

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisor Marion Ashley
Supervisor Roy Wilson

SUBMITTAL DATE:
May 2, 2006

SUBJECT: Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).


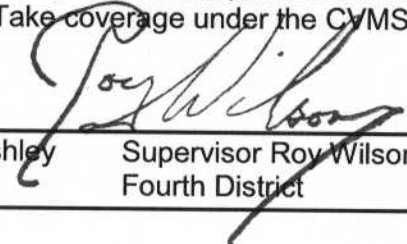
RECOMMENDED MOTION: Adopt Resolution No. 06-161 approving the CVMSHCP and Implementation Agreement and adopting responsible agency findings. Authorize the Chairman of the Board to execute said Implementation Agreement for the CVMSHCP.

BACKGROUND:

Departmental Concurrence

CVAG LEAD AGENCY ACTIONS: The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) is a habitat conservation plan that has been prepared by the Coachella Valley Association of Governments (CVAG). CVAG is the lead agency and the County and various Coachella Valley cities have been asked to approve the CVMSHCP as responsible agencies, unlike the Western Riverside County Habitat Conservation Plan where Riverside County was the lead agency. In its capacity as lead agency, the CVAG Executive Committee adopted on February 6, 2006, the CVMSHCP and certified the associated Environmental Impact Report. Additionally, the Executive Committee extended the deadline for permittees to adopt the Plan. That deadline is now June 1, 2006. Such an extension allows permittees to discuss any outstanding issues and work with CVAG staff to resolve them.

PLANNING COMMISSION RECOMMENDATION: The Riverside County Planning Commission considered the CVMSHCP on January 25th, March 8th, and April 19, 2006, and ultimately recommended that the Board of Supervisors consider the CVMSHCP for approval. The CVMSHCP continuances at the Planning Commission were primarily intended to give County Flood Control District and CVAG staff an opportunity to develop a solution that would provide take coverage for certain flood control facilities in the Conservation Area. Of particular concern were the Morongo and Mission Creek Washes that run through the unincorporated portions of the County, as well as through the city of Desert Hot Springs. Development in the City of Desert Hot Springs would benefit greatly from such a flood control facility. The County has received a commitment from CVAG to pursue a CVMSHCP amendment, upon Plan adoption that would provide coverage for flood control facilities in the Conservation Area. Take coverage under the CVMSHCP (CONTINUED ON NEXT PAGE)


 Supervisor Marion Ashley
 Fifth District
 
 Supervisor Roy Wilson
 Fourth District

- Dep't Recomm.: Policy
- Per Exec. Ofc.: Policy
- Consent
- Consent

Prev. Agn. Ref.:

District:

Agenda Number:

3.32

for capital facility projects, such as road construction, significantly reduces the process time necessary for federal and state environmental compliance which results in an overall cost reduction for the project.

COACHELLA VALLEY MSHCP BACKGROUND: The CVMSHCP seeks to provide conservation and incidental take coverage for 27 sensitive and endangered species through a 725,000 acre reserve system within a 1.1 million acre plan area – exclusive of Native American reservation land. The CVMSHCP extends into five of the County's Area Plans including Western Coachella Valley, Eastern Coachella Valley, REMAP, The Pass, and East County Desert Area. Approximately 92% of the conservation identified in this plan will occur on lands under the jurisdiction of the County.

The CVMSHCP is divided into 21 separate conservation areas that set forth specific conservation objectives which are defined in terms of acres. With few exceptions, these conservation areas seek to achieve 90% conservation of a specific biologic value (species, habitat, etc.) and/or natural resource function (blow sand, riparian, etc.). Although some development is possible in the conservation areas, more than 4,000 privately owned parcels may be affected by this conservation planning effort within the County's unincorporated area.

The CVMSHCP establishes a Plan consistency review process whereby the Coachella Valley Conservation Commission (CVCC), a Joint Powers Authority of which the County, Coachella Valley cities, and other public agencies are members. The CVCC, like the Regional Conservation Authority (RCA) in the Western Riverside County Habitat Conservation Plan, does not have land-use authority.

The CVCC would analyze and assist in determining if a project in a designated Conservation Area is consistent or inconsistent with the CVMSHCP. Within a 30-day timeframe, the CVCC would coordinate with the local jurisdiction to determine the proper course of action on a case-by-case basis. The jurisdiction would factor this information into its land-use decision-making process. Similar to the Western Riverside County Habitat Conservation Plan, ultimately, it would be incumbent upon the County to approve land-use projects consistent with the requirements of the CVMSHCP.

The CVMSHCP identifies a rough step process that tracks the amount of incidental take of modeled habitat within Conservation Areas with the amount of conservation that occurs within the same area. It should be noted that the 10% take of modeled habitat allocated to each of the 21 conservation areas cannot occur until like habitat is proportionally conserved within the same Conservation Area. However, there is a mechanism in the CVMSHCP that allows for the movement of take allocations among the Conservation Areas.

With the exception of Single Family Homes and ministerial projects, all other projects proposed in the Conservation Areas will be subject to Avoidance and Minimization Measures found in Section 4.4 of the Plan. Additionally, a one-time Burrowing Owl survey will be required on County Flood Control District and Coachella Valley Water District lands. The Burrowing Owl surveys will be performed by the CVCC. Single family homes and ministerial projects are exempt from Avoidance and Minimization measures prescribed by the CVMSHCP.

Additionally, the CVMSHCP requires that the County and other signatories to the Plan consider Land Use Adjacency Guidelines found in Section 4.5 of the Plan. This exercise would occur during the County's review of individual public and private development projects adjacent to or within the Conservation Areas. The purpose of this review is to avoid or minimize indirect effects from such development issues as drainage, toxics, lighting, noise invasive species, barriers, intrusion of people, grading, etc.

The trails plan within the CVAG plan area has been substantially revised to remove any limits previously placed on trail permits. A five-year rigorous research program is now emphasized. It is anticipated that this research program will run concurrently with trail usage in most locations.

Similar to the Western Riverside County MSHCP, CVAG is proposing a developer mitigation fee to help fund reserve assembly. There is a range of fees based upon dwelling unit densities and commercial/industrial development. Generally, for residential projects that propose 0-8 units per acre, a \$1,180 per unit fee is assessed and for commercial/industrial projects, a fee of \$5,270 per acre is assessed. The fee is lower as densities increase on a project. The developer mitigation fee is based upon a nexus study that the CVCC will update at least every five years to ensure that the fee is adequate to acquire the necessary conservation land and make improvements to the reserve system.

A development mitigation fee will need to be approved by the County through an ordinance adopted by the Board of Supervisors. It is staff's intention to bring the CVMSHCP fee ordinance to the Board of Supervisors for consideration as soon as certain matters are resolved. It is staff's understanding that the other permittees will be considering a similar fee ordinance for their respective jurisdictions after CVMSHCP adoption.

2
3 RESOLUTION NO. 2006-161

4 APPROVING THE COACHELLA VALLEY MULTIPLE SPECIES

5 HABITAT CONSERVATION PLAN AND IMPLEMENTATION

6 AGREEMENT AND ADOPTING RESPONSIBLE AGENCY FINDINGS

7 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY

8 ACT FOR SAID PLAN

9
10 WHEREAS, the Coachella Valley Multiple Species Habitat Conservation Plan (the "MSHCP" or
11 "Project") is a regional, comprehensive, multi-jurisdictional habitat conservation plan focusing on the
12 conservation of both sensitive species and their associated habitats in order to address biological and
13 ecological diversity and conservation needs in the Coachella Valley; sets aside significant areas of
14 undisturbed land for the conservation of sensitive habitat; maintains opportunities for recreation;
15 preserves open space; and maintains a strong and sustainable environment for economic Development in
16 the region; and

17 WHEREAS, the MSHCP establishes a framework for compliance with State and Federal
18 Endangered Species regulations while accommodating future growth in the MSHCP Plan Area, including
19 issuance of "Take" Permits for certain species pursuant to Section 10(a)(1)(B) of the Federal Endangered
20 Species Act ("ESA") and Section 2800, et seq. of the California Fish and Game Code (otherwise known
21 as the "Natural Community Conservation Planning Act" or "NCCP Act of 2001"); and

22 WHEREAS, the Coachella Valley Association of Governments ("CVAG") is the lead agency
23 pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, § 21000 et seq.) and
24 the State CEQA Guidelines (14 CCR § 15000 et seq.); and

25 WHEREAS, a joint Environmental Impact Report/Statement ("EIR/EIS") has been prepared
26 pursuant to CEQA and the National Environmental Policy Act ("NEPA") in order to analyze all potential
27 adverse environmental impacts of the Project; and

28 WHEREAS, CVAG, at a public meeting on February 6, 2006 reviewed the Final EIR/EIS,

FORM APPROVED
COUNTY COUNSEL

MAY 19 2006
BY [Signature]

1 MSHCP/Natural Communities Conservation Plan (“NCCP”), Implementation Agreement (“IA”),
2 Mitigation, Monitoring and Reporting Program (“MMRP”) and other related documents in the record
3 before it and by Resolution No. 06-002, certified the Final EIR/EIS, selected the Preferred Alternative and
4 approved the MSHCP/NCCP, IA and MMRP; and

5 WHEREAS, pursuant to State CEQA Guidelines sections 15091, 15096, sub.(h), 15381, and
6 CEQA, the County of Riverside (“County”) is a responsible agency for the Project and must therefore
7 make certain findings prior to the approval of the MSHCP; and

8 WHEREAS, the Board of Supervisors of the County, at its regularly scheduled public meeting on
9 May 9, 2006 independently reviewed and considered the Final EIR/EIS and other related documents in
10 the record before it; and

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

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

17 WHEREAS, all of the findings and conclusions made by the Board of Supervisors pursuant to this
18 Resolution are based upon the oral and written evidence presented to it as a whole and not based solely on
19 the information provided in this Resolution; and

20 WHEREAS, prior to taking action, the County has heard, been presented with, reviewed and
21 considered all of the information and data presented to it, including the Draft EIR/EIS, Final EIR/EIS and
22 other documentation relating to the Project, and all oral and written evidence presented to it; and

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

24 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the Board of Supervisors of
25 the County of Riverside, in regular session assembled on May 9, 2006, that:

- 26 A. The Final EIR/EIS prepared for the MSHCP is hereby received by the Board of
27 Supervisors in the form on file with the Clerk of the Board of Supervisors and
28 incorporated herein by this reference.

- 1 B. The Board of Supervisors hereby finds and determines that the Final EIR/EIS has
2 been completed in compliance with CEQA and the State CEQA Guidelines and,
3 and as the decision-making body for the County of Riverside, the Board of
4 Supervisors has reviewed and considered the information contained in the Final
5 EIR/EIS and related documents before it and all of the environmental effects of the
6 MSHCP.
- 7 C. The Board of Supervisors concurs with the environmental findings in CVAG
8 Resolution No. 06-002 and adopts these findings, attached hereto as Exhibit A and
9 incorporated herein by this reference. The Board of Supervisors also finds that
10 there are no additional feasible mitigation measures or alternatives within its
11 powers that would substantially lessen or avoid any significant effects that the
12 MSHCP would have on the environment.
- 13 D. The Board of Supervisors hereby approves the MSHCP and the IA, on file with the
14 Clerk of the Board of Supervisors, and authorizes the Chairman to execute the IA.
- 15 E. The Board of Supervisors hereby authorizes and directs that a Notice of
16 Determination shall be filed with the Clerk of the County of Riverside within five
17 (5) working days of approval of the Project.
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26 KWB:dj
27 05/03/06
28 G:\Property\Resolutions\Reso 2006-161 (KWB)

EXHIBIT "A"

RESOLUTION NO. 06-002

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN, APPROVING THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN, IMPLEMENTING AGREEMENT, AND THE MITIGATION, MONITORING AND REPORTING PROGRAM, AND SELECTING THE PREFERRED ALTERNATIVE

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

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

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

WHEREAS, the MSHCP establishes a framework for compliance with State and Federal Endangered Species regulations while accommodating future growth in the MSHCP Plan Area, including issuance of “Take” Permits for certain species pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (“ESA”) and Section 2800, et seq. of the California Fish and Game Code (otherwise known as the “Natural Community Conservation Planning Act” or “NCCP Act of 2001”); and

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

WHEREAS, a joint Environmental Impact Report/Statement (“EIR/EIS”) has been prepared pursuant to CEQA and NEPA which provides a comprehensive assessment of the potential environmental impacts that could result from the adoption and implementation of the proposed MSHCP, and provides the appropriate decision-makers with the required information upon which to base a decision to adopt the MSHCP; and

WHEREAS, CVAG filed a Notice of Preparation (“NOP”) of a Draft EIR/EIS with the State Clearinghouse on June 19, 2000. The NOP was also distributed to each responsible and trustee agency (and any federal agency involved in approving or funding the project) pursuant to State CEQA Guidelines Sections 15082(a) and 15373, and was circulated for a period of 30 days, pursuant to State CEQA Guidelines Sections 15082(b) and 15103; and

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

WHEREAS, approximately 29 written comments were received by the Lead Agencies in response to the NOP, that assisted the Lead Agencies in narrowing the issues and alternatives for analysis in the Draft EIR/EIS; and

WHEREAS, pursuant to State CEQA Guidelines Sections 15085 and 15372, the Draft EIR/EIS was completed and released for public review, and a Notice of Completion (“NOC”) was filed at the State Clearinghouse and with the Riverside County Clerk on or about November

8, 2004, and a copy of the NOC was published in the *Desert Sun* on or about November 5, 2004. The NOC provided a summary of the Plan and its alternatives and a deadline for submittal of comments, and a list of 23 locations and the internet address where a copy of the Plan could be viewed; and

WHEREAS, on February 10, 2005, the Lead Agencies published a Notice of Extension of the review and comment period in the *Desert Sun* notifying the public that the comment period was being extended until March 7, 2005; and

WHEREAS, in February 2005, CVAG sent a letter to each property owner of record ("Property Owner Letter") within the Conservation Areas of the Plan notifying them that the Draft MSHCP, Implementing Agreement ("IA"), and EIR/EIS were available for review. As a result of the issuance of the Property Owner Letter, CVAG has consulted with more than 400 property owners; and

WHEREAS, during the official public review period for the Draft EIR/EIS, the Lead Agencies received over 310 written and oral comments; and

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

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

WHEREAS, CVAG, at a public meeting on February 6, 2006, reviewed the Final EIR/EIS, MSHCP/Natural Communities Conservation Plan ("NCCP"), IA, Mitigation,

Monitoring and Reporting Program (“MMRP”), and other related documents in the record before it; and

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

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

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

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

BE IT RESOLVED, FOUND, DETERMINED, AND ORDERED by the CVAG Executive Committee on February 6, 2006, that:

- A. Certain plant and animal species and Habitat exist, or may exist, within the MSHCP Plan Area, which are: 1) state or federally listed as threatened or endangered; 2) proposed for listing as threatened or endangered; or 3) identified as a CDFG Species of Special Concern, a California Fully Protected Species, a

California Specially Protected Species, a sensitive plant species as determined by the California Native Plant Society, or other unlisted wildlife considered to be sensitive.

- B. Future growth and land Development within the MSHCP Plan Area, including both public and private projects, may result in impacts to 27 species (“Covered Species”) identified in the Plan and its associated documents, eleven of which are listed under the ESA or the California Endangered Species Act (“CESA”). Thus, Take Authorization is required prior to the carrying out of otherwise lawful activities that may “Take” one or more of these Covered Species.
- C. The MSHCP establishes the conditions under which entities defined under the Plan and its associated documents as “Permittees” will receive certain long-term Take Authorizations and other assurances that will allow the taking of Covered Species incidental to lawful uses authorized by the Permittees; and
- D. The MSHCP provides for the assembly and management of a reserve for the Conservation of natural Habitat and its constituent wildlife populations, and establishes an overall Conservation Strategy for the MSHCP Plan Area that will guarantee the protection of the Covered Species. The Conservation Strategy includes the Conservation of the Covered Species, existing Habitat, the restoration of degraded Habitat, managing a Reserve System, and conducting biological monitoring in perpetuity.
- E. The final MSHCP provides for the creation of a Reserve System that will conserve and manage approximately 724,740 acres of Habitat for the 27 Covered

Species which includes approximately 534,200 acres of Existing Reserves (as of 2003) and 190,540 acres of Complementary Conservation and Additional Conservation Lands. (Final MSHCP Errata, Table 4-1.)

- F. The MSHCP will serve as a Habitat Conservation Plan ("HCP") pursuant to Section 10(a)(1)(B) of the ESA, as well as an NCCP pursuant to the NCCP Act of 2001, as amended. The approval of the MSHCP and execution of the IA allows the CDFG and USFWS (collectively, the "Wildlife Agencies") to issue Take Authorizations for Covered Species in the MSHCP Plan Area to the signatories of the IA.

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

BE IT FURTHER RESOLVED by CVAG that the Final EIR/EIS and the evidence in the administrative record before it confirms that implementation of the MSHCP will result in no significant adverse environmental impacts. For several impact areas, including Biological Resources, Land Use and Planning, and Recreation, a separate component analyzing the Revised Trails Plan is included.

- A. Aesthetics (excluding Revised Trails Plan)

The MSHCP will result in the Conservation of approximately 724,740 acres of Habitat and protect an array of scenic resources, thereby having a positive or beneficial impact on aesthetics. (Final MSHCP Errata, Table 4-1; Final EIR/EIS, p. 4-199.) The aesthetic impacts potentially associated with the implementation of the MSHCP are primarily limited to those associated with the construction of new trails and interpretive facilities such as kiosks. (*Ibid.*) However, the MSHCP provides guidelines for the planning and Development of new trails and public access facilities which will avoid and minimize impacts. (*Ibid.*) The guidelines prohibit the use of off-road vehicles and motorized access by non-emergency or non-reserve management personnel, and restricts use of mountain bikes in some locations. (*Ibid.*) Based upon these provisions, the MSHCP will not adversely affect new trail and public access facilities, which can be conditioned as needed to effectively mitigate potential impacts to visual resources in these areas. (*Ibid.*) Accordingly, impacts on aesthetics are less than significant.

