

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT BOARD
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 F2006-12 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.

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Marion Ashley *Roy Wilson*
Supervisor Marion Ashley Supervisor Roy Wilson
Fifth District Fourth District

Dept't Recomm.: Consent Policy
Per Exec. Ofc.: Consent Policy

Prev. Agn. Ref.:

District:

Agenda Number:

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 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.

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3 RESOLUTION NO. F2006-12

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 3 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 Riverside County Flood Control and Water Conservation District (“District”) is a responsible
7 agency for the Project and must therefore make certain findings prior to the approval of the MSHCP; and

8 WHEREAS, the Board of Supervisors of the District, 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 District 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 District 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 Riverside County Flood Control and Water Conservation District, in regular session assembled on
26 May 9, 2006, that:

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

1 incorporated herein by this reference.

2 B. The Board of Supervisors hereby finds and determines that the Final EIR/EIS has
3 been completed in compliance with CEQA and the State CEQA Guidelines and,
4 and as the decision-making body for the Riverside County Flood Control and
5 Water Conservation District, the Board of Supervisors has reviewed and considered
6 the information contained in the Final EIR/EIS and related documents before it and
7 all of the environmental effects of the MSHCP.

8 C. The Board of Supervisors concurs with the environmental findings in CVAG
9 Resolution No. 06-002 and adopts these findings, attached hereto as Exhibit A and
10 incorporated herein by this reference. The Board of Supervisors also finds that
11 there are no additional feasible mitigation measures or alternatives within its
12 powers that would substantially lessen or avoid any significant effects that the
13 MSHCP would have on the environment.

14 D. The Board of Supervisors hereby approves the MSHCP and the IA, on file with the
15 Clerk of the Board of Supervisors, and authorizes the Chairman to execute the IA.

16 E. The Board of Supervisors hereby authorizes and directs that a Notice of
17 Determination shall be filed with the Clerk of the County of Riverside within five
18 (5) working days of approval of the Project.

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