1-27-97). \$225,800 has been expended to date, from the following sources: (Continued)

FINANCIAL DATA:		
CURRENT YEAR COST	\$ 0	ANNUAL COST \$ 0
NET COUNTY COST	\$ 0	IN CURRENT YEAR BUDGET: YES/ NO/
		BUDGET ADJUSTMENT: YES/ NO/ FOR FY:
SOURCE OF FUNDS:	N/A	


Robyn Nagle
Deputy County Executive Officer

C.E.O. RECOMMENDATION:

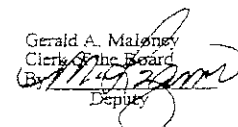
APPROVE


County Executive Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Buster, seconded by Supervisor Venable and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Mullen
Noes: None
Absent: None
Date: February 4, 1997
xc: E.O., Co.Co., CVAG

Gerald A. Maloney
Clerk of the Board
By 
Deputy

Prev. Agn. ref.

Dist. 4th

AGENDA NO.

FORM 11 (Rev. 8/96)

2 20

Amendment to CVAG MOU
1-27-97 / page 2

SCAG Planning Funds	\$100,000
Monterey/I-10 Interchange Mitigation	9,000
Cook Street/I-10 Interchange Mitigation	49,800
Palm Desert Redevelopment Agency	30,000
Building Industry Association donation	8,500
Environmental Groups' donations	8,500
<hr/>	
TOTAL	\$225,800

In September, 1996, Congress approved appropriations totalling \$2 million for multi-species planning efforts in southern California, in conjunction with the Natural Communities Conservation Program (NCCP). Of this amount, \$500,000 is earmarked for NCCP planning efforts in Riverside County, of which \$125,000 is recommended for the CV MSHCP.

In November, CVAG staff proposed an amendment to the Memorandum of Understanding to qualify the CV MSHCP for funding from this source. County staff initially opposed the amendment, citing the following concerns: (1) There are no established NCCP guidelines for desert multi-species habitat conservation plans, and that therefore (2) accepting funds from this source could be construed as enrollment in the program and subject the County and other CVAG jurisdictions to unknown requirements in the future.

After extensive negotiation, staff's concerns were resolved by the State and Federal agencies' agreement that (1) the guidelines already contained in the MOU will constitute terms of enrollment in the NCCP program, and (2) no additional guidelines can be imposed without the written consent of all signatory agencies. All other terms and conditions of the MOU remain the same, and are unaffected by the amendment.

Staff is therefore recommending approval of the attached amendment, which was unanimously approved by the CVAG Executive Committee on 1-27-97. CVAG is requesting action on the amendment as soon as possible to ensure the timely transfer of funds. Funding from this source will enable the work on the CV MSHCP to continue, and make the plan eligible for funding from this source in future fiscal years.

SDPM 11/15/96 2/96/1

IN WITNESS WHEREOF, the Parties have approved this amendment to the MOU effective the date and year first above written.

By Gail C. Kobetich
Regional Director,
U.S. Fish and Wildlife Service
Portland, Oregon

Date 3.13.97

By EDH
State Director,
U.S. Bureau of Land Management
Sacramento, California

Date 2/24/97

By [Signature]
Forest Supervisor,
U.S. Forest Service
San Bernardino, California

Date 2.27.97

By Patricia D. Newbacher
Regional Director,
National Park Service
San Francisco, California

Date 5/16/97

By [Signature]
Director,
California Department of Fish and Game
Sacramento, California

Date 4/4/97

This page has been modified to include all signature pages.

By Robert A. Banta
Chairman,
Riverside County Board of Supervisors
Riverside, California

Date February 4, 1997

ATTEST:
GERALD A. MALONEY, Clerk
By Margie Laguna
DEPUTY

By _____
Mayor,
City of Cathedral City
Cathedral City, California

Date _____

See attached

By _____
Mayor,
City of Coachella
Coachella, California

Date _____

NA

By James F. Pina
Mayor,
City of Desert Hot Springs
Desert Hot Springs, California

Date _____

By William McIndoo
Mayor,
City of Indian Wells
Indian Wells, California

Date 2/21/97

By Anthony J. Hoot
Mayor,
City of Indio
Indio, California

Date 3/7/97

This page has been modified to include all signature pages.

By Glenda L. Holt
Mayor,
City of La Quinta
La Quinta, California

Date 2/25/97

By Richard A. Kelly
Mayor,
City of Palm Desert
Palm Desert, California

Date February 27, 1997

By Wm. G. Klaidiara
Mayor,
City of Palm Springs
Palm Springs, California

Date 3/6/97

attest
[Signature]
City Clerk

APPROVED BY THE CITY COUNCIL
BY RES. NO. 542.2 3/5/97
MD ABC 25

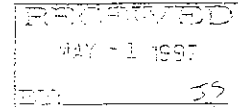
By _____
Mayor,
City of Rancho Mirage
Rancho Mirage, California

Date _____

NA

By George F. Dine
Chairman,
Coachella Valley Association of Governments
Palm Desert, California

Date _____




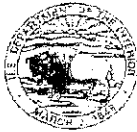
CERTIFICATION

I, Donna M. Velotta, City Clerk of the City of Cathedral City, DO
HEREBY CERTIFY that Minute Order No. 2664 was duly adopted by
the City Council of the City of Cathedral City at a regular meeting held on
the 26th day of February, 1997, which Minute Order adopted an
amendment to the Memorandum of Understanding (MOU) for the
Coachella Valley Multiple Species Habitat Conservation Plan. Minute
Order No. 2664 was adopted by the following vote:

Ayes: Councilmembers Gary L. Amy, Sarah Di Grandi, Joe
Velasquez, Mayor Pro Tem Gregory S. Pettis, and Mayor
David W. Berry
Nays: None
Absent: None

Dated this 29th day of April, 1997.


Donna M. Velotta, City Clerk
City of Cathedral City



U.S. GOVERNMENT PRINTING OFFICE

United States Department of the Interior

NATIONAL PARK SERVICE

Joshua Tree National Park
74485 National Park Drive
Twentynine Palms, California 92277-3597

A44

June 25, 1997

Mr. Tom Kirk
Coachella Valley Association of Governments
73-716 Fred Waring Drive
Suite 200
Palm Desert, California 92260

Dear Mr. Kirk:

Enclosed please find the National Park Service executed signature page to the Coachella Valley
Multiple Species Habitat Conservation Plan amendment.

Sincerely,

Ernest Quintana
Superintendent

enclosure: original signature page with amendment

cc: Mr. Bill Havert, Executive Director

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