B. Agricultural Resources

Approximately 1,070 acres of the 84,900 acres of active agricultural use in the Plan Area will be included in the Conservation Areas. (Final EIR/EIS, p. 4-45; Major Issue Response 13.) Conversion of all of this land from agricultural use to non-agricultural use if it ever occurs could constitute a maximum potential loss of 1.4% of agricultural lands in the Plan Area. (*Ibid.*) All of the 1,070 acres of agricultural land within the Conservation Areas are designated as "Farmland of Local Importance" by the California Department of Conservation. (*Ibid.*) These lands carry a heavy load of mineral salts from decades of irrigation. (*Ibid.*) Other

agricultural soils in this area occur on lands that have been converted into or are planned for Development. (*Ibid.*) No other active or cultivatable land will be impacted by the implementation of the Plan. (Final EIR/EIS, pp. 4-45 through 4-46.)

Additionally, the MSHCP will not impact any lands under Williamson Act contracts nor will it preclude entering into such contracts in the future on lands that are currently in active agriculture, whether such lands are located within or outside of a Conservation Area. (Final EIR/EIS, p. 4-46; Major Issue Response 13.)

Finally, the Plan will not result in any changes in the physical or regulatory environment that would significantly impact farmland or result in the conversion of farmland to non-agricultural uses. (Final EIR/EIS, p. 4-46; Major Issue Response 13.)

Therefore, given the minor impact to active agricultural lands and state-identified farmlands with the potential for conversion to agricultural use, the Plan will have a less than significant impact on agricultural lands.

C. Air Quality

The MSHCP Plan Area is located within the Salton Sea Air Basin. (Final EIR/EIS, p. 4-184.) In and of itself, the MSHCP does not authorize future Development. (Final EIR/EIS, p. 4-189.) However, Plan implementation may cause future Development to be displaced to other areas in the Coachella Valley

rather than not occurring at all. (Final EIR/EIS, p. 4-188.) The location of where this Development could be displaced is too speculative to analyze at this point. (*Ibid.*) In addition, minor vehicular emissions may result from vehicle trips in conjunction with biological monitoring and land management, or from persons traveling to the Reserve System to recreate. (*Ibid.*) But the total number of vehicle miles traveled will not increase significantly and will be statistically insignificant. (*Ibid.*) Based on the foregoing, the Plan's effects on air quality are less than significant.

D. Biological Resources (excluding Revised Trails Plan)

The intent of the MSHCP is to assure the protection in perpetuity of the Covered Species, natural communities and overall biodiversity, and to protect functioning ecosystems in the Plan Area. (Final EIR/EIS, p. 4-62.) The MSHCP provides Take Authorization of Covered Species to Permittees for specified Covered Activities. (*Ibid.*) The MSHCP takes a species-specific approach in determining the requirements for the Conservation of each Covered Species.

Discussed below are the impacts to each Covered Species and the Plan features that will reduce Project impacts to below a level of significance.

1. **Impacts to Mecca aster (*Xylorhiza cognata*).** Individuals occurring outside the Conservation Areas will be subject to Habitat loss, including those occurring east of the Coachella Canal in the Mecca Hills. (Final EIR/EIS, p. 4-68.) Approximately 6,295 acres (10%) of all Habitat and 30% of non-federal lands will be subject to Habitat loss under the

MSHCP. (*Ibid.*) Approximately 1,346 acres (2%) of this is Core Habitat subject to Habitat loss under the Plan. (*Ibid.*) However, the remote locations and lack of threats make it unlikely that these levels of Habitat loss will ever occur. (Final EIR/EIS, p. 4-69.)

Features of the MSHCP that will reduce Project Impacts. The MSHCP ensures Conservation of Core Habitat in five Conservation Areas, and protects Other Conserved Habitat in two Conservation Areas across a range of environmental conditions within which the species occurs. (MSHCP, Table 4-116.) The MSHCP also implements biological monitoring and Adaptive Management to identify threats and to ensure Conservation of this species. (*Ibid.*) All of these actions will conserve this species in perpetuity. (*Ibid.*) Conservation under the Plan includes 11,441 acres of Core Habitat in the Thousand Palms Conservation Area, 5,836 acres of Core Habitat in the Indio Hills Palms Conservation Area, 1,539 acres of Core Habitat in the East Indio Hills Conservation Area, 4,525 acres of Core Habitat in the Desert Tortoise and Linkage Conservation Area, and 30,890 acres of Core Habitat in the Mecca Hills/Orocopia Mountains Conservation Area. (Final MSHCP, Table 9-1b.) Including Other Conserved Habitat in other Conservation Areas, the total Habitat to be conserved for this species in the Reserve System is 54,421 acres, or 86% of all Mecca aster Habitat in the Plan Area (98% of Core Habitat). (Final MSHCP Tables 4-114 and 4-116.) The Plan will also control and

manage activities that degrade this species' Habitat. (Final MSHCP, Table 4-116.)

Based on the above, impacts to the Mecca aster will be less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

2. **Impacts to the Coachella Valley milkvetch – *Astragalus lentiginosus* var. *cochellae*.** Individuals occurring outside of the MSHCP Conservation Area will be subject to Habitat loss. (Final EIR/EIS, p. 4-63.) Approximately 15,400 acres (42%) of all Habitat and 51% of the non-Federal lands will be subject to Habitat loss under the MSHCP. (*Ibid.*) There will be approximately 927 acres (6%) of Core Habitat subject to Habitat loss under the MSHCP. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Within the Plan Area, the MSHCP will conserve all remaining populations of this species where Essential Ecological Processes are intact. (*Ibid.*) Approximately 2,385 acres of Core Habitat will be conserved in the Snow Creek/Windy Point, 5,294 acres in the Whitewater Floodplain Conservation Area, 2,884 acres in the Willow Hole Conservation Area, and 4,276 acres in the Thousand Palms Conservation Area. (Final MSHCP, Table 9-1a and 9-1b.) To protect the species in the range of environmental conditions in which it occurs, a total of 4,474 acres of

Other Conserved Habitat will be protected in the Stubbe and Cottonwood Canyons, Whitewater Canyon, Highway 111/I-10, Upper Mission Creek/Big Morongo Canyon, Edom Hill, Indio Hills/Joshua Tree National Park Linkage, and Joshua Tree National Park Conservation Areas. (Final MSHCP, Table 9-4). In total, the Plan will ensure protection and management in perpetuity of 11,637 acres of Habitat for this species, which, together with Existing Conservation Land, will result in approximately 19,313 acres of Habitat for this species being conserved under the MSHCP. (Final MSHCP, Table 4-114.) This includes 94% of the Core Habitat. (Final MSHCP, Table 4-116.) The MSHCP will also secure the sand source/transport systems for the Core Habitat areas, and will control and manage activities that degrade this species' Habitat, such as sand compaction and/or vegetation destruction, including from OHV travel and other human disturbance. (*Ibid.*) The Plan will also implement biological monitoring and Adaptive Management measures to address various threats to the species and to ensure long-term persistence of this species. (*Ibid.*)

Thus, impacts to the Coachella Valley milkvetch under the MSHCP will be less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

3. **Impacts to the triple-ribbed milkvetch – *Astragalus tricarinatus*.**
Approximately 164 acres (5%) of all Habitat and 11% of non-federal lands will be subject to Habitat loss under the MSHCP. (Final EIR/EIS, p. 4-64.)
There will be approximately 88 acres (4%) of Core Habitat subject to Habitat loss under the Plan. (Final EIR/EIS, p. 4-65.)

Features of the MSHCP that will reduce Project Impacts. All known occurrences of triple-ribbed milkvetch will be conserved, along with the adjacent lands in Whitewater Canyon and Mission Creek. (*Ibid.*) In total, 2,838 acres (94% of all Habitat in the Plan Area, including 33 of the 34 known locations, and 96% of the Core Habitat, including Core Habitat in the Whitewater Canyon and Upper Mission Creek/Big Morongo Canyon Conservation Areas) will be included in the Reserve System. (Final MSHCP, Tables 4-114 and 4-116.) The MSHCP will protect Essential Ecological Processes, including hydrological regimes, necessary to maintain Habitat for this species. (Final MSHCP, Table 4-116.) The MSHCP will also implement biological monitoring and Adaptive Management to identify and address various threats to the species and to ensure long-term persistence of this species. (*Ibid.*)

In addition, the Required Avoidance, Minimization, and Mitigation Measures discussed at Section 4.4 of the MSHCP require that, for most Covered Activities within the modeled triple-milkvetch Habitat in Whitewater Canyon, Whitewater Floodplain, Upper Mission Creek/Big Morongo Canyon, and Santa Rosa and San Jacinto Mountains

Conservation Areas, surveys by an Acceptable Biologist will be required for activities during the growing and flowering period from February 1 - May 15. (Final MSHCP, p. 4-201.¹) Any occurrences of the species will be flagged and public infrastructure projects shall avoid impacts to the plants to the maximum extent possible. (*Ibid.*) Known occurrences on a map maintained by CVCC shall not be disturbed. (*Ibid.*)

Based on the above, impacts to triple-ribbed milkvetch under the MSHCP will be less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

4. **Impacts to Orocopia sage (*Salvia greatae*).** Individuals occurring outside the Conservation Areas will be subject to Habitat loss, including those occurring on the east side of the Mecca Hills. (Final EIR/EIS, p. 4-70.) Approximately 6,943 acres (9%) of all Habitat and 28% of non-federal lands will be subject to Habitat loss under the MSHCP. (Final MSHCP, Table 4-114.)

Features of the MSHCP that will reduce Project Impacts. The MSHCP ensures Conservation of Core Habitat in two Conservation Areas, and protects Other Conserved Habitat in another Conservation Area across a range of environmental conditions within which the species occurs. (Final

¹ All references to the Final MSHCP are accurate as of January 25, 2006, but may be subject to change.

MSHCP, Table 4-116.) The MSHCP also implements biological monitoring and Adaptive Management to identify threats and to ensure Conservation of this species. (*Ibid.*) All of these actions will conserve this species in perpetuity. (*Ibid.*) Conservation under the Plan includes 735 acres of Core Habitat in the Desert Tortoise and Linkage Conservation Area, 64,077 acres of Core Habitat in the Mecca Hills/Orocopia Mountains Conservation Area, and 3,559 acres of Other Conserved Habitat in the Dos Palmas Conservation Area. (Final MSHCP, Table 9-1b.) The total of Habitat for this species to be conserved in the Reserve System is 68,371 acres, or 87% of all Orocopia sage Habitat in the Plan Area (97% of Core Habitat). (Final MSHCP, Tables 4-114 and 4-116.) Threats to the species and its Habitat are minimal. (Final EIR/EIS, p. 71.) The Plan will also control and manage activities that degrade this species' Habitat, such as OHV activity and other activities that could damage plants and their Habitat. (Final MSHCP, Table 4-116.)

Regarding the Covered Activities that may affect this species, such activities will disturb an insignificant amount of acreage, resulting in enough Conserved Habitat to maintain the plant in perpetuity. (Final EIR/EIS, p. 4-71.)

Based on the above, impacts to the orocopia sage will be less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

5. **Impacts to the Little San Bernardino Mountains linanthus (*Linanthus maculatus* or *Gilia maculate*).** Approximately 479 acres (14%) of all Habitat will be subject to Habitat loss under the MSHCP. (Final MSHCP, Table 4-114.) This is 16% of the non-federal lands in the Plan Area. (Final EIR/EIS, p. 4-67.) There will be approximately 217 acres (9%) of Core Habitat subject to Habitat loss under the Plan (0 acres outside and 217 acres inside Conservation Areas). (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. The Plan conserves large blocks of Habitat for linanthus in the Upper Mission Creek/Big Morongo Canyon Conservation Area totaling 2,120 acres of Core Habitat in the Upper Mission Creek/Big Morongo Canyon Conservation Area, which has also been designed to preserve the braided streams and associated micro-topographic features to which this plant is adapted, 540 acres of Other Conserved Habitat in the Whitewater Canyon Conservation Area, and 246 acres of Other Conserved Habitat in the Willow Hole Conservation Area. (Final MSHCP, Table 9-1a.) This is a total of approximately 2,906 acres (86% of all Habitat for this species in the Plan Area) to be conserved in the Reserve System. (Final MSHCP, Table 4-114.) The Plan also requires that the fluvial processes that sustain Habitat for the linanthus be maintained. (Final EIR/EIS, p. 4-67.) The Plan will also control and manage activities that degrade linanthus Habitat, such as vehicular travel in washes and other activities that could damage plants and their Habitat. (Final MSHCP, Table 4-116.) The Plan will also

implement biological monitoring and Adaptive Management measures to identify and address various threats to the species and to ensure long-term persistence of this species. (*Ibid.*)

Based on the above, impacts to the Little San Bernardino Mountains linanthus will be less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

6. **Impacts to the Coachella Valley giant sand-treader cricket (*Macrobaenetes valgum*).** Individuals occurring outside the Conservation Areas will be subject to Take Authorization, including those occurring on the Big Dune. (Final EIR/EIS, p. 4-72.) Approximately 13,670 acres (50%) of all Habitat and 61% of non-federal lands will be subject to Take under the MSHCP. (*Ibid.*) There will be approximately 530 acres (5%) of Core Habitat subject to Take Authorization under the MSHCP. (*Ibid.*) Nearly all (94%) of the Take will be outside Conservation Areas, such as on Big Dune (Palm Springs Sand Ridge), where the blowsand Habitat is shielded. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. The MSHCP ensures Conservation of Core Habitat in three Conservation Areas, and protects Other Conserved Habitat in four Conservation Areas across a range of environmental conditions within which the species occurs. (Final

MSHCP, Table 4-116.) The MSHCP also ensures Conservation of Essential Ecological Processes including sand source/transport systems, and implements biological monitoring and Adaptive Management to identify threats and to ensure Conservation of this species. (*Ibid.*) All of these actions will conserve this species in perpetuity. (*Ibid.*) Conservation under the Plan includes 1,243 acres of Core Habitat in the Snow Creek/Windy Point Conservation Area, 5,278 acres of Core Habitat in the Whitewater Floodplain Conservation Area, 3,854 acres of Core Habitat in the Thousand Palms Conservation Area, 1,594 acres of Other Conserved Habitat in the Willow Hole Conservation Area, 3 acres of Other Conserved Habitat in the Thousand Palms Conservation Area, 98 acres of Other Conserved Habitat in the Edom Hill Conservation Area, 839 acres of Other Conserved Habitat in the East Indio Hills Conservation Area, and 112 acres of Other Conserved Habitat in the Santa Rosa and San Jacinto Mountains Conservation Area. (Final MSHCP, Tables 9-1a and 9-1b.) The total of Habitat for this species to be conserved in the Reserve System is 13,021 acres, or 48% of all Coachella Valley giant sand-treader cricket Habitat in the Plan Area (95% of Core Habitat). (Final MSHCP, Tables 4-114 and 4-116.) The Plan will also control and manage activities that degrade Habitat for this species, such as OHV activity and other activities that can kill individuals or damage their Habitat. (Final MSHCP, Table 4-116.)

Based on the above, impacts to the Coachella Valley giant sand-treader cricket will be less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

7. **Impacts to the Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring on the Big Dune. (Final EIR/EIS, p. 4-74.) Approximately 9,992 acres (44%) of all Habitat and 49% of non-Federal lands will be subject to Take Authorization under the MSHCP. (*Ibid.*) Nearly all (96%) of the Take will be outside the Conservation Areas, where the Habitat is less likely to be occupied. (Final MSHCP, Tables 4-114 and 4-116.) There will be approximately 150 acres (9%) of Core Habitat subject to Take Authorization under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. The MSHCP protects a contiguous Habitat in the Snow Creek/Windy Point Conservation Area, which appears to be the center of this species' distribution, and which will create a preserve of sufficient size to conserve this species in perpetuity. (Final MSHCP, Table 4-116.) The MSHCP also protects Other Conserved Habitat in six Conservation Areas across a range of environmental conditions within which the species occurs. (*Ibid.*) The MSHCP also ensures Conservation of Essential Ecological Processes including sand source/transport systems; maintains Biological Corridors

and Linkages to allow connectivity and shifts in distribution over time; and implements biological monitoring and Adaptive Management to identify threats and to ensure Conservation of this species. (*Ibid.*) All of these actions will conserve this species in perpetuity. (*Ibid.*) Conservation under the Plan includes 1,540 acres of Core Habitat in the Snow Creek/Windy Point Conservation Area, and a total of 10,428 acres of Other Conserved Habitat in eleven Conservation Areas. (*Ibid.*) The total of Habitat for this species to be conserved in the Reserve System is 11,968 acres, or 52% of all Coachella Valley Jerusalem cricket Habitat in the Plan Area (91% of Core Habitat). (Final MSHCP, Tables 4-116.)

Based on the above, impacts to the Jerusalem cricket are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

8. **Impacts to the desert pupfish (*Cyprinodon macularius*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring in shoreline pools of the Salton Sea. (Final EIR/EIS, p. 4-77.) In addition, individuals occurring in the drains will be subject to Take by CVWD for ongoing maintenance activities in the drains. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. The Plan will ensure that existing desert pupfish Habitat and refugia populations are

protected and managed. (Final MSHCP, Table 4-116.) The Plan conserves 100% of the 31 known locations for the species. (*Ibid.*) This includes Conservation of agricultural drains and shoreline pools. (*Ibid.*) The MSHCP will protect Core Habitat in Salt Creek in the Dos Palmas Conservation Area and in the agricultural drains in the Coachella Valley Stormwater Channel and Delta Conservation Area, and will protect refugia populations in the Thousand Palms Conservation Area and the Dos Palmas Conservation Area. (*Ibid.*) In addition, the Plan requires CVWD to prepare a Monitoring and Adaptive Management Plan for desert pupfish within one year of Permit issuance to assure long-term viability of pupfish in the agricultural drains leading into the Salton Sea. (*Ibid.*; Final MSHCP, p. 4-77.) This Monitoring Program will result in updated information on the existing pupfish populations in the Salton Sink. (*Ibid.*) The Plan also requires CVWD to establish 25 acres of artificial pupfish Habitat. (Final EIR/EIS, p. 4-78.)

Based on the above, impacts to the desert pupfish are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

9. **Impacts to the arroyo toad (*Bufo californicus*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring in the Bonnie Bell area. (Final EIR/EIS, p. 4-79.) Approximately 88 acres (4%) of all Arroyo toad Habitat and 11% of non-

Federal lands will be subject to Take Authorization under the MSHCP.

(Ibid.)

Features of the MSHCP that will reduce Project Impacts. Pursuant to the recommendations of the Recovery Plan for the arroyo toad, the MSHCP calls for acquisition and management of key Habitat in Whitewater Canyon. (Final EIR/EIS, p. 4-80.) The MSHCP will result in the Conservation of 2,007 acres of arroyo toad Habitat, including 2,004 acres of Core Habitat in the Whitewater Canyon Conservation Area, and 3 acres of Other Conserved Habitat in the Upper Mission Creek/Big Morongo Canyon Conservation Area. (Final MSHCP, Table 4-116.) The 2,007 acres of Conserved Habitat is 96% of all arroyo toad Habitat, (and 96% of the Core Habitat) in the Plan Area. *(Ibid.)* The MSHCP will protect Essential Ecological Processes, including hydrological regimes, necessary to maintain Habitat for this species. *(Ibid.)* The MSHCP will also implement biological monitoring and Adaptive Management to identify and address various threats to the species and to ensure long-term persistence of this species. *(Ibid.)*

Based on the above, impacts to the arroyo toad are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

10. **Impacts to the desert tortoise (*Gopherus agassizii*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring east of Hwy 62 and east of Dillon Rd to the boundary with Joshua Tree National Park. (Final EIR/EIS, p. 4-87.) Approximately 66,457 acres (12%) of all Habitat and 28% of non-Federal lands will be subject to Take Authorization under the MSHCP. (Final MSHCP, Tables 4-114 and 4-116.) There will be approximately 11,711 acres (3%) of Core Habitat subject to Take Authorization under the Plan. (Final EIR/EIS, p. 4-87.)

Features of the MSHCP that will reduce Project Impacts. Ninety-seven percent of the Critical Habitat in the eastern Plan Area will be conserved for desert tortoise and 86% of the occupied or potential Habitat is conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of approximately 146,723 acres of modeled Habitat together with Existing Conservation Land or a total of 492,377 acres conserved, including 365,748 acres of Core Habitat. (Final MSHCP, Table 9-15.) The MSHCP ensures Conservation of Core Habitat in seven Conservation Areas from western to eastern parts of the Plan Area. (Final MSHCP, Table 4-116.) The MSHCP also maintains Biological Corridors and Linkages to ensure connectivity between Conservation Areas and with Habitat outside the Plan Area, and implements biological monitoring and Adaptive Management to identify threats and to ensure Conservation of this species. (*Ibid.*) All of these actions will conserve this species in

perpetuity. (*Ibid.*) Conservation under the Plan includes 5,482 acres of Core Habitat in the Stubbe and Cottonwood Canyons Conservation Area, 4,374 acres of Core Habitat in the Whitewater Canyon Conservation Area, 27,128 acres of Core Habitat in the Upper Mission Creek/Big Morongo Canyon Conservation Area, 9,449 acres of Core Habitat in the Indio Hills/Joshua Tree National Park Linkage Conservation Area, 125,453 acres of Core Habitat in the Joshua Tree National Park Conservation Area, 84,211 acres of Core Habitat in the Desert Tortoise and Linkage Conservation Area, and 109,651 acres of Core Habitat in the Mecca Hills/Orocopia Mountains Conservation Area. (Final MSHCP, Table 9-15.) The MSHCP protects a total of 126,629 acres of Other Conserved Habitat in fourteen Conservation Areas across a range of environmental conditions within which the species occurs. (*Ibid.*) The total of Habitat for this species to be conserved in the Reserve System is 492,377 acres, or 86% of all desert tortoise Habitat in the Plan Area (97% of the designated Critical Habitat in the eastern portion of the Plan Area). (Final MSHCP, Table 4-116.) The Plan will also control and manage activities that degrade Habitat for this species, such as OHV activity and other activities that can kill individuals or damage their Habitat. (Final MSHCP, pp. 9-104 through 9-105.)

In addition, the Plan addresses recovery units within the Plan Area that were identified by the Desert Tortoise Recovery Plan in 1994. (Final EIR/EIS, p. 4-88.) This Recovery Plan recommended establishment of the

Joshua Tree National Park Desert Wildlife Management Area (“DWMA”) and the Chuckwalla DWMA, both of which fall within the Plan Area of the MSHCP. (*Ibid.*)

In addition, Section 4.4 of the MSHCP (Required Avoidance, Minimization, and Mitigation Measures) provides additional Conservation protection. That provision requires that, under most circumstances, the Permittees will conduct surveys for desert tortoise before initiation of Development or Operations and Maintenance (“O&M”) activities in modeled desert tortoise Habitat within Conservation Areas. (Final MSHCP, p. 4-195.) The Plan provides a specific procedure for such surveys.

The Plan also has developed two utility development protocols (active season and inactive season) to avoid or minimize potential adverse impacts to the desert tortoise in the Conservation Areas from utility and road right-of-way projects. (Final MSHCP, pp. 4-196 through 4-200.)

Based on the above, impacts to the desert tortoise are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

11. **Impacts to the Coachella Valley fringe-toed lizard (*Uma inornata*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring on the Big Dune. (Final EIR/EIS, p. 4-81.)

Approximately 13,670 acres (50%) of all Habitat and 61% of non-Federal lands will be subject to Take Authorization under Plan. *(Ibid.)* (Final MSHCP, Table 4-114.) There will be approximately 603 acres (5%) of Core Habitat subject to Take Authorization under the MSHCP. *(Ibid.)*

Features of the MSHCP that will reduce Project Impacts. The Coachella Valley fringe-toed lizard Recovery Plan was established in 1985, recommending over 50 measures that could be taken to lead to recovery of the lizard. *(Ibid.)* The MSHCP will meet or exceed the standards of this recovery plan by creating and implementing Conservation measures in the Conservation Areas. (Final EIR/EIS, p. 4-82.) The MSHCP will result in the Conservation of 7,054 acres of modeled Habitat together with Existing Conservation Land for a total of 13,022 acres conserved, including 11,199 acres (95%) of Core Habitat. (Final MSHCP, Table 9-16; p. 9-122; Table 4-116.). This includes 1,244 acres of Core Habitat in Snow Creek/Windy Point Conservation Area, 5,278 acres of Core Habitat in Whitewater Floodplain Conservation Area, 823 acres of Core Habitat at Willow Hole Conservation Area, and 3,854 acres of Core Habitat in Thousand Palms Conservation Area. (Draft MSHCP, Table 9-1a.) In addition, the MSHCP will conserve 1,823 acres of Other Conserved Habitat in five Conservation Areas, representing a range of environmental conditions in which the species occurs. (Final MSHCP, Table 9-16.) The Plan will also conserve the scattered blowsand deposits and occupied Habitat in the Indio Hills. (Final EIR/EIS, p. 4-83.)

The Plan also employs measures to protect and maintain Essential Ecological Processes for sand transport to the new Conservation Areas, and provides Linkages between these Areas. (Final EIR/EIS, p. 4-83.) Furthermore, the Plan requires CVCC, CVAG and CalTrans to acquire 1,795 acres for interchange and arterial road Covered Activities listed in Table 7-1 of the MSHCP. (Final EIR/EIS, p. 4-84.)

Adaptive Management implemented by the Plan includes several measures that will forestall or prevent extirpation in a Conservation Area. (*Ibid.*) Such measures include the establishment of "sand fences" to trap sand upwind in armored Habitat and create blowsand hummocks for expansion of the extant population. (*Ibid.*) Other measures which may be utilized as appropriate include hauling sand upwind, destabilizing armored deposits by physically removing vegetation and surface crusts, controlling exotic plant species and feral animals, and re-introduction of fringe-toed lizards into areas where they may be extirpated or into restored sites. (*Ibid.*)

Based on the above, impacts to the Coachella Valley fringe-toed lizard are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

12. **Impacts to flat-tailed horned lizard (*Phrynosoma mcallii*).** Individuals occurring outside the Conservation Areas will be subject to Take,

including those occurring on the Big Dune. (Final EIR/EIS, p. 4-91.) Approximately 17,507 acres (54%) of all predicted Habitat, 65% of non-Federal predicted Habitat lands, 1,734 acres (34%) of all potential Habitat and 41% of all potential Habitat on non-Federal lands will be subject to Take under MSHCP. (*Ibid.*) There will be approximately 96 acres (2%) of Core Habitat subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. The MSHCP will result in the Conservation of 7,475 acres of modeled Habitat together with Existing Conservation Land for a total of 13,947 acres conserved. (Final MSHCP, p. 9-13; Table 9-17.) Only one area of the MSHCP was delineated as Core Habitat for this species, at the Thousand Palms Preserve. (Final MSHCP, p. 9-136.) The Planning Team for this Plan delineated approximately 4,131 acres as Core Habitat. (*Ibid.*) Conservation Objectives ensure the Conservation of at least 4,035 acres in the Thousand Palms Conservation Area. (*Ibid.*) In addition, the MSHCP will conserve approximately 689 acres of Other Conserved Habitat in East Indio Hills and 5,048 acres of Other Conserved Habitat in Dos Palmas. (Final MSHCP, Tables 9-17.)

The MSHCP will also: Protect Other Conserved Habitat in a total of five Conservation Areas representing the range of environmental conditions within which this species occurs; Ensure Conservation of Essential Ecological Processes including sand source/transport systems; Maintain Biological Corridors and Linkages among conserved populations or

Habitats; and Implement biological monitoring and Adaptive Management to ensure Conservation of this species. (Final MSHCP, Table 4-116.)

Based on the above, impacts to the flat-tailed horned lizard are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

13. **Impacts to the Yuma clapper rail (*Rallus longirostris yumanensis*).**

Individuals occurring outside the Conservation Areas will be subject to Take. (Final EIR/EIS, p. 4-115.) Approximately 62 acres (9%) of all Habitat and 13% of non-Federal lands will be subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. This bird is found only in the Dos Palmas and Coachella Valley Stormwater Channel and Delta Conservation Areas. Implementation of the Plan will provide for persistence of the Yuma clapper rail within the Plan Area, as currently unprotected portions of its Habitat and potential Habitat areas will be conserved. (Final MSHCP, p. 9-146.) Ninety-one percent of the modeled clapper rail Habitat will be conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 413 acres of modeled Habitat together with Existing Conservation Land for a total of 643 conserved acres. (*Ibid.*) In addition, the CVWD will establish 66 acres of permanent replacement rail Habitat. (Final MSHCP, Table 4-116.)

Management and Monitoring activities will be implemented to ensure Conservation of this species, including control of activities that degrade Habitat. (*Ibid.*) Biological monitoring and Adaptive Management will be implemented to ensure Conservation, and Essential Ecological Processes will be protected, including the regimes necessary to maintain rail Habitat. (*Ibid.*) Finally, because this rail is a California Fully Protected Species, the required surveys will be conducted in accordance with law. (*Ibid.*)

Based on the above, impacts to the Yuma clapper rail are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the habitat, and protect Biological Corridors and Linkages, as appropriate.

14. **Impacts to the California black rail (*Laterallus jamaicensis coturniculus*).** Individuals occurring outside the Conservation Areas will be subject to Take, including any occurring in the Coachella Valley Stormwater Channel. (Final EIR/EIS, p. 4-96.) Approximately 62 acres (9%) of all Habitat and 13% of non-Federal lands will be subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. This bird is found only in the Dos Palmas and Coachella Valley Stormwater Channel and Delta Conservation Areas. Implementation of the Plan will provide for persistence of the California black rail within the Plan Area, as currently unprotected portions of its Habitat and potential Habitat areas will be

conserved. (Final MSHCP, p. 9-153.) Ninety-one percent of the modeled clapper rail Habitat will be conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 413 acres of modeled Habitat together with Existing Conservation Land for a total of 643 conserved acres. (*Ibid.*) In addition, the Coachella Valley Water District (“CVWD”) will establish 66 acres of permanent replacement rail Habitat. Management and Monitoring activities would be implemented to ensure Conservation of this species, including control of activities that degrade Habitat. (*Ibid.*) Biological monitoring and Adaptive Management will be implemented to ensure Conservation, and Essential Ecological Processes will be protected, including hydrological regimes necessary to maintain rail Habitat. (*Ibid.*) Finally, because this rail is a California Fully Protected Species, the required surveys will be conducted in accordance with law. (Final MSHCP, p. 9-152.)

Given the level of Conservation, which includes establishment of permanent riparian Habitat and expansion of the marsh Habitat, all impacts are considered beneficial. Based on the above, impacts to the California black rail are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

15. **Impacts to the burrowing owl (*Athene cunicularia*).** Impacts to burrowing owl are very difficult to predict, given the limited knowledge

on their distribution and abundance in the Plan Area, and their ability to relocate when established nesting sites are lost, which are often in agricultural and urban areas. (Final EIR/EIS, p. 4-94.) However, it is estimated that 45% of known locations for burrowing owl will be subject to Take in areas compromised by fragmentation, Development, and associated impacts. (Final MSHCP, Table 4-116.)

Features of the MSHCP that will reduce Project Impacts. The reserve design process focused on inclusion of areas of contiguous Habitat in areas where burrowing owls are known to occur. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 41 of the 74 known locations of burrowing owl, which include foraging areas. (*Ibid.*) These locations include areas in Snow Creek, Whitewater Floodplain Preserve, the Mission Creek area west of Highway 62, the Willow Hole-Edom Hill Preserve/ACEC area, the Thousand Palms Preserve, including the sand source area, and significant portions of the Indio Hills and Mecca Hills. (*Ibid.*) Overall the 724,740 acre Reserve System will contain sufficient Habitat to maintain a viable population of burrowing owls within the Plan Area. (Final EIR/EIS, p. 4-94.)

The Avoidance, Minimization, and Mitigation Measures listed in Section 4.4 of the MSHCP will minimize Take of burrowing owls. (Final EIR/EIS, p. 4-94.) In total, the Plan ensures the Conservation of burrowing owls within nine Conservation Areas, and the protection of Other Conserved Habitat in ten Conservation Areas. (Final MSHCP, Table 4-116.)

Biological monitoring and Adaptive Management will also be implemented to ensure Conservation of this species. (*Ibid.*)

Based on the above, impacts to the burrowing owl are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate. Thus, no mitigation measures are necessary.

16. **Impacts to the Southwestern willow flycatcher (*Empidonax traillii extimus*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those in migratory Habitat east of the Coachella Canal and in a small portion of Dos Palmas. (Final EIR/EIS, p. 4-106.) Approximately 168 acres (6%) of all breeding Habitat (11% on non-Federal lands) and 15,278 acres (26%) of migratory Habitat (42% on non-Federal lands) will be subject to Take under the MSHCP. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-four percent of the modeled willow flycatcher breeding Habitat and 72% of the modeled willow flycatcher migratory Habitat is conserved under the Plan. (Final MSHCP, Table 4-116.) Permittees will protect and manage 1,037 acres of modeled breeding Habitat together with Existing Conservation Land for a total of 2,563 acres of breeding Habitat conserved. (Final MSHCP, Table 4-114.) The MSHCP will result in the Conservation of 19,638 acres of modeled migratory Habitat together with Existing

Conservation Land for a total of 40,924 acres of migratory Habitat conserved. (*Ibid.*) The Conservation Areas in the Plan will protect 99% of the occupied and potential breeding Habitat and 76% of the potential migratory Habitat for this species. (*Ibid.*)

The Plan will also provide permanent protection to riparian Habitat via acquisition and management in several Conservation Areas and establish permanent riparian Habitat in the Coachella Valley Stormwater Channel and Delta Conservation Area. (Final EIR/EIS, p. 4-106.) CVWD will establish 44 acres of permanent Sonoran cottonwood-willow riparian forest in the Coachella Valley Stormwater Channel and Delta Conservation area as described in Section 4.3.20 of the MSHCP. (Final MSHCP, Table 4-116.) In addition, the Plan requires that, where disturbance of a given number of acres of a riparian natural community is authorized, an equivalent number of acres will be replaced to ensure that no net loss occurs. (*Ibid.*)

Implementation of biological monitoring and Adaptive Management will also take place to ensure Conservation of the vireo. (*Ibid.*) Essential Ecological Processes will also be protected, including hydrological regimes necessary to maintain riparian Habitat. In addition, the Required Avoidance, Minimization, and Mitigation Measures of Section 4.4 of the MSHCP require that Covered Activities, including construction and O&M activities, in riparian Habitat of the Cabazon, Stubbe and Cottonwood Canyons, Whitewater Canyon, Upper Mission Creek/Big Morongo

Canyon, Thousand Palms, Indio Hills Palms, Joshua Tree National Park, Mecca Hills and Orocopia Mountains, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas, will be conducted to the maximum extent Feasible outside of the May 1 – September 15 nesting season for Southwestern willow flycatcher. (Final MSHCP, p. 4-195.) If Covered Activities must occur during the nesting season, surveys shall be conducted to determine if any active nests are present. (*Ibid.*) If active nests are identified, the Covered Activity shall not be conducted within 200 feet of an active nest. (*Ibid.*) If surveys conducted during the nesting season document that Covered nesting riparian bird Species are not present, the Covered Activity may proceed. (*Ibid.*)

Based on the above, impacts to the Southwestern willow flycatcher are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

17. **Impacts to the crissal thrasher (*Toxostoma crissale*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring on lands in the south portion of the valley near the Salton Sea. (Final EIR/EIS, p. 4-99.) Approximately 5,113 acres (75%) of all Habitat and 76% of non-Federal lands will be subject to Take

under the Plan. (*Ibid.*) There will be approximately 131 acres (9%) of Core Habitat subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. The MSHCP will result in the Conservation of 1,480 acres of modeled Habitat together with Existing Conservation Land for a total of 1,738 acres of land conserved. (Final MSHCP, Table 4-116.) Approximately 91% of the Core Habitat for this species will be conserved under the Plan, including 498 acres of occupied Habitat in Dos Palmas and 868 acres of occupied Habitat in the Coachella Valley Stormwater Channel and Delta Conservation Areas. (*Ibid.*; Final MSHCP, Table 9-22.) Implementation of the Plan will provide for the Conservation of the unprotected portions of crissal thrasher Habitat. (*Ibid.*)

The Required Avoidance, Minimization, and Mitigation Measures of Section 4.4 of the MSHCP will also ensure Conservation of the species. This section requires that, in the Willow Hole, Thousand Palms, Indio Hills Palms, East Indio Hills, Dos Palmas, and Coachella Valley Stormwater Channel and Delta Conservation Areas, surveys will be conducted by an Acceptable Biologist prior to the start of construction activities during the nesting season, January 15 – June 15, to determine if active nest sites for this species occur on the construction site and/or within 500 feet of the construction site, or to the edge of the property boundary if less than 500 feet. (Final MSHCP, pp. 4-195 and 4-196.) If nesting crissal thrashers are found, a 500-foot buffer, or a buffer to the

edge of the property boundary if less than 500 feet, will be established around the nest site. (*Ibid.*) The buffer will be staked and flagged. (*Ibid.*) No construction activities will be permitted within the buffer during the breeding season of January 15 – June 15 or until the young have fledged. (*Ibid.*)

The Plan will also: Protect Essential Ecological Processes including hydrological regimes necessary to maintain thrasher Habitat; Maintain Biological Corridors and Linkages for Habitat connectivity; and Implement biological monitoring and Adaptive Management to ensure Conservation of this species. (Final MSHCP, Table 4-116.)

Based on the above, impacts to the crissal thrasher are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

18. **Impacts to the Le Conte's thrasher (*Toxostoma lecontei*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring on the Big Dune and the east end of the Indio Hills. (Final EIR/EIS, p. 4-97.) Approximately 95,688 acres (39%) of all Habitat and 53% of non-Federal lands will be subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-eight percent of the predicted Core Habitat for Le Conte's thrasher will be

conserved and 54% of the modeled Habitat will be conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 73,548 acres of modeled Habitat together with Existing Conservation Land for a total of 132,499 acres of Other Conserved Habitat in twenty Conservation Areas across a range of environmental conditions within which the species occurs. (Final MSHCP, Table 9-23.)

Management and monitoring activities will ensure Conservation of this species, including control of activities that degrade its Habitat. (Final MSHCP, Table 4-116.) Biological Corridors and Linkages will be maintained for Habitat connectivity and Essential Ecological Processes will be protected, including hydrological regimes necessary to maintain thrasher Habitat. (*Ibid.*)

In addition, the Required Avoidance, Minimization, and Mitigation Measures of Section 4.4 of the MSHCP require that, prior to the start of most construction activities in all Conservation Areas, surveys will be conducted by an Acceptable Biologist on the construction site and within 500 feet of the construction site, or to the property boundary if less than 500 feet. (Final MSHCP, p. 4-200.) If nesting Le Conte's thrashers are found, a 500 foot buffer, or to the property boundary if less than 500 feet, will be established around the nest site. The buffer will be staked and flagged. (*Ibid.*) No construction will be permitted within the buffer during the breeding season of January 15 - June 15 or until the young have fledged. (*Ibid.*)

Based on the above, impacts to the Le Conte's thrasher are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

19. **Impacts to the least Bell's vireo (*Vireo bellii pusillus*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those in migratory Habitat east of the Coachella Canal and in a small portion of Dos Palmas. (Final EIR/EIS, p. 4-104.) Approximately 760 acres (21%) of all breeding Habitat (31% on non-Federal lands) and 14,682 acres (25%) of migratory Habitat (41% on non-Federal lands) will be subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Seventy-nine percent of the modeled vireo breeding Habitat, and 72% of the modeled vireo migratory Habitat will be conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 1,286 acres of modeled breeding Habitat together with Existing Conservation Land for a total of 2,915 acres of breeding Habitat conserved. (*Ibid.*) The MSHCP will result in the Conservation of 19,393 acres of modeled migratory Habitat together with Existing Conservation Land for a total of 40,576 acres of migratory Habitat conserved. (*Ibid.*) The Plan will provide permanent protection to riparian Habitat via acquisition and management in several Conservation Areas and by establishment of permanent riparian Habitat in the Coachella Valley Storm Channel and Delta Conservation

Area. (Final EIR/EIS, p. 4-105.) CVWD will establish 44 acres of permanent Sonoran cottonwood-willow riparian forest in these two areas. (Final MSHCP, Table 4-116.)

Implementation of biological monitoring and Adaptive Management will also occur to ensure Conservation of the vireo. (*Ibid.*) Essential Ecological Processes will also be protected, including hydrological regimes necessary to maintain riparian Habitat. (*Ibid.*) In addition, the Required Avoidance, Minimization, and Mitigation Measures of Section 4.4 of the MSHCP require that Covered Activities, including construction and O&M activities, in riparian Habitat of the Cabazon, Stubbe and Cottonwood Canyons, Whitewater Canyon, Upper Mission Creek/Big Morongo Canyon, Thousand Palms, Indio Hills Palms, Joshua Tree National Park, Mecca Hills and Orocopia Mountains, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas, will be conducted to the maximum extent Feasible outside of the March 15 – September 15 nesting season for least Bell's vireo. (Final MSHCP, p. 4-195.) If Covered Activities must occur during the nesting season, surveys shall be conducted to determine if any active nests are present. (*Ibid.*) If active nests are identified, the Covered Activity shall not be conducted within 200 feet of an active nest. (*Ibid.*) If surveys conducted during the nesting season document that Covered nesting riparian bird Species are not present, the Covered Activity may proceed. (*Ibid.*)

Based on the above, impacts to the least Bell's vireo are less than significant and the benefits conferred by the Plan will provide permanent protection to its riparian Habitat.

20. **Impacts to the gray vireo (*Vireo vicinior*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring in the Pinyon Flats area. (Final EIR/EIS, p. 4-102.) Approximately 3,913 acres (4%) of all Habitat and 18% of non-Federal lands will be subject to Take under the MSHCP. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-six percent of the occupied or potential Habitat is conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 13,194 acres of modeled Habitat together with Existing Conservation Land for a total of 101,544 conserved acres. (*Ibid.*) The MSHCP protects a total of 30,519 acres of Other Conserved Habitat in Joshua Tree National Park Conservation Area and 66,089 acres of Other Conserved Habitat in Santa Rosa and San Jacinto Mountains Conservation Area. (Final MSHCP, Table 9-1b.)

Management and monitoring activities will ensure Conservation of this species, including control of activities that degrade its Habitat. (Final MSHCP, Table 4-116.) The Plan calls for coordination with federal agencies regarding appropriate management prescriptions for Pinyon-

juniper woodland and chaparral Habitats and control of brown-headed cowbird nest parasitism. (*Ibid.*)

Based on the above, the Plan will not have a significant impact on the gray vireo.

21. **Impacts to the yellow warbler (*Dendroica petechia brewsteri*).**

Individuals occurring outside the Conservation Areas will be subject to Take, including those in migratory Habitat east of the Coachella Canal and in a small portion of Dos Palmas. (Final EIR/EIS, p. 4-111.) Approximately 168 acres (6%) of all breeding Habitat (11% on non-Federal lands) and 15,278 acres (26%) of migratory Habitat (42% on non-Federal lands) will be subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-four percent of the modeled yellow warbler breeding Habitat and 72% of the modeled yellow warbler migratory Habitat is conserved under the Plan. (Final MSHCP, Table 4-116.) The Plan will ensure the protection and management of 1,037 acres of modeled breeding Habitat together with Existing Conservation Land for a total of 2,563 acres of breeding Habitat conserved. (*Ibid.*) The MSHCP will result in the Conservation of 19,638 acres of modeled migratory Habitat together with Existing Conservation Land for a total of 40,924 acres of migratory Habitat conserved. (*Ibid.*)

The Plan will provide permanent protection to riparian Habitat via acquisition and management in several Conservation Areas and by

establishment of permanent riparian Habitat in the Whitewater Storm Channel and Delta Conservation Area. (Final EIR/EIS, p. 4-111.) CVWD will establish 44 acres of permanent Sonoran cottonwood-willow riparian forest in the Coachella Valley Stormwater Channel and Delta Conservation area as described in Section 4.3.20 of the MSHCP. (Final MSHCP, Table 4-116.) In addition, the Plan requires that, where disturbance of a given number of acres of a riparian natural community is authorized, an equivalent number of acres will be replaced to ensure that no net loss occurs. (*Ibid.*)

Implementation of biological monitoring and Adaptive Management will also take place to ensure Conservation of the yellow warbler. (*Ibid.*) Essential Ecological Processes will also be protected, including hydrological regimes necessary to maintain riparian Habitat. In addition, the Required Avoidance, Minimization, and Mitigation Measures of Section 4.4 of the MSHCP require that Covered Activities, including construction and O&M activities, in riparian Habitat of the Cabazon, Stubbe and Cottonwood Canyons, Whitewater Canyon, Upper Mission Creek/Big Morongo Canyon, Thousand Palms, Indio Hills Palms, Joshua Tree National Park, Mecca Hills and Orocopia Mountains, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas, will be conducted to the maximum extent Feasible outside of the May 1 – September 15 nesting season for yellow warbler. (Final MSHCP, p. 4-195.) If Covered Activities must

occur during the nesting season, surveys shall be conducted to determine if any active nests are present. (*Ibid.*) If active nests are identified, the Covered Activity shall not be conducted within 200 feet of an active nest. (*Ibid.*) If surveys conducted during the nesting season document that Covered nesting riparian bird Species are not present, the Covered Activity may proceed. (*Ibid.*)

Based on the above, impacts to the yellow warbler are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

22. **Impacts to yellow-breasted chat (*Icteria virens*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those in migratory Habitat east of the Coachella Canal and in a small portion of Dos Palmas. (Final EIR/EIS, p. 4-113.) Approximately 180 acres (6%) of all breeding Habitat (11% on non-Federal lands) and 15,265 acres (26%) of migratory Habitat (42% on non-Federal lands) will be subject to Take under the MSHCP. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-four percent of the modeled chat breeding Habitat and 71% of the modeled chat migratory Habitat is conserved under the Plan. (Final MSHCP, Table 4-116.) The Plan will ensure the protection and management of 1,160 acres of modeled breeding Habitat together with Existing Conservation

Land for a total of 2,829 acres of breeding Habitat conserved. (*Ibid.*) The MSHCP will result in the Conservation of 19,518 acres of modeled migratory Habitat together with Existing Conservation Land for a total of 40,661 acres of migratory Habitat conserved. (*Ibid.*)

The Plan will provide permanent protection to riparian Habitat via acquisition and management in several Conservation Areas and by establishment of permanent riparian Habitat in the Whitewater Storm Channel and Delta Conservation Area. (Final EIR/EIS, p. 4-113.) CVWD will establish 44 acres of permanent Sonoran cottonwood-willow riparian forest in the Coachella Valley Stormwater Channel and Delta Conservation area as described in Section 4.3.20 of the MSHCP. (Final MSHCP, Table 4-116.) In addition, the Plan requires that, where disturbance of a given number of acres of a riparian natural community is authorized, an equivalent number of acres will be replaced to ensure that no net loss occurs. (*Ibid.*)

Implementation of biological monitoring and Adaptive Management will also take place to ensure Conservation of the yellow-breasted chat. (*Ibid.*) Essential Ecological Processes will also be protected, including hydrological regimes necessary to maintain riparian Habitat. (*Ibid.*) In addition, the Required Avoidance, Minimization, and Mitigation Measures of Section 4.4 of the MSHCP require that Covered Activities, including construction and O&M activities, in riparian Habitat of the Cabazon, Stubbe and Cottonwood Canyons, Whitewater Canyon, Upper Mission

Creek/Big Morongo Canyon, Thousand Palms, Indio Hills Palms, Joshua Tree National Park, Mecca Hills and Orocopia Mountains, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas, will be conducted to the maximum extent Feasible outside of the May 1 – September 15 nesting season for yellow-breasted chat. (Final MSHCP, p. 4-195.) If Covered Activities must occur during the nesting season, surveys shall be conducted to determine if any active nests are present. (*Ibid.*) If active nests are identified, the Covered Activity shall not be conducted within 200 feet of an active nest. (*Ibid.*) If surveys conducted during the nesting season document that Covered nesting riparian bird Species are not present, the Covered Activity may proceed. (*Ibid.*)

Based on the above, impacts to the yellow-breasted chat are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

23. **Impacts to the summer tanager (*Piranga rubra*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those in migratory Habitat east of the Coachella Canal and in a small portion of Dos Palmas. (Final EIR/EIS, p. 4-109.) Approximately 168 acres of all breeding Habitat and 15,278 acres of migratory Habitat will be subject to Take under the Plan. (Final MSHCP, Table 4-114.)

Features of the MSHCP that will reduce Project Impacts. Ninety-four percent of the modeled summer tanager breeding Habitat and 71% of the modeled summer tanager migratory Habitat is conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 1,037 acres of modeled breeding Habitat together with Existing Conservation Land for a total of 2,563 acres of breeding Habitat conserved. (*Ibid.*) Permittees will also protect and manage 19,638 acres of modeled migratory Habitat together with Existing Conservation Land for a total of 40,924 acres of migratory Habitat conserved. (*Ibid.*)

The Plan will provide permanent protection to riparian Habitat via acquisition and management in several Conservation Areas and by establishment of permanent riparian Habitat in the Coachella Valley Storm Channel and Delta Conservation Area. (Final EIR/EIS, p. 4-109.) CVWD will establish 44 acres of permanent Sonoran cottonwood-willow riparian forest in the Coachella Valley Stormwater Channel and Delta Conservation area as described in Section 4.3.20 of the MSHCP. (Final MSHCP, Table 4-116.) In addition, the Plan requires that, where disturbance of a given number of acres of a riparian natural community is authorized, an equivalent number of acres will be replaced to ensure that no net loss occurs. (*Ibid.*)

Implementation of biological monitoring and Adaptive Management will also take place to ensure Conservation of the summer tanager. (*Ibid.*) Essential Ecological Processes will also be protected, including

hydrological regimes necessary to maintain riparian Habitat. In addition, the Required Avoidance, Minimization, and Mitigation Measures of Section 4.4 of the MSHCP require that Covered Activities, including construction and O&M activities, in riparian Habitat of the Cabazon, Stubbe and Cottonwood Canyons, Whitewater Canyon, Upper Mission Creek/Big Morongo Canyon, Thousand Palms, Indio Hills Palms, Joshua Tree National Park, Mecca Hills and Orocochia Mountains, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas, will be conducted to the maximum extent Feasible outside of the May 1 – September 15 nesting season for summer tanager. (Final MSHCP, p. 4-195.) If Covered Activities must occur during the nesting season, surveys shall be conducted to determine if any active nests are present. (*Ibid.*) If active nests are identified, the Covered Activity shall not be conducted within 200 feet of an active nest. (*Ibid.*) If surveys conducted during the nesting season document that Covered nesting riparian bird Species are not present, the Covered Activity may proceed. (*Ibid.*)

Based on the above, impacts to the summer tanager are less than significant and the benefits conferred by the Plan will provide permanent protection to its riparian Habitat.

24. **Impacts to the Southern yellow bat (*Lasiurus xanthinus*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring in isolated palm oases scattered throughout the

Plan Area. (Final EIR/EIS, p. 4-126.) Approximately 78 acres (6%) of all Habitat and 9% of non-Federal lands will be subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-four percent of the 1,329 acres of occupied or potential yellow bat Habitat is conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 590 acres of modeled Habitat together with Existing Conservation Land for a total of 1,250 acres conserved. (*Ibid.*)

The Plan will protect Essential Ecological processes including hydrological regimes necessary to maintain fan palm oases and implement biological monitoring and Adaptive Management to ensure Conservation of yellow bat Habitat. (*Ibid.*) The Plan will also conserve occupied and potential Habitat in native fan palm oases. (*Ibid.*)

Finally, existing wetland laws and CEQA requirements that protect the fan palm oases could further reduce impacts to the southern yellow bat, if any are expected to be minor and insignificant. (Final EIR/EIS, p. 4-126.)

Based on the above, impacts to the Southern yellow bat are less than significant.

25. **Impacts to Coachella Valley round-tailed ground squirrel (*Spermophilus tereticaudus chlorus*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring east

of Desert Hot Springs, on the Big Dune and along the Coachella Canal south of I-10. (Final EIR/EIS, p. 4-120.) Approximately 60,187 acres (59%) of all Habitat and 69% of non-Federal lands will be subject to Take under the MSHCP. (*Ibid.*) There will be approximately 1,379 acres (6%) of Core Habitat subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-four percent of the Core Habitat for this ground squirrel will be conserved and 33% of the occupied or potential Habitat will be conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 20,657 acres of modeled Habitat together with Existing Conservation Land for a total of 33,778 acres conserved. (*Ibid.*)

Using the criteria set forth by the Scientific Advisory Committee, the MSHCP has established Conservation Areas to protect this species. (Final EIR/EIS, p. 4-121.) Four of these Conservation Areas contain Core Habitat and 16 protect Other Conserved Habitat. (Final MSHCP, Table 4-116.) The Conservation Areas are large enough to contain hundreds of animals and are adequately connected to each other to allow genetic exchange. (Final EIR/EIS, p. 4-121.) The MSHCP ensures Conservation of Essential Ecological Processes including sand source/sand transport systems; maintains Linkages among all conserved populations; and implements biological monitoring and Adaptive Management to ensure long-term persistence (Final MSHCP, Table 4-116.)

Because occupancy rates for this ground squirrel are high in mesquite hummocks, it is therefore desirable to preserve the natural communities with a mesquite component for this squirrel. (Final EIR/EIS p. 4-121.) Substantial stands of mesquite hummocks and dunes are conserved within the Willow Hole and Thousand Palms Conservation Areas. (*Ibid.*) As discussed in Section 8 of the Plan, the Monitoring Program will include the use of appropriate methods and technologies (which may change over time) to monitor groundwater levels in the Willow Hole, East Indio Hills, and Thousand Palms Conservation Areas where a substantial lowering of the water table could have a significant adverse impact on mesquite hummocks. (*Ibid.*) Should monitoring detect a substantial lowering of the water table or a decline in mesquite health, the Plan specifies procedures to be taken to ameliorate potentially significant effects. (*Ibid.*)

Finally, Section 4.4 of the Plan requires that most Construction Activities in Cabazon, Willow Hole, Thousand Palms, Indio Hills Palms, East Indio Hills, Dos Palmas, Coachella Valley Stormwater Channel and Delta, and Santa Rosa and San Jacinto Mountains Conservation Areas avoid mesquite hummocks and mesquite bosque to the maximum extent Feasible. (Final MSHCP, p. 4-201).

Based on the above, impacts to the Coachella Valley round-tailed ground squirrel are less than significant and the benefits conferred by the Plan will protect adequate unfragmented Habitat, maintain Essential Ecological

Processes to sustain the Habitat, and protect Biological Corridors and Linkages, as appropriate.

26. **Impacts to the Palm Springs pocket mouse (*Perognathus longimembris bangsi*).** Individuals occurring outside the Conservation Areas will be subject to Take, including those occurring east of Desert Hot Springs, on the Big Dune, between the southern Indio Hills and the Little San Bernardino Mountains, east of the Coachella Canal south of I-10 and in the North Shore area. (Final EIR/EIS, p. 4-123.) Approximately 74,218 acres (52%) of all Habitat and 62% of non-Federal lands will be subject to Take under the MSHCP. (*Ibid.*) There will be approximately 1,933 acres (6%) of Core Habitat subject to Take under the Plan. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts. Ninety-three percent of the Core Habitat for the pocket mouse will be conserved and 40% of the occupied or potential Habitat is conserved under the Plan. ((Final MSHCP, Table 4-116.) This includes protection of 77% of the known occurrences for the mouse. The MSHCP will result in the Conservation of 35,959 acres of modeled Habitat together with Existing Conservation Land for a total of 56,873 acres conserved. (Final MSHCP, Table 4-116.)

The Plan will ensure Conservation of Core Habitat within five Conservation Areas; Protect Other Conserved Habitat in 16 Conservation Areas through adherence to other Conservation Objectives; Ensure

Conservation of Essential Ecological Processes including sand source/sand transport system; Maintain Linkages among all conserved populations; and Implement biological monitoring and Adaptive Management to ensure long-term persistence. (*Ibid.*) Implementation of the Plan will maintain and enhance population viability of the Palm Springs pocket mouse which currently receives no protection outside of the existing Coachella Valley Fringe-Toed Lizard Preserve System. (*Ibid.*) Management and monitoring prescriptions will further enhance long-term Conservation of this species. (*Ibid.*)

27. **Impacts to Peninsular Bighorn Sheep (*Ovis Canadensis nelsoni*).** Approximately 6,533 acres (3%) of all Habitat for the Peninsular Bighorn Sheep ("PBS") and 6% of non-Federal lands would be subject to Take under the MSHCP. (Final EIR/EIS, p. 4-117.) Habitat impacts outside the Conservation Areas would occur primarily in the Pinyon Flats area under the MSHCP. (*Ibid.*)

Features of the MSHCP that will reduce Project Impacts.

Ninety-seven percent of the Essential Habitat for the PBS will be conserved under the Plan. (Final MSHCP, Table 4-116.) The MSHCP will result in the Conservation of 30,226 acres of modeled Habitat together with Existing Conservation Land for a total of 165,856 acres conserved. (*Ibid.*)

The Plan contains several management strategies designed to avoid Take of the PBS. First, the Plan will protect Essential Habitat for the PBS as delineated in the final Recovery Plan for PBS in the Peninsular Ranges, California (USFWS 2000). (*Ibid.*) Second, the Plan contains measures to control and manage activities that degrade PBS Essential Habitat within the Conservation area. (*Ibid.*) This could include human disturbance, Habitat fragmentation, and edge effects. (*Ibid.*) Third, the Plan provides mechanisms to reduce impacts from invasive species. (*Ibid.*) Fourth, fire management guidelines may be developed where necessary. (*Ibid.*) Fifth, restoration and enhancement of degraded Habitat are options that may be used. (*Ibid.*) And finally, Section 4.4 of the MSHCP (Required Avoidance, Minimization, and Mitigation Measures) contains further avoidance requirements. That section states that completion of Covered Activities in PBS Habitat in the Cabazon, Snow Creek/Windy Point, and Santa Rosa and San Jacinto Mountains Conservation Areas will be conducted outside of the January 1 - June 30 lambing season unless otherwise authorized through a Minor Amendment to the Plan with concurrence from the Wildlife Agencies. (Final MSHCP, p. 4-201.) O&M of Covered Activities, including but not limited to refinishing the inside of water storage tanks, shall be scheduled to avoid the lambing season, but may extend into the January 1 – June 30 period if necessary to complete the activity, upon concurrence with the Wildlife Agencies. (Final MSHCP, p. 4-201.)

Section 4.4 further states that for new projects in the aforementioned Conservation Areas, no toxic or invasive plant species may be used for landscaping. (*Ibid.*) For existing public infrastructure facilities which have landscaping in PBS Habitat in the Cabazon, Snow Creek/Windy Point, and Santa Rosa and San Jacinto Mountains Conservation Areas, the Permittees who have such facilities will, with respect to those facilities, develop and implement a plan and schedule to remove or prevent access to oleander and any other plants known to be toxic to PBS. (*Ibid.*) The plan and schedule will be prepared within one (1) year of Permit issuance. (*Ibid.*)

The majority of the Santa Rosa and San Jacinto Mountains Conservation Area, a Conservation Area listed by the Recovery Plan for the PBS as a recovery region, is subject to the Habitat Evaluation and Acquisition Negotiation Strategy (“HANS”) process described in Section 6.6.1.2 of the Plan. The HANS process is to be utilized to ensure that all Development complies with the Conservation Goals and Objectives of the MSHCP for conserving Essential Habitat and alleviating threats to the Plan Area population. (Final MSHCP, p. 6-22; Table 4-116.)

In addition, Land Use Adjacency Guidelines set forth in Section 4.5 of the Plan establish parameters by which potential impacts to PBS and their Habitat will be judged. These include adverse alterations to natural drainages, introduction of toxic or hazardous materials, light and noise, and the introduction of toxic and invasive plants.

Finally, the Species Objectives for PBS (Section 9.8.3.1 of the MSHCP) include ensuring that implementation of the MSHCP is consistent with the recovery strategy in the Recovery Plan to the maximum extent feasible. (Final EIR/EIS, p. 4-118.)

Based on the above, impacts to the PBS are less than significant and the benefits conferred by the Plan will provide permanent protection to its Habitat.

E. Cultural Resources (excluding Revised Trails Plan)

The MSHCP involves detailed Conservation planning, management and monitoring within Conservation Areas, which will enhance the Conservation of cultural resources by precluding Development that may impact those resources. (Final EIR/EIS, p. 4-179.) All conditionally compatible uses, including future planning and development of trails, trailheads, and interpretive facilities (i.e. information kiosks) must follow guidelines specified in the Plan that will protect cultural resources. (*Ibid.*) In addition, certain Allowable Uses in the Reserve System, including activities associated with reserve management, monitoring and scientific research, will not result in any significant land disturbance. (*Ibid.*) Thus, the Plan will not generate adverse impacts on sensitive cultural resources. (*Ibid.*) Accordingly, there are no significant impacts to cultural resources from the MSHCP.

F. Environmental Justice

Since its inception, the MSHCP planning process has been open to the public in an effort to disseminate information, solicit comments, and provide opportunities for public input. (Final EIR/EIS, p. 4-249.) Three public scoping meetings, which were fully noticed in local newspapers and mailings to public interest groups and potentially affected landowners, were held in 2000 in the western, central, and eastern portions of the Coachella Valley. (*Ibid.*) More than a dozen meetings were held by the BLM to solicit input and feedback from special interest groups. (*Ibid.*) All meetings of the Project Advisory Group (“PAG”), which has met approximately once a month since 1998, have been open to the public. (*Ibid.*)

The primary objectives of the proposed Plan are: (1) to preserve undeveloped, uninhabited open space lands, which can be used to create large, interconnected preserves for sensitive species and their Habitats, (2) to provide a regulatory process through which Development can proceed in an efficient way, and (3) to standardize mitigation/compensation measures for the Covered Species in a manner that satisfies applicable Federal and State laws pertaining to Endangered Species protection. (*Ibid.*; Final MSHCP, § 1.2.) The Plan Area includes City and County lands in Eastern Riverside County believed necessary to achieve these goals, and it does not target or exclude any community or parcel of land based on demographic or income characteristics. (*Ibid.*) No Indian Reservations are subject to the MSHCP. The MSHCP will not result in any adverse, direct or disproportionate impacts to minorities or minority populations, low income populations, concentrated Native American populations or children. (Final EIR/EIS, pp. 4-246 through 4-248.)

Therefore, no significant impacts to minority populations, low income populations, Native American populations, or children will result from implementation of the MSHCP.

G. Geology and Soils

While the Plan does provide for minimal building (i.e. information kiosks) and potentially provides for minimal soil disturbance (i.e. trail construction), the MSHCP does not allow Development that would otherwise not be permitted in areas where geologic hazards occur. (Final EIR/EIS, p. 4-34.) In fact, the MSHCP will reduce the exposure to geologic hazards by acquiring lands for Conservation. (*Ibid.*) Existing General Plans, zoning ordinances, building codes, and environmental review policies, standards, and requirements will remain in effect under the MSHCP to ensure that any Development in Conservation Areas will assess potential hazards and impacts and enforce relevant laws and regulations. (*Ibid.*) Accordingly, impacts on soils and geology are less than significant.

H. Hazards and Hazardous Materials

The MSHCP does not require or promote the transport, use, or disposal of hazardous materials. (Final EIR/EIS, p. 4-251.) Nor will the Plan facilitate a hazardous release of materials, substances or waste. (*Ibid.*) Likewise, the Plan will not directly involve the building of any structure on a site which is included in the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, creating a significant hazard to the public or the environment. (*Ibid.*) In addition, as a Conservation Plan, the Plan does not facilitate the Development of

residences or buildings related to an airport land use plan area or airstrip, nor does the Plan cater to any involvement of persons residing or working in such areas. As such, the Plan will not result in a safety hazard for people residing or working within an airport land use plan area or within the vicinity of a private airstrip. (*Ibid.*) Nor does the Plan allow for or impair an adopted emergency response plan. (*Ibid.*) Finally, the Plan will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. (Final EIR/EIS, p. 4-250 through 4-252.)

Management of the Reserve System will entail the limited use and storage of herbicides and pesticides to control exotic or invasive non-native plant and animal species. (Final EIR/EIS 4-251.) This use and storage is an allowable use which would be overseen by the appropriate Reserve Management Unit Committee and would comply with all applicable laws and regulations. (*Ibid.*)

Because the implementation of the MSHCP will not pose or create a significant threat or hazard, nor expose the public to significant hazardous or toxic materials, no mitigation measures are required.

I. Hydrology and Water Quality

Existing alluvial fans and floodplains in the Coachella Valley have previously been selected and developed for large-scale groundwater recharge activities. (Final EIR/EIS, p. 4-52.) The MSHCP ensures, rather than interferes with, the continued functioning of these activities in several ways. For example, the

MSHCP provides Take Authorization for CVWD planned groundwater recharge facilities and the continued operation of its existing groundwater recharge facilities within the Plan Area. (*Ibid.*) CVWD must conserve the lands within the Whitewater Floodplain Preserve in perpetuity, and also cooperate with CVCC in the Conservation of other CVWD lands in the Conservation Areas. (Final EIR/EIS, p. 4-53.)

In addition, the Plan provides Take Authorization for the Operation and Maintenance of levees and flood control channels within the Conservation Areas to ensure that Plan implementation does not expose people or structures to significant risk of loss, injury, or death from flooding, including flooding as a result of the failure of a levee or dam. (*Ibid.*) Further, the Plan will not in itself permit housing within a 100-year flood hazard as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. (*Ibid.*) Nor will the Plan itself permit structures which would impede or redirect flood flows within a 100-year flood hazard area, or create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. (*Ibid.*)

The Plan also will not contribute to inundation by seiche, tsunami, mud or debris flow since it will not create any physical changes that would cause or contribute to such inundation. (*Ibid.*) In contrast, the Plan will conserve many floodplain areas, thus reducing the potential for structures to be built in these areas. (*Ibid.*)

Also, through Reserve Assembly, the MSHCP will not substantially alter any existing drainage pattern in a manner that would result in substantial erosion or siltation on- or off-site, nor in a manner that would substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net-deficit in aquifer volume or a lowering of the local groundwater table level. (*Ibid.*) Because the MSHCP will conserve many floodplain areas, it will reduce the potential for structures to be built in such areas. (*Ibid.*)

The MSHCP also does not propose any significant change to existing or planned flood control projects or facilities. Nor will the MSHCP affect existing regulations for Development on mapped floodplains which are intended to reduce risk to lives or property. (*Ibid.*)

For the above reasons, the MSHCP will not conflict with but rather facilitates the requirements of federal agencies to act to reduce risk of flood loss and minimize impacts to human safety, health and welfare, and to restore the natural and beneficial values of floodplains. (Final EIR/EIS, p. 4-54.)

For the foregoing reasons, the MSHCP will not violate any water quality standards or waste discharge requirements, nor impede groundwater recharge. Therefore, no significant impacts to hydrology and water quality will result from implementation of the MSHCP.

J. Land Use and Planning

The general plan land use designation information utilized by the MSHCP is based in part on the GIS land use designation information for the Plan Area provided to CVAG from the Southern California Association of Governments ("SCAG"). SCAG based its map on the information largely provided it by member cities. (Response to Comment Y01-36.)

Utilizing this information provided by SCAG, the MSHCP was designed to avoid conflicts with any plans adopted for the purpose of avoiding or mitigating an environmental effect. (Final EIR/EIS, p. 4-7.) The MSHCP also does not change existing general plan land use designations. (Response to Comment Z02-29.) In fact, several components of the Plan ensure that the Plan is consistent with general land use designations and that neither the CVCC nor the Wildlife Agencies will have decision-making authority over land use decisions. The Wildlife Agencies may, but are not required to, submit comments on proposed projects in the Conservation Areas through the Joint Project Review process. (Final MSHCP, pp. 6-20 through 6-22; Response to Comment Z02-16.) The design of the Conservation Areas of the MSHCP took into account the General Plan land use designations of the Local Permittees, and approximately 91% of the land in the Conservation Areas has an Open Space designation to conserve open space resources. (*Ibid.*)

The proposed Plan is also consistent and compatible with the objectives of local, State, regional and Federal agencies, and tribal land use plans, policies and

controls for the Plan Area through ongoing consultation and coordination. (Final EIR/EIS, p. 4-8.)

Because the distribution of the Conservation Areas accommodates the physical integrity of the communities, the MSHCP does not contribute towards the physical separation of all but one community. (*Ibid.*) However, the Upper Mission Creek/Big Morongo Canyon Conservation Area adjoins the existing urbanized portion of Desert Hot Springs and creates a separation between it and future planned Development. (*Ibid.*) The separation, however, ranges between 0.25 miles and 0.5 miles and follows the Morongo Wash floodplain area, which already constitutes a natural separation. (*Ibid.*) The proposed Plan also provides Take Authorization for major roads that connect the two portions of the city. (*Ibid.*) Additionally, a trail system is allowed in the Conservation Area and would serve as an amenity to help unite the two areas of the city. (*Ibid.*)

The MSHCP does not conflict with any applicable habitat conservation plan or natural community conservation plan. (*Ibid.*)

Based on the above, no significant impacts to land use will result from implementation of the MSHCP.

Revised Trails Plan. Proposed new trails have been carefully sited to largely stay within public lands and/or rights of way. (Final EIR/EIS, p. 5-18.) However, proposals to construct perimeter trails and other new trails will be deferred until the initial phase of the monitoring and research program has been completed. (Final EIR/EIS, p. 5-19.) This approach will ensure that trail conditions (e.g., use

levels) are consistent once the research and monitoring programs are initiated. (*Ibid.*) Thus the Revised Trails Plan does not conflict with any plans adopted for the purpose of avoiding or mitigating an environmental effect, and impacts are less than significant.

The development of the Revised Trails Plan has involved close coordination with local jurisdictions and state and federal agencies to assure that the Revised Trails Plan is consistent and compatible with the objectives of local, state, regional and federal agencies, and tribal land use plans, polices and controls for the Santa Rosa and San Jacinto Mountains. (Final EIR/EIS, pp. 5-18 through 5-19.) Based upon the coordinated and integrated nature of the Revised Trails Plan, impacts to federal, state, regional, local, or tribal land use plans, policies, or controls are less than significant. (Final EIR/EIS, p. 5-19.)

The Revised Trails Plan also does not result in the physical separation of a community. Most of the trail alignments within the Revised Trails Plan are outside currently developed areas and do not intrude into existing or planned urban Development. (*Ibid.*)

The Revised Trails Plan also does not conflict with any applicable habitat conservation plan or natural community conservation plan. (*Ibid.*)

Several proposed alternative alignments to the Palm Desert to La Quinta Connector Trail could have a significant adverse impact on land use. (Final EIR/EIS, pp. 5-19 through 5-20.) The Palm Desert to La Quinta Connector Trail will be a Covered Activity unless research results indicate that this trail would

adversely affect PBS. (Final EIR/EIS, p. 5-19.) If significant adverse impacts to native and/or captive breeding populations result as determined through the research program described in Element 2, and Feasible mitigation measures cannot be implemented to reduce this impact, then all or a portion of this trail as originally proposed will not be constructed. (*Ibid.*) Subsequent CEQA and/or NEPA analysis of the connector trail will also be conducted. (*Ibid.*)

K. Mineral Resources

The MSHCP may result in the potential loss of a mineral resource (sand and gravel) within the Plan Area, or may result in the loss of availability of wind energy to the region.

However, impacts to mineral resources under the MSHCP will be less than significant. First, the Conservation Areas were designed to minimize inclusion of mining operations, thus allowing continued mineral extractions. (Final EIR/EIS, p. 4-37.) In the Plan Area, there are 17,527 acres that have been designated as Mineral Resource Zone 2 ("MRZ-2"). (*Ibid.*) Of this acreage, ten thousand acres of Mineral Resource Zone 2 (lands containing significant mineral deposits) are included in the Conservation Areas, including 1,983 Federally owned acres, 921 acres of non-Federal Existing Conservation Land, and 1,051 acres which have been approved for mining and will receive Take Authorization. (*Ibid.*) Thus, only 6,052 acres of MRZ-2 lands could be directly affected by the Plan. (*Ibid.*) Because Development will be limited in Conservation Areas, it is foreseeable that this resource may not be developed under the MSHCP. (*Ibid.*) However, this

impact will not be significant because the Plan Area contains sufficient sand and gravel resources to meet the demand for approximately 130 years at the current rate of consumption. (*Ibid.*)

Second, the Plan does not affect or modify existing Permits or require new Permits, and does not impose limits on the extraction of available resources. As such, existing mining operations, although not Covered Activities, will not be affected by the MSHCP. (*Ibid.*)

Third, existing mineral resources will not be physically affected by lands conserved under the Plan.

Finally, certain mining areas, such as certain Indio Quarry lands, will actually benefit by implementation of the MSHCP because they will receive Take Authorization. (*Ibid.*)

Impacts to energy resources, specifically wind energy conservation systems (turbines) within the Plan Area would be less than significant. (Final EIR/EIS, p. 4-39.) Over the past 20 years, the most economically developable wind resources in the Plan Area have been developed. (*Ibid.*) Second, because windfarm development is a low impact activity, any remaining future development will not be significantly in conflict with or constrained by adoption and implementation of the MSHCP. (Final EIR/EIS, p. 4-40.) Third, the MSHCP does not preclude the continued O&M of the wind turbines; nor does it preclude replacing older turbines with new ones, as long as replacement is consistent with the Conservation Objectives. (Response to Comment D10-02.) Finally, the Plan

provides Take Authorization for ground disturbance associated with windfarm Development in Conservation Areas that is consistent with applicable Conservation Goals and Objectives. (Final EIR/EIS, p. 4-40.)

In addition, the Plan will not constrain future solar or thermal energy facilities that may be built. (*Ibid.*)

There are no existing or planned timber harvesting areas in the Plan Area; thus there are no impacts. (Final EIR/EIS, p. 4-42.) Additionally, the Plan would have no effect on any commercially viable timber resource in any area outside but adjacent to the Plan Area. (*Ibid.*)

L. Noise

The MSHCP will not result in the generation of significant noise levels as defined by CEQA. (Final EIR/EIS, p. 4-197.) The MSHCP will result in very little construction or maintenance activities that will generate significant noise impacts. (*Ibid.*) Construction activities under the Plan will be limited to minor construction projects associated with installation of fencing, and the construction of trails and trailhead facilities. (*Ibid.*) All of these activities will be very limited in extent and short in duration and will be less than significant. (*Ibid.*)

M. Population and Housing

Since 1980, population in the Coachella Valley has grown rapidly, and is expected to increase to 440,301 by 2010 and 540,901 by 2020. (Final EIR/EIS, p. 4-212.) If the trend continues, the Coachella Valley and its jurisdictions will

require additional housing to support the increase in population. Because a goal of the MSHCP is to conserve a significant amount of acreage for the benefit of species' preservation within the Plan Area, affected jurisdictions could have less acreage with which to consider the placement of proposed Developments, resulting in a potential impact from implementation of the MSHCP. Relevant impact areas are analyzed below.

County and City Budgets. The MSHCP has developed a fiscal impact analysis to calculate the potential costs and revenues of each jurisdiction if buildout of lands actually occurred. (Final EIR/EIS, p. 4-216.) The analysis concluded that in most jurisdictions, the potential buildout of the lands proposed for inclusion in Conservation Areas would result in residential Development at low or very low densities, and would result in a negative cash flow to the jurisdiction at buildout. (*Ibid.*) In fact, only Palm Springs (+\$706,868) and Riverside County (+\$22,100,100) would generate positive annual cash flow by building out developable Conservation Lands. (*Ibid.*) The net loss to Palm Springs would represent 0.6% of the City's annual operating revenue, while the County would lose approximately 2% of its General Fund Revenues. (Final EIR/EIS, at pp. 4-218 through 4-219.) Thus, because buildout in most jurisdictions would create a negative funding stream, and in Riverside County and Palm Springs the loss of such potential funds would not create a substantial adverse economic impact on each jurisdiction's economy, such impacts to each jurisdiction are less than significant.

Development Potential. The analysis also compared potentially developable lands within and outside of the Conservation Areas for each jurisdiction. (First EIR/EIS, pp. 4-216 through 4-233.) For the nine cities within the Plan Area, a combined 42,883 acres of Development potential lie outside the proposed Conservation Areas, and approximately 9,644 acres with at least some (and often constrained) Development potential lie within the Conservation Areas. (Final EIR/EIS, pp. 4-219 through 4-231.) Regarding Riverside County, 153,271 acres of developable lands are within the Conservation Areas and 90,513 acres are outside. (Final EIR/EIS, p. 4-231.) However, most of the lands within the Conservation Areas are designated as low-density, very-low density, or urban, whereas the lands outside Conservation Areas represent more suburban and urban densities. (Final EIR/EIS, pp. 4-219 through 4-231.) Therefore, the number of development units that may be constructed in Conservation Areas is low even without the Plan, and given the fact that the MSHCP allows Development on 10% of the land within the Conservation Areas, a substantial portion of these lands could be used for construction even with the Plan. Thus, the impacts of the Plan associated with residential, commercial, and industrial Development potential on lands within Conservation Areas are less than significant. (Final EIR/EIS, p. 4-231.)

Growth Constraints. Future residential Development will be minimally impacted in Coachella, Indian Wells, Indio, and La Quinta. (Final EIR/EIS, p. 4-232.) In the remaining cities and in the unincorporated portions of the Plan Area, impacts will be primarily on lands within Conservation Areas but, as

discussed above, these lands have been designated for low or very low density designations. (*Ibid.*) Thus, based on the above analysis, impacts to future residential growth will be less than significant.

For the entire Plan Area, approximately 8,300 acres of lands with potential for commercial Development are located outside the Conservation Areas, and less than 80 acres lie within Conservation Areas. (Final EIR/EIS, p. 4-233.) Given the fact that the Plan Area encompasses over 1.1 million acres, impacts to future commercial Development are less than significant.

Approximately 14,000 of the 15,000 acres of land currently designated for industrial use are located outside the Conservation Areas. (Final EIR/EIS, p. 4-234.) Thus, the Plan will not constitute a significant constraint to industrial Development in the Plan Area.

Based on the above analysis, the MSHCP will not significantly constrain Development potential within the Plan Area. Thus, impacts are overall less than significant.

Cost of Development. Based on the analysis in the EIR/EIS, a developer would in all likelihood typically incur significantly more costs without the MSHCP than with it. (Final EIR/EIS, p. 4-236.) Therefore, the impacts associated with costs of Development would be beneficial.

Affordable Housing. In most jurisdictions, there will be minimal or no impact on affordable housing, since lands designated for medium to high density residential

Development (where affordable housing is most likely to occur) occur outside the Conservation Areas. (Final EIR/EIS, p. 4-239.) Exceptions occur in Desert Hot Springs, Palm Desert, and the unincorporated areas of the Plan Area. In Desert Hot Springs, acreage in medium density designations could yield up to 557 dwelling units. (Final EIR/EIS, p. 4-237.) However, the Medium and High Density lands in Desert Hot Springs outside Conservation Areas have a potential capacity of 10,340 dwelling units. (*Ibid.*) In Palm Desert, lands designated for medium density Development could yield up to 128 dwelling units, whereas the 100 acres outside Conservation Areas could yield 530 dwelling units. (*Ibid.*) In the unincorporated areas, the ratio is 1,391:9,121. (*Ibid.*) Because such a small amount of potentially affordable land will be conserved in comparison to affordable available land outside the Conservation Areas, overall impacts will be less than significant.

Employment. Potentially developable lands most impacted are designated for low to very low density residential Development, which has limited potential to generate jobs. (Final EIR/EIS, p. 4-239.) Commercial and industrial lands have more potential for sustainable employment. However, commercial lands within Conservation Areas represent less than one percent of the total lands. (Final EIR/EIS, 4-240.) This loss in potential employment is expected to be equivalent to the loss in leasable retail space, and represents a less than significant impact. (*Ibid.*) In addition, industrial lands within Conservation Areas represent 6.9% of the developable lands, also representing a less than significant impact.

N. Utilities and Service Systems

The MSHCP will provide Take Authorization for public facilities operated by CVWD, IID, County Flood Control, County Parks, and County Waste, as well as by the nine city Permittees in the Coachella Valley. (Final EIR/EIS, p. 4-207.) This will facilitate the O&M of public facilities and the delivery of services by these Permittees. (*Ibid.*) The MSHCP will provide the basis for the issuance of Take Authorization for Emergency access and Emergency response within the MSHCP Reserve System. (*Ibid.*) The MSHCP also allows limited Development in these Areas, so that additional new public facilities are not precluded in the Conservation Areas. (*Ibid.*) Non-permittees that provide public services requiring Take Authorization could seek such Authorization under the Permits through the Participating Special Entity provisions. (*Ibid.*) The Plan will have a beneficial impact on electric power facilities as IID's Covered Activities can proceed and be maintained. (*Ibid.*) Southern California Edison ("SCE") is not a Permittee under the MSHCP. (*Ibid.*) However, under the provisions set forth in Section 7.5 of the MSHCP, SCE may request Take Authorization for its activities from the CVCC pursuant to the Permits as a Participating Special Entity, consistent with the terms and requirements of the Permits, the Plan, and the IA. (*Ibid.*)

Based upon an assessment of the potential impacts of the MSHCP on electric power facilities, natural gas transmission facilities, telephone and cable facilities, and the provisions of Sections 7.0 and 7.4 of the MSHCP, the MSHCP will not conflict with or obstruct construction of new public utilities or facilities, including above ground and subsurface energy, fuel or telecommunication transmission facilities. (Final EIR/EIS, pp. 4-207 through 4-209.) Nor will it conflict with or

obstruct the Operation and Maintenance of existing public utilities or facilities, including above ground and subsurface energy, fuel or telecommunication transmission facilities. (*Ibid.*)

In addition, the Plan will not generate additional solid waste, with the exception of the waste discussed below. (Final EIR/EIS, p. 4-209.) Moreover, landfill related activities will be Covered Activities under the Plan, thereby creating a beneficial impact. (*Ibid.*) Therefore, the MSHCP will not conflict with or obstruct continued operation of existing landfill facilities. (*Ibid.*)

The Plan will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board, or require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (*Ibid.*) Further, it does not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. (*Ibid.*)

The Plan will not involve any deficiency in sufficient water supplies available to serve the project from existing entitlements and resources, and no new or expanded entitlements are needed. (*Ibid.*) The Plan could generate minor amounts of waste when trash is cleaned up from properties or exotic plant species are removed. (*Ibid.*) Adequate landfill capacity exists to accommodate the project's minimal solid waste disposal needs, and the Plan complies with federal, state, and local statutes and regulations related to solid waste. (*Ibid.*)

Based on the above, no significant impacts to utilities and service systems will result from implementation of the MSHCP.

O. Recreation

The MSHCP provides the basis for the development of a system of local, County, state and federal wildlife and Habitat preserves of local and national importance. (Final EIR/EIS, p. 4-181.) The MSHCP provides guidelines for public access and recreation that will be implemented over time within the Reserve System. (*Ibid.*) Thus, implementation of this measure would have a less than significant effect on cross-country travel and camping. (Final EIR/EIS, p. 5-98.)

The potential for expanded hiking, equestrian and other "passive" recreation in the MSHCP Reserve System is a significant benefit of the Plan. (Final EIR/EIS, p. 4-182.) In addition to trails, the Plan envisions interpretive centers, information kiosks and other facilities to enhance the open space experience the Reserve System would provide to the public. (*Ibid.*)

Thus, the MSHCP will result in significant beneficial impacts for public use, trails and recreation in the Plan Area by increasing access to open space, restoring and protecting the underlying environmental resource. (*Ibid.*) No significant impacts to recreation will result from implementation of the MSHCP.

Revised Trails Plan. The Revised Trails Plan will provide year-round use of 35 of the 40 trails covered by the Plan, or about 95 of 115 miles (83%) of trails that spread across the lower elevations of the Santa Rosa and San Jacinto Mountains.

(Final EIR/EIS, p. 5-84.) These trails extend from the Snow Creek area west of Palm Springs to Martinez Canyon south of La Quinta, and would assure the availability of a wide range of mountain hiking, biking, and horseback riding experiences. *(Ibid.)* Eighty-eight percent of trails addressed by the Revised Trails Plan, or 83% of total trail mileage, will be available for year-round use. *(Ibid.)* Thirty-eight of the 40 trails (or 105 of 115 miles of trails) addressed by the Revised Trails Plan are available for recreation during the maximum-usage months (January through April). *(Ibid.)* Only three trails totaling about 10 miles will be closed during the "hot season" from June 15 through September 30. *(Ibid.)* Data exists indicating that as the weather gets hotter, human trail use decreases. (Final EIR/EIS, p. 5-85.) Thus, considering the extent of available trails in combination with the lower levels of use, the effects of summer trail closures on recreational opportunities will be minor. *(Ibid.)*

Closures of certain trails or trail segments to bicycles will be limited to those that complement existing closures by precluding access where continuation of use along a trail would result in a violation. *(Ibid.)* Therefore, these new restrictions will have a minor effect on trail use by mountain bicyclists. *(Ibid.)*

Upon completion of the focused research program, study results and management recommendations will be integrated into a revised public use and trails Management Program, using best available science, professional judgment, and wildlife management principles where study results may be less than definitive. *(Ibid.)* Depending on study results, future restrictions on recreational use of existing trails may or may not be imposed. *(Ibid.)*

Construction of perimeter trails will be deferred under the Revised Trails Plan pending completion of a focused research. (Final EIR/EIS, p. 5-86.) Deferring the construction of new trails will not have a substantial effect on recreation. (*Ibid.*)

Decommissioning of trails will occur only after completion of a focused research program, and no trails would be decommissioned coincident with approval of the Revised Trails Plan. (*Ibid.*) Therefore, impacts to recreational opportunities resulting from the Revised Trails Plan as it relates to trail rerouting, decommission, and removal are not anticipated at this time. (*Ibid.*)

Cross-country travel and camping in essential PBS habitat from January 1 through September 30 would be prohibited due to potentially affecting recreational access to certain parts of the Santa Rosa and San Jacinto Mountains. (Final EIR/EIS, pp. 5-86 through 5-87.) Thus, opportunities for this activity would not be precluded, but access would be limited to a 106-day period each year. (*Ibid.*)

In summary, implementation of the Revised Trails Plan will not substantially affect trail use opportunities on existing trails in the Santa Rosa and San Jacinto Mountains Conservation Area.

P. Public Services

Police, fire and other Emergency services operate under the direct authority of or through a service agreement with Permittees. (Final EIR/EIS, p. 4-209.) Section 7.3.2 of the MSHCP provides that local, state, and federal law enforcement entities will be allowed access to the Reserve Land as necessary to enforce the

law. Medical, rescue, fire fighting operations, and other Emergency service providers will be allowed access to Reserve Lands to carry out operations necessary for the health, safety, and welfare of the public. (Final EIR/EIS, p. 4-208; MSHCP, § 7.3.2.1.) Local law enforcement agencies and other entities such as the National Guard or Immigration and Naturalization Service operating on Reserve Lands are subject to existing state and federal laws. (*Ibid.*) The MSHCP will not create additional Permit requirements for these entities beyond those of existing state and federal laws. (*Ibid.*) Based upon an assessment of the potential impacts of the MSHCP, and the provisions listed above in Section 7.3 of the MSHCP, the Plan will not conflict with or obstruct police and fire protection services.

The Plan will also not have significant impacts on schools as it will not result in student increases nor the need to construct new school facilities. (Final EIR/EIS, p. 4-209.) Because the Plan focuses on Conservation of species and natural communities and the provision of recreational opportunities, it would not have adverse impacts on parks but instead will have a positive impact on recreation. (See Section O above.) Thus, no significant impacts to recreation will result from implementation of the MSHCP.

Q. Transportation

The MSHCP provides Take Authorization for both construction of planned roadways and improvements to certain existing roadways, both in and out of the Conservation Areas, listed in Section 3 and Sections 7.2 and 7.3 of the Plan.

(Final EIR/EIS, p. 4-25.) The MSHCP includes design and siting guidelines for planned roadways. (*Ibid.*) The implementation of these guidelines will ensure that planned roadways are designed and constructed in a manner consistent with the objectives of the MSHCP, while providing for the efficient passage of persons and goods through the Coachella Valley, the alleviation of traffic congestion, the maintenance of level of service standards, and continuation of adequate Emergency access/evacuation routes. (Final EIR/EIS, pp. 4-25 through 4-27.) Since the operation, maintenance and construction of existing and planned roadways are covered activities within the MSHCP Conservation Area, potential transportation-related impacts resulting from implementation of the MSHCP will be less than significant.

However, other roads are not Covered Activities under the Plan and will not receive Take Authorization. (Final EIR/EIS, pp. 4-25 through 4-26.) The Plan does not preclude Permittees from seeking approval of these roadway segments through the MSHCP Plan amendment process. (EIR, p. 4-25.) The Plan amendment process will allow the City of Desert Hot Springs to seek Take Authorization for these activities. (*Ibid.*)

The MSHCP will indirectly affect the circulation system by limiting Development within the Conservation Areas, thus limiting the traffic generation in these areas. (Final EIR/EIS, p. 4-27.) This indirect effect will reduce traffic volumes on the overall circulation network. (*Ibid.*) As a practical matter, the trips that would have been generated in the Conservation Areas would have been relatively limited given the underlying land uses. (*Ibid.*)

Some of the Development in the Conservation Areas may be reduced or shifted to other areas in the Coachella Valley due to acquisition of lands for Conservation from willing sellers. *(Ibid.)* This potential shifting of Development will not have significant impacts because the anticipated trips that would have been generated from the Conservation Areas would have been relatively low given the land use designations. *(Ibid.)* With a shift in the location of Development, the MSHCP could have the result of a net reduction in regional trip generation. *(Ibid.)*

No levels of service on any designated major roadway will be affected. *(Ibid.)* Emergency access will not be constrained because the Plan will provide Take Authorization for Emergency access and activities in the MSHCP Reserve System. *(Ibid.)*

The MSHCP will not place any lands in Conservation which would conflict with or hinder the operation of local or regional roadways or associated facilities. *(Ibid.)* Neither will it result in a substantial increase in traffic volumes, volume to capacity ratios or applicable policies plans or programs supporting alternative transportation systems on or serving roadway segments or intersections. *(Ibid.)* Emergency access will not be significantly affected nor will the Plan affect design features of any roadway that resulted in the creation of a hazardous condition. *(Ibid.)* Neither railroads nor airports in the Plan Area will be affected by the MSHCP. *(Ibid.)*

Based on the above discussed features of the MSHCP, impacts to Transportation and Circulation are less than significant and no mitigation measures are required.

BE IT FURTHER RESOLVED by CVAG that the following environmental impacts associated with the MSHCP are potentially significant, but each of these impacts will be avoided or substantially lessened by prescribed mitigation measures.

A. Aesthetic Resources (Revised Trails Plan)

1. **Potentially Significant Impacts:**

Potential impacts to aesthetic resources resulting from implementation of the Revised Trails Plan are limited to those associated with the construction of new trails, especially those within and along the lower elevations of the Santa Rosa and San Jacinto Mountains. (Final EIR/EIS, p. 5-102.) However, approval for the construction of new perimeter trails and the Palm Desert to La Quinta Connector will be deferred pending completion of a focused research program to further evaluate the effects of recreational trail use on PBS. (*Ibid.*)

2. **Finding:**

The Project includes the following mitigation measures that will reduce impacts to a less than significant level. (Final EIR/EIS, p. 5-106.)

2-a The Coachella Valley Conservation Commission, the Bureau of Land Management and implementing agencies shall assess new trail proposals and apply visual resources checklist and design principles as set forth in section 5.6.4 of the Final EIR/EIS. The standards set forth in the BLM Visual Resources Management Manual shall be applied to the analysis of future trail construction where applicable. (Final EIR/EIS, pp. 5-103 through 5-106.)

Findings per State CEQA Guidelines Section 15091:

(x) Changes or alternatives have been required in, or incorporated into, the Project which will avoid or substantially lessen the significant environmental effect (Subd. [a][1]).

() Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by other such agency (Subd. [a][2]).

() Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures of Project alternatives identified in the Final EIR (Subd. [a][3]).

3. **Supporting Explanation:**

New trail proposals will be evaluated for alignments that will reduce aesthetic impacts to less than significant levels by subjecting the proposed routes to the visual impact analysis discussed above. Guidelines will be implemented to avoid and minimize impacts which include initial pre-design and construction assessments to minimize impacts. (Final EIR/EIS, p. 5-102.) The proposed MSHCP guidelines direct future trail alignments to existing dirt roads wherever possible. (*Ibid.*) Trailhead guidelines direct such facilities to areas where they will be compatible with Conservation Goals and Objectives. (*Ibid.*) New trail development within Conservation Areas outside the Santa Rosa and San Jacinto Mountains Conservation Area will be subject to the provisions of NEPA and/or CEQA, and will be required to demonstrate that trail and other facilities development would not have an adverse impact on visual or scenic resources. (*Ibid.*)

B. Biological Resources (Revised Trails Plan)

1. **Potential Significant Impacts:** The scientific literature provides some support for the premise that recreational use of sensitive PBS Habitat (particularly during lambing and hot seasons) may negatively affect PBS. (Final EIR/EIS, p. 5-25.) Researchers have determined that, under certain circumstances, human recreation may temporarily displace PBS, disrupt foraging which may reduce nutrient acquisition, and cause uncertain levels of stress (*Ibid.*) However, uncertainty remains concerning the long-term effects of recreational use on PBS populations. (*Ibid.*)

2. **Finding:**

To ensure that recreational disturbance does not significantly affect PBS, the Revised Trails Plan in the Santa Rosa and San Jacinto Mountains Conservation Area has adopted an Adaptive Management approach with an emphasis on research. (Final MSHCP, § 7.3.3.2.1) The Trails Plan will focus on multi-agency scientific data gathering to evaluate the effects of recreation trail use on PBS health, habitat selection, and long-term population dynamics. (*Ibid.*) The overarching goal of this research program is to obtain empirical data from the Plan Area to guide future trails construction and management. (*Ibid.*)

In order to assure that impacts from the Revised Trails Plan to PBS are less than significant, mitigation measures have been developed and integrated into the Revised Trails Plan. The following mitigation measures will reduce impacts to a less than significant level.

2-a The CVCC and agencies shall develop and implement a research and monitoring program (“Monitoring Program”) on PBS population and habitat use, which also correlates levels and characteristics of trail use in the Trail Plan area.

(Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-2 through 5-4, 5-26 through 5-28, and 5-64 through 5-65.)

2-b The CVCC and agencies shall develop and implement a self-permit system to monitor levels and characteristics of human use. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-2, 5-28 through 5-29, and 5-65.)

2-c The CVCC and agencies shall close designated trails between June 30 and October 1. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-2, 5-29, and 5-65.)

2-d Agencies shall construct Perimeter and Palm Desert to La Quinta Connector Trails following focused biological analysis and appropriate CEQA & NEPA assessment. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-2 through 5-35, and 5-65 through 5-66.)

2-e The CVCC and agencies shall develop and implement a public awareness and education program building on SRSJ Mountains National Monument resources. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-35 through 5-36, and 5-66.)

2-f The CVCC and agencies shall annually conduct an assessment of the trails program and effect on PBS and trail use. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-2, 5-36 through 5-37, and 5-66.)

2-g The CVCC and agencies shall establish the need for and implement trail closures in response to population triggers or other Trails Plan criteria. (Final

MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-4, 5-25 through 5-26, and 5-64 through 5-66.)

2-h The CVCC shall coordinate trail closures with USFWS, CDFG, BLM, or other parties of interest. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-4, 5-25 through 5-26, 5-64 through 5-66.)

2-i Art Smith and Mirage Trails shall be rerouted. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-63 through 5-64.)

2-j In the event a ewe group reaches 15 individuals or fewer, responsible parties shall meet and consult on whether to close, reduce use or otherwise regulate related trails. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-4 and 5-64.)

2-k In the event a ewe group reaches 5 individuals or fewer, responsible parties shall immediately close related trails, and shall meet and consult on future trail use and/or otherwise regulate related trails. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-4 and 5-64.)

2-l Dogs shall be prohibited on all covered trails, except for special use areas, as set forth in the Trails Plan. (Final MSHCP, § 7.3.3.2; Final EIR/EIS, pp. 5-41 and 5-67.)

Findings per State CEQA Guidelines Section 15091:

(x) Changes or alternatives have been required in, or incorporated into, the Project which will avoid or substantially lessen the significant environmental effect (Subd. [a][1]).

() Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by other such agency (Subd. [a][2]).

() Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures of Project alternatives identified in the Final EIR (Subd. [a][3]).

3. **Supporting Explanation:**

Because there is no established causative link between recreational use and impacts to PBS at the time of Project adoption, the Monitoring Program will be used to further evaluate the effects of recreational trail use on PBS within essential PBS Habitat in the Santa Rosa and San Jacinto Mountains, and to propose standards to reduce any potential future impacts to below a level of significance. (Final EIR/EIS, pp. 5-25 through 5-26.)

The Monitoring Program will provide empirical data to inform decisions about future trails Management Program actions that complement PBS recovery and benefit or enhance PBS Conservation for the trail use as set forth in the Revised Trails Plan. (Final EIR/EIS, p. 5-27.) The components of the Monitoring Program will be designed to preclude potentially significant adverse effects on biological resources, as they will be constructed to serve as a mitigation strategy for any potentially adverse effects from trail use. (*Ibid.*)

The Monitoring Program will help provide detail on the levels and type of trail use in the study area, primarily by the development and implementation of a self-permit system. (Final EIR/EIS, pp. 5-28 through 5-29.) The system will focus on evaluation of the use of recreational

trails by hikers, equestrians, and mountain bikers as it relates to habitat use by PBS. (*Ibid.*) The Monitoring Program will increase the amount of currently available data regarding periodic documentation of trail use, provide ongoing population surveys of PBS on an annual basis, and provide other data for consideration by the Trails Management Subcommittee that could result in trails management actions to reduce any impacts to PBS or their Habitat. (*Ibid.*)

Hot season trail closures of designated trails between June 30th and October 1st will avoid significant impacts to PBS and their access to essential water sources during the hottest and driest times of the year. (*Ibid.*) These closures will be beneficial to biological resources, especially PBS, that might otherwise avoid important water sources during this period of greatest need. (*Ibid.*)

Proposals to construct perimeter trails and other new trails, including the Palm Desert to La Quinta Connector Trail, would be deferred until the initial phase of the monitoring and research program has been completed and potential impacts, if any, can be analyzed and addressed. (Final EIR/EIS, p. 5-35.) Unless research results show that recreational trail use would adversely impact PBS health, demography, population sustainability, and population connectivity, construction of the perimeter trails and other new trails, including the Palm Desert to La Quinta Connector Trail, could be initiated after appropriate CEQA/NEPA review. (*Ibid.*) This deferral will ensure that trail conditions (e.g., use levels) are consistent once the Monitoring Program is initiated. (*Ibid.*)

Existing trailhead facilities will be used whenever possible. (Final EIR/EIS, p. 5-30.) Future proposals for new trails on Reserve Lands in the Santa Rosa and San Jacinto Mountains Conservation Area, other than the identified trails described herein, would be addressed on a

case-by-case basis, subject to existing regulations, policies, and land management plans. (*Ibid.*) If approved for construction, perimeter trails would generally run parallel to and not rise more than 200 feet above the toe of slope, except where necessary to avoid residential or other developed areas or topographically inaccessible terrain. (*Ibid.*) No perimeter trails will be constructed within 1/4 mile of wildlife water sources and, where possible, will incorporate topographic variability. (*Ibid.*)

The public awareness and education program will enhance cooperation and participation in the self-permitting program of the Revised Trails Plan through the monitoring and management of trail use. (Final EIR/EIS, p. 5-35 through 5-36.)

Wildlife managers will consistently track trail use and impacts, if any, to PBS, and require immediate action to be undertaken if specified PBS population numbers are reduced to specified thresholds. (Final EIR/EIS p. 5-64.) In the event a ewe group reaches 15 individuals or fewer, responsible parties shall meet and consult on whether to close, reduce use or otherwise regulate related trails. (*Ibid.*) In the event a ewe group reaches 5 individuals or fewer, responsible parties shall immediately close related trails, and shall meet and consult on future trail use and/or otherwise regulate related trails. (*Ibid.*) These actions will ensure that disturbance to PBS from recreational use, if any, will cease immediately.

Trail rerouting, including the Art Smith and Mirage Trails, will be designed to protect sensitive resource values (e.g., cultural resources, wildlife Habitat, soils) where feasible. (Final EIR/EIS, pp. 5-40, and 5-63 through 5-64.) After coordination between the CVCC and federal and state wildlife agencies, redundant trails will be removed to reduce any current impacts in these areas. (*Ibid.*) Trails and trail segments on certain State lands will also be decommissioned

and removed, thereby reducing trail use impacts in sensitive Habitat areas. (*Ibid.*) Rerouting and decommissioning of trails will occur following approval of a specific project by the appropriate project lead agency and these actions would have to meet NEPA and CEQA requirements. (*Ibid.*) Thus, impacts associated with deferring the rerouting, decommissioning, and removal of trails will be less than significant. (*Ibid.*)

Dogs may disturb PBS and its habitat through intimidation, trail usage and excrement. Therefore, dogs would be allowed in designated areas only. (Final EIR/EIS, p. 5-41.) An educational kiosk at each designated dog walking area will inform dog owners about basic PBS ecology and behavior, as well as potential threats to PBS due to the presence of dogs. (Final EIR/EIS, p. 5-67.)

The implementation of these mitigation measures will reduce any potential impacts to PBS from the Revised Trails Plan to below a level of significance.

C. Cultural Resources (Revised Trails Plan)

1. **Potential Significant Impacts:**

New trails proposed for construction under the Revised Trails Plan have the potential to affect cultural resources. (Final EIR/EIS, p. 5-76.) Several proposed trails may pass through areas with varying potential to affect cultural resources. (Final EIR/EIS, pp. 5-76 through 5-77.)

2. **Findings:**

Implementation of the mitigation measures identified and incorporated in the MSHCP in conjunction with trails planning will avoid adverse impacts to sensitive cultural resources and reduce such potential impacts to below a level of significance. (Final EIR/EIS, p. 5-82.)

2-a Agencies shall develop a program of resource assessment for new trails tiering on Cultural Resources Management Plan ("CRMP") for SRSJ National Monument. (Final EIR/EIS, p. 5-81.)

2-b The CRMP for the Santa Rosa and San Jacinto Mountains National Monument will be tiered upon as appropriate to address the results of research conducted into the effects of recreation and public visitation on culturally significant trails, associated cultural sites, and areas identified as sensitive through Native American consultation. (Final EIR/EIS, p. 5-82.)

2-c The CVCC and agencies shall assess opportunities for and optimization of public education and resource interpretation. (Final EIR/EIS, p. 5-81.)

Findings per State CEQA Guidelines Section 15091:

(x) Changes or alternatives have been required in, or incorporated into, the Project which will avoid or substantially lessen the significant environmental effect (Subd. [a][1]).

() Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by other such agency (Subd. [a][2]).

() Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures of Project alternatives identified in the Final EIR (Subd. [a][3]).

3. **Supporting Explanation:**

Rerouting trails to avoid areas identified as sensitive by Native Americans or that contain historic properties will avoid impacts and in fact have a positive effect on cultural resources. (Final EIR/EIS, p. 5-78.) Prior to making recommendations for decommissioning and removing trails in the Santa Rosa and San Jacinto Mountains Conservation Area, an inventory of all trails in the Conservation Area will occur. (Final EIR/EIS, p. 5-39.) The determination of which trails would be decommissioned or removed will be made following this inventory. (Final EIR/EIS, pp. 5-78 through 5-79.) Thus, if an action under any of the public access and use alternatives has the potential to affect historic properties, cultural resources review will be needed before the action may be implemented. (Final EIR/EIS, p. 5-76.) Literature reviews, field surveys and data recovery may be required where appropriate. (Final EIR/EIS, p. 5-75.)

Public Education programs would help fully inform the public of the resource issues at risk, and would provide the public with useful information so as to maximize the effectiveness of the Revised Trails Plan. (Final EIR/EIS, p. 5-76.)

The implementation of these mitigation measures will reduce potential impacts to PBS below a level of significance.

D. Land Use and Planning/Recreation (Revised Trails Plan -Alternative alignments to the Palm Desert to La Quinta Connector Trail)

1. **Potential Significant Impacts:**

The development of the Revised Trails Plan has involved close coordination with local jurisdictions and state and federal agencies to assure that the Revised Trails Plan is consistent and compatible with the objectives of local, state, regional and federal agencies, and tribal land use plans, policies, and controls for the Santa Rosa and San Jacinto Mountains. (Final EIR/EIS, pp. 5-18 through 5-19.) Based upon the coordinated and integrated nature of the Revised Trails Plan, impacts to federal, state, regional, local, or tribal land use plans, policies, or controls are considered to be less than significant. (Final EIR/EIS, p. 5-18.) Nor will the Revised Trails Plan result in the physical separation of a community or conflict with any applicable habitat conservation plan or natural community conservation plan. (*Ibid.*)

Among the trails proposed to be constructed by all alternatives is the Palm Desert to La Quinta Connector Trail. While the impacts associated with the proposed perimeter trail system and the preferred alignment for the Palm Desert to La Quinta Connector Trail are determined to be less than significant, construction will only proceed after further research on PBS/trail user interactions is completed and additional environmental review in conjunction with a lead agency's proposing to construct a trail is conducted. (Final EIR/EIS, p. 5-20.)

The only potentially significant adverse impacts for land use could result from the Urban Fringe and Deep Canyon alignments of the new Palm Desert to La Quinta trail in the Revised Trails Plan. (*Ibid.*) The Urban Fringe alignment crosses golf course and residential Development within the Canyons at Bighorn private gated community. (*Ibid.*) This potentially poses

significant and potential compatibility and security issues. (*Ibid.*) The Deep Canyon alignment would utilize substantially more University of California lands than the Proposed Trails Plan. (*Ibid.*) Public access to these lands is not allowed in order to provide an undisturbed setting for scientific research. (*Ibid.*) Impacts associated with the Deep Canyon alignment are unavoidable if that alignment is chosen. (*Ibid.*) Thus, these alignments are explicitly rejected as the Preferred Alternative alignment addresses and avoids these impacts. (*Ibid.*)

2. **Finding:**

The Revised Trails Plan is consistent with the Final MSHCP and provides a consistent process and guidelines for the development of new trails and associated facilities. (Final EIR/EIS, p. 5-18.) The Revised Trails Plan does not conflict with any plans adopted for the purpose of avoiding or mitigating an environmental effect. (*Ibid.*) No significant impacts will result by rejecting the Urban Fringe and Deep Canyon alignments, and implementing the Preferred Alternative of the Revised Trails Plan.

Further, the Revised Trails Plan has proposed mitigation, to be used in conjunction with additional CEQA and NEPA review, to further reduce any remaining potential impacts.

2-1 The CVCC and agencies shall finalize the alignments of the perimeter trails and Palm Desert to La Quinta Connector Trail, assess impacts, and facilitate the construction of approved trails. (Final EIR/EIS, p. 5-20.)

Findings per State CEQA Guidelines Section 15091:

(x) Changes or alternatives have been required in, or incorporated into, the Project which will avoid or substantially lessen the significant environmental effect (Subd. [a][1]).

() Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by other such agency (Subd. [a][2]).

() Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures of Project alternatives identified in the Final EIR (Subd. [a][3]).

3. **Supporting Explanation:**

Rejection of the Urban Fringe and Deep Canyon alignments will ensure that no significant impacts result from implementation of the Revised Trails Plan. The mitigation in the Revised Trails Plan will further reduce any remaining potential impacts and in fact will enhance recreational opportunities.

BE IT FURTHER RESOLVED by the CVAG Executive Committee that it has considered and rejected as infeasible the alternatives identified in the EIR and described below. CEQA requires that an EIR evaluate a reasonable range of alternatives to a project, or to the location of the project, which: (1) offer substantial environmental advantages over the project proposal, and (2) may be feasibly accomplished in a successful manner within a reasonable period of time considering the economic, environmental, social and technological factors involved. (*Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553, 566.) An EIR must only evaluate reasonable alternatives to a project which could feasibly attain most of the basic project objectives, and evaluate the comparative merits of the alternatives. (State CEQA Guidelines § 15126.6.) In all cases, the consideration of alternatives is to be judged against a “rule of reason.” (*Ibid.*) The lead agency is not required to choose an alternative

identified in an EIR if the alternative (1) does not substantially reduce significant environmental impacts; (2) does not meet project objectives; or (3) there are social, economic, technological or other considerations which make the alternative infeasible. (*Ibid.*)

The primary goals and objectives of the MSHCP are to:

1. Obtain Permits from the Wildlife Agencies to authorize Take for the Covered Activities. (Final EIR/EIS, p. 1-4.)
2. Protect Core and Other Conserved Habitat for 27 proposed Covered Species and 27 natural communities, maintain the Essential Ecological Processes to keep the Core Habitat viable and link Core Habitat to maximize the Conservation value of the land within the Coachella Valley. (Final EIR/EIS, p. 1-4.)
3. Improve the future economic development in the Plan Area by providing an efficient, streamlined regulatory process through which Development can proceed in an efficient way. The proposed Plan is intended to provide a means to standardize mitigation/compensation measures for the Covered Species so that, with respect to public and private Development actions, mitigation/compensation measures established by the Plan will concurrently satisfy applicable provisions of Federal and State laws pertaining to species protection. (Final EIR/EIS, pp. 1-4 through 1-5.)

4. Provide for permanent open space, community edges and recreational opportunities, which contribute to maintaining the community character of the Coachella Valley. (Final EIR/EIS, p. 1-5.)

A. The Preferred Alternative

In 1994, a Scientific Advisory Committee ("SAC") was established, composed of members which included biologists from BLM, the National Park Service, United States Forest Service, the University of California Natural Reserve System, the Center for Natural Lands Management, CVWD, and representatives of CDFG and USFWS. (Final EIR/EIS, p. 2-2.) The Plan was developed in consultation with SAC using best available science. (Final EIR/EIS, p. 2-3.)

The Preferred Alternative will conserve 27 species ("Covered Species") and 27 natural communities. (Final EIR/EIS, pp. 2-4 through 2-5.) The Reserve System proposed by the Preferred Alternative contains 21 Conservation Areas totaling 724,740 acres of land, and provides Core Habitat and Other Conserved Habitat for the proposed Covered Species. (Final EIR/EIS, p. 2-8.)

In addition to the Preferred Alternative, several additional alternatives were considered. These are the Preferred Alternative without Palm Springs, the Public Lands Alternative, the Core Habitat with Ecological Processes Alternative, the Enhanced Conservation Alternative and the No Action/No Project Alternative. (Final EIR/EIS, pp. 2-49 through 2-70.) These alternatives are discussed below. One other alternative considered would have fully protected the Habitat of the Covered Species in the Plan Area. (Final EIR/EIS, p. 2-70.) Because all Habitat would have been conserved under this

alternative, no Take coverage would have been required, eliminating the need for a habitat conservation plan. (*Ibid.*) Thus, that alternative was initially considered but eliminated from further review. (*Ibid.*)

Based on comments received on the Draft MSHCP documents, the Preferred Alternative has been revised in the Final MSHCP. These revisions correct errors in the Draft MSHCP and reflect revisions made in response to these comments. A summary and analysis of these revisions is contained in the MSHCP Errata and Final EIR/EIS. No substantial changes were made from the draft to final plan that significantly increase or create new impacts not previously considered. Nor has the public been deprived of a meaningful opportunity to comment upon a substantial adverse environmental effect of the Project. Thus, recirculation of the Draft EIR/EIS was not required by CEQA for these revisions.

B. Preferred Alternative without Palm Springs

1. Description

This alternative is the same as the Preferred Alternative, except it assumes that the City of Palm Springs would not participate in the Plan. (Final EIR/EIS, p. 2-49.) The Conservation Areas would remain the same. (Final MSHCP, p. 3-16.) All Existing Conservation Lands, except those belonging to the City of Palm Springs, would continue to be part of the MSHCP Reserve System, as would lands within the city limits of Palm Springs committed to Conservation by other Permittees. (*Ibid.*) Under this alternative, lands under the jurisdiction of Palm Springs do not benefit

from the Permit. (Final EIR/EIS, p. 2-51.) The Permits would not provide Take Authorization for any of the Covered Species for Development occurring within the City and the Development Mitigation Fee would not be collected in Palm Springs to assist with Plan implementation. (*Ibid.*) In addition, one roadway project identified by Palm Springs would not receive Take Authorization under the Plan. (Final EIR/EIS, p. 4-27.)

2. Finding

This alternative fails to meet the purposes of basic Project objectives 1 and 3 as compared to the Preferred Alternative.

3. Supporting Explanation

The MSHCP is intended to conserve species and their Habitats while improving the future economic Development in the Plan Area. Because the Preferred Alternative without Palm Springs would retain the same Conservation Areas, it would benefit Conservation at the expense of Development.

In addition, because Palm Springs would not receive Take Authorization, the city would have to independently apply for Take Authorization for each impacted project. This would hinder the future economic Development in the Plan Area because the more efficient, streamlined approach offered to Permittees under the MSHCP would not be an option for the City of Palm Springs.

For the reasons stated above, the CVAG Executive Committee finds that the No Palm Springs Alternative does not meet basic Project objectives 1 and 3 to the same extent as the Preferred Alternative and is therefore rejected.

C. Public Lands Alternative

1. Description

This alternative includes all local, State, and Federal agency land, and Private Conservation Land, in the Plan Area with Conservation management levels 1, 2, and 3. (Final EIR/EIS, p. 2-55.) Level 1 lands are lands consisting of state and federal Wilderness Areas. (Final MSHCP, pp. 2-9.) Level 2 lands contain some Existing Uses, but the overall management objective is maintenance of natural values. (Final MSHCP, p. 2-9 through 2-10.) Level 3 lands are designated for multiple use while providing significant Conservation value. (Final MSHCP, p. 2-10.)

This alternative entails no land acquisition; only Core Habitat, Essential Ecological Processes, and Linkages that happen to be on existing public conservation lands or Private Conservation Lands would be protected. (Final EIR/EIS, p. 2-56.) The local jurisdictions would contribute to the management of the existing Conservation Areas as mitigation for the Habitat loss allowed under the Plan. (Final EIR/EIS, p. 2-55.) In total, this alternative would result in the Conservation of 19.5% less acreage than under the Preferred Alternative. (Final EIR/EIS, p. 4-57.)

2. Finding

This alternative fails to meet the basic Project objectives, would not substantially reduce significant environmental impacts and would result in increased impacts.

3. Supporting Explanation

This alternative conserves far less Habitat acreage than the Preferred Alternative, and would result in Habitat fragmentation where considerable private lands exist. (Final EIR/EIS, p. 2-56 through 2-57.) The only significant reserve areas would be the three existing Coachella Valley fringe-toed lizard preserves and Dos Palmas ACEC. (Final EIR/EIS, p. 2-56.) This lack of conservation lands would fail to provide maximum possible certainty that the viability of Core and Other Conserved Habitat for several of the 27 Covered Species and 27 natural communities would be maintained, and would potentially impact wetlands and riparian habitats.

This alternative entails no land acquisition; only Core Habitat, Essential Ecological Processes, and Linkages that happen to be on existing public conservation lands or Private Conservation Lands would be protected. (Final MSHCP, pp. 3-16 through 3-17.) As a result, sand transport, watershed, and other ecological processes would not be adequately protected; Biological Corridors would not be conserved; and Core Habitat

areas would be fragmented in many instances. (*Ibid.*) For these reasons, basic Project objective 2 would not be met.

For the same reasons, it is less likely that the Wildlife Agencies would authorize a Take Permit for the Covered Species, thus frustrating basic Project objective 1.

Failure to achieve basic Project objective 1 would, in turn, prohibit achievement of basic Project objective 3. No Take Authorization would exist (or would be issued for fewer Covered Species), nor would this alternative achieve an efficient, streamlined regulatory process for project Development.

Finally, the benefits derived from achievement of basic Project objective 4 would be far less substantial under this alternative than they would be under the Preferred Alternative. Recreational opportunities and open space preservation would be reduced, as this objective is best achieved by additional land conservation.

In addition, the Public Lands Alternative could adversely affect existing and planned groundwater recharge facilities in the Plan Area. (Final EIR/EIS, p. 4-54.) This alternative could result in the need for individual permits for the development of certain projects, which will be substantially more difficult to obtain in the absence of a comprehensive conservation plan such as the Preferred Alternative. (*Ibid.*) These uncertainties and the biological resource conservation issues that would

remain unresolved under this alternative mean that the potential for adverse impacts to existing and planned groundwater recharge facilities could be significant. (*Ibid.*)

Therefore, the CVAG Executive Committee finds that the Public Lands Alternative does not substantially reduce environmental impacts, could result in increased impacts as compared with the Preferred Alternative, fails to meet the basic Project objectives and therefore rejects it.

D. Core Habitat with Ecological Processes Alternative

1. Description

This alternative would result in the conservation of 4.2% less acreage than under the Preferred Alternative. (Final EIR/EIS, p. 4-241.) It would establish Conservation Areas intended to protect Core Habitat for the Covered Species and natural communities included in the Plan, and Essential Ecological Processes necessary to sustain these Habitats and some Biological Corridors. (Final EIR/EIS, p. 2-60.) The Conservation Areas include most of the Public Lands Alternative lands as well as the acquisition of additional private lands for Core Habitat, Essential Ecological Processes, and Biological Corridors. (*Ibid.*)

2. Finding

This alternative fails to meet basic Project objectives 1 and 3. In addition, this alternative fails to fully realize basic Project objective 4.

3. Supporting Explanation

Under this alternative, only 697,280 acres of Conservation Area would be conserved for Habitat, which is approximately 50,000 acres less than the Preferred Alternative. (Final EIR/EIS, pp. 2-9 and 2-63.) An additional 47,000 acres of Complementary Conservation and Additional Conservation Lands would be conserved through the Preferred Alternative. (*Ibid.*) In addition, unlike the Preferred Alternative, this alternative did not incorporate the Recovery Plan for PBS in the Peninsular Range. (Response to Comment I09-22.) Due to this dearth of conservation lands, there is a greater likelihood that the Wildlife Agencies would not issue a Take Permit as compared to the Preferred Alternative if the Core Habitat with Ecological Processes Alternative was adopted by the Permittees. In that instance, basic Project objective 1 would not be met.

If basic Project objective 1 was not met, then basic Project objective 3 would not be met. If no Take Permit was issued (or issued for fewer species), then no streamlined regulatory process would exist to assist the processing of Development projects. This, in turn, would fail to improve the future economic Development in the Plan Area.

This alternative would conserve far less permanent open space and community edges, and provide fewer recreational opportunities than the Preferred Alternative. Therefore, this alternative frustrates the purposes of basic Project objective 4.

Therefore, the CVAG Executive Committee finds that the Core Habitat with Ecological Processes Alternative fails to meet basic Project objectives 1 and 3, and fails to fully realize basic Projective objective 4, and therefore rejects it.

E. Enhanced Conservation Alternative

1. Description

This alternative would expand upon the MSHCP by adding Conservation Lands to the Plan as listed in the EIR/EIS. (Final EIR/EIS, pp. 2-65 through 2-67.)

2. Finding

The Enhanced Conservation Alternative would result in minimal additional biological value, significant land use conflicts, high acquisition and management costs, severe edge effects and the possibility of creating an unmanageable reserve configuration. (Final MSHCP, pp. 3-17 through 3-18.) This alternative fails to meet basic Project objectives 1 and 3, would not substantially reduce significant environmental impacts, would result in increased impacts, and would be infeasible.

3. Supporting Explanation

Based on field visits with the SAC and representatives from various jurisdictions, it was determined that not all areas included in this

alternative were biologically viable or Feasible to conserve. (Final MSHCP, p. 3-18.) Additionally, much of the area anticipated for Conservation under this alternative would cause significant land use conflicts and increased costs without significantly increasing Habitat value. (*Ibid.*) Significant conflicts with local, county, State or Federal land use plans, policies or controls would result, and the alternative would physically divide established communities. (Final EIR/EIS, pp. 4-9 through 4-13.) Some of the proposed conservation acreage already contains approved Development, which would significantly increase the acquisition costs. (*Ibid.*) Existing Development adjacent to these areas would also create Habitat fragmentation and severe edge effects. (*Ibid.*)

This alternative would also result in significant adverse impacts to transportation, and could result in significant impacts to agriculture. (Final EIR/EIS, pp. 4-28 through 4-30, and p. 4-55.)

The additional Conservation measures proposed under this Alternative would include existing groundwater recharge basins operated by CVWD, which could require realigning the recharge basins at great cost. (Final MSHCP, p. 3-18.) It would also conflict with certain adopted local or regional flood control plans or projects. (Final EIR/EIS, p. 4-55.)

This Alternative would increase the number of acres to be conserved by approximately 10,200 acres over the Preferred Alternative, even though the amount of Habitat included in the Preferred Alternative is sufficient to

adequately conserve all of the Covered Species. (Final MSHCP, p. 3-18.) Thus, the Enhanced Conservation Alternative would significantly increase the cost of the Project without significantly increasing the Habitat value of the Reserve. (*Ibid.*)

This Alternative would also conflict with basic Project objectives 1 and 3. Because more land is conserved, less Take coverage would be issued by the Wildlife Agencies. This would decrease the future economic development, which would severely reduce the amount of fees collected. Because fewer fees would be collected, it would make infeasible the ability to develop a larger reserve.

Therefore, the CVAG Executive Committee finds that the Public Lands Alternative does not substantially reduce environmental impacts, results in increased impacts as compared with the Preferred Alternative, fails to meet Project objective 3, and therefore rejects it.

F. No Action/No Project Alternative

1. Description

With the No Action/No Project Alternative, land use changes and policies that are being contemplated to implement the MSHCP would not occur.

2. Finding

This Alternative fails to meet all four basic Project objectives, would not substantially reduce environmental impacts and would result in increased impacts.

3. Supporting Explanation

Under this alternative, none of the objectives of the Project would be met. Under the No Project Alternative, the MSHCP would not be approved or implemented. (Final MSHCP, p. 3-18; Final EIR/EIS, p. 2-70.) Therefore, there would be no process in place to provide Take Authorization for Covered Species and no Core Habitat to protect. (*Ibid.*) Taking no action in the Plan Area would also fail to improve the future economic development in the Plan Area as no efficient, streamlined regulatory process would be in place. In addition, no permanent open space, community edges or recreational opportunities would be provided.

In addition, the Project's goal to improve the future economic development of the Plan Area would not be met as no streamlined regulatory approach would be implemented. Instead, environmental impacts, especially impacts to biological resources, resulting from Development activities in the Plan Area would continue to be subject to a variety of local, state and federal regulatory processes. (Final EIR/EIS, p. 2-70.) Private parties would also be required to mitigate biological impacts on a project-by-project basis resulting in inconsistent Conservation and management.

In addition, no comprehensive, long-term process would exist for protecting Core Habitat for 27 proposed Covered Species and 27 natural communities that occur within the Plan Area. (Final MSHCP, pp. 3-18 through 3-19; Final EIR/EIS, p. 2-70.) Habitat would be conserved on an ad hoc basis – if at all – rather than in functional blocks. (*Ibid.*) There would also be no fee-based funding plan that would generate funds necessary to support Conservation.

The No Action/No Project Alternative would also fail to substantially reduce significant environmental impacts and would result in increased impacts. Because there would not be a coordinated system of Linkages provided to connect Conservation Areas, impacts to natural communities and species that would have been covered under the MSHCP would be exacerbated under this alternative. (Final MSHCP, p. 3-19.) Edge effects would also be intensified due to the loss of Biological Corridors and Linkages, increased interaction with humans, and an increase in Development.

Therefore, the CVAG Executive Committee finds that the No Action/No Project Alternative does not substantially reduce environmental impacts, results in increased impacts as compared with the Preferred Alternative, fails to meet Project objectives, and therefore rejects it.

BE IT FURTHER RESOLVED by the CVAG Executive Committee that it has reviewed and considered the EIR/EIS, and all other applicable documents in the record, in

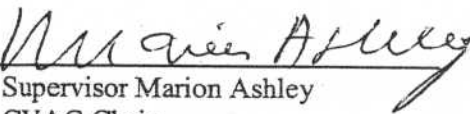
evaluating the Project, that the EIR/EIS is an accurate and objective statement that complies with CEQA and reflects CVAG's independent judgment, and that the EIR/EIS and all other volumes of the MSHCP are incorporated herein by this reference.

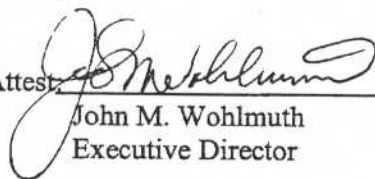
BE IT FURTHER RESOLVED by the CVAG Executive Committee that the documents and other materials that constitute the record of proceedings/administrative record for the County's approval of the Project are located at 73710 Fred Waring Drive, Suite 200, Palm Desert, California 92260, and the custodian of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

BE IT FURTHER RESOLVED by the CVAG Executive Committee that it hereby **CERTIFIES** the EIR/EIS, selects the Preferred Alternative, adopts the MSHCP, approves the IA and MMRP, and authorizes the Chairman of the Executive Committee to execute the IA.

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

Adopted by the CVAG Executive Committee this 6TH day of FEBRUARY, 2006.

By: 
Supervisor Marion Ashley
CVAG Chair

Attest: 
John M. Wohlmut
Executive Director