



SUBMITTAL TO THE BOARD OF DIRECTORS
RIVERSIDE COUNTY REGIONAL PARK & OPEN
SPACE DISTRICT



417

FROM: Regional Park & Open-Space District

SUBMITTAL DATE:
10/9/07

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

RECOMMENDED MOTION: Adopt Resolution Number 2007-7 approving the Final Recirculated
CVMSHCP and Implementation Agreement and authorize the Chairman of the Board to execute said Final
Recirculated Implementation Agreement for the CVMSHCP

BACKGROUND:

CVAG LEAD AGENCY ACTIONS: The Coachella Valley Multiple Species Habitat Conservation Plan
(CVMSHCP) is the culmination of a 12-year effort that has been prepared by the Coachella Valley
Association of Governments (CVAG). In June 2006, the City of Desert Hot Springs elected not to
participate in the Plan; therefore, the CVMSHCP was revised to exclude the City of Desert Hot Springs as a
permittee and included a proposed Morongo Wash Flood Control Facility as a covered facility.

In its capacity as lead agency, the CVAG Executive Committee, on September 10, 2007, adopted the Final
Recirculated CVMSHCP and certified the associated Final Recirculated Environmental Impact Report. The
County of Riverside, various Coachella Valley cities, the Coachella Valley Water District, the Riverside
County Flood Control and Water Conservation District, the Riverside County Regional Park and Open-
Space District, and the Riverside County Waste Management District have been asked by CVAG to
approve the CVMSHCP and associated documents, as responsible agencies by October 31, 2007.
(continued on page 2)

612-Final Circulated Coahcella Valley Multiple Species Habitat
Conservation Plan

Paul Frandsen
Paul Frandsen, General Manager

Table with 3 columns: Financial Data, Current F.Y. Total Cost, Current F.Y. Net County Cost, Annual Net County Cost, In Current Year Budget, Budget Adjustment, For Fiscal Year.

Table with 2 columns: SOURCE OF FUNDS, Positions To Be Deleted Per A-30, Requires 4/5 Vote.

C.E.O. RECOMMENDATION: APPROVE

BY: Michael R. Shetler
Michael R. Shetler

County Executive Office Signature

FORM APPROVED COUNTY COUNSEL
BY: Karin L. Watts-Bazan 9/27/07
DATE

Departmental Concurrence
ep't Recomm.:
ar Exec. Ofc.:
Consent
Policy

**SUBJECT: Final Recirculated Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)**

**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 of Riverside with some conservation also occurring on District owned lands.

The CVMSHCP is divided into 21 separate conservation areas that set forth specific conservation objectives that 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 conducted by 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 will 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 decision-making process.

The CVMSHCP identifies a rough step process that tracks the amount of incidental take within conservation areas with the amount of conservation that occurs within the same area. It should be noted that the 10% take allocated to each of the 21 conservation areas cannot be taken until it 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 non-CEQA 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.

**SUBJECT: Final Recirculated Coachella Valley Multiple Species Habitat Conservation Plan  
(CVMSHCP)**

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 development mitigation fee to help fund reserve assembly. There is a range of fees based upon dwelling unit densities and commercial/industrial development. The proposed Development Mitigation Fee would be \$5,730 per acre. The development 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. District projects within the Plan area will be required to pay the \$5,730 per acre fee.

2  
3 **RESOLUTION NO. 2007-7**

4 **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RIVERSIDE COUNTY**  
5 **REGIONAL PARK AND OPEN SPACE DISTRICT MAKING RESPONSIBLE AGENCY**  
6 **FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
7 **FOR THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION**  
8 **PLAN/NATURAL COMMUNITY CONSERVATION PLAN, APPROVING THE**  
9 **COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION**  
10 **PLAN/NATURAL COMMUNITY CONSERVATION PLAN AND IMPLEMENTING**  
11 **AGREEMENT, AND ADOPTING ENVIRONMENTAL FINDINGS PURSUANT TO THE**  
12 **CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

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

27 **WHEREAS**, the Coachella Valley Association of Governments ("CVAG") is  
28 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

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

FORM APPROVED COUNTY COUNSEL  
BY: Karin Watts-Bazan DATE: 9/27/07  
KARIN L. WATTS-BAZAN

1           **WHEREAS**, CVAG, at a public meeting on September 10, 2007 reviewed  
2 the Final Recirculated EIR/EIS, MSHCP/Natural Communities Conservation Plan  
3 (“NCCP”), Implementation Agreement, Mitigation, Monitoring and Reporting Program  
4 (“MMRP”) and other related documents in the record before it and by Resolution No. 07-  
5 009, certified the Final Recirculated EIR/EIS, selected the Preferred Alternative and  
6 approved the MSHCP/NCCP, Implementation Agreement and MMRP; and

7           **WHEREAS**, pursuant to State CEQA Guidelines Sections 15091, 15096,  
8 sub.(h), 15381, and other provisions of CEQA, the Riverside County Regional Park and  
9 Open Space District (“District”) is a responsible agency for the Project and must  
10 therefore make certain findings prior to the approval of the MSHCP; and

11           **WHEREAS**, the Board of Directors of the District, at its regularly scheduled  
12 public meeting on October 16, 2007, independently reviewed and considered the Final  
13 Recirculated EIR/EIS and other related documents in the record before it; and

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

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

22           **WHEREAS**, all of the findings and conclusions made by the Board of  
23 Directors pursuant to this Resolution are based upon the oral and written evidence  
24 presented to it as a whole and not based solely on the information provided in this  
25 Resolution; and

26           **WHEREAS**, prior to taking action, the Board of Directors has heard, been  
27 presented with, reviewed and considered all of the information and data presented to it,  
28 including the Draft Recirculated EIR/EIS, Final Recirculated EIR/EIS and other  
documentation relating to the Project, and all oral and written evidence presented to it;

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

1           **WHEREAS**, the documents and other materials that constitute the record  
2 of proceedings/administrative record for the District's approval of the Project are located  
3 at the Clerk of the Board of Directors, and the custodian of these records is the Clerk of  
4 the Board of Directors.

5           **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF**  
6 **DIRECTORS OF THE RIVERSIDE COUNTY REGIONAL PARK AND OPEN SPACE**  
7 **DISTRICT AS FOLLOWS:**

8           A. The Final Recirculated EIR/EIS prepared for the MSHCP is hereby  
9 received by the Board of Directors in the form on file with the Clerk of the Board of  
10 Directors and incorporated herein by this reference.

11           B. The Board of Directors hereby finds and determines that the Final  
12 Recirculated EIR/EIS has been completed in compliance with CEQA and the State  
13 CEQA Guidelines and, as the decision-making body for the District, the Board of  
14 Directors has reviewed and considered the information contained in the Final  
15 Recirculated EIR/EIS and related documents before it and all of the environmental  
16 effects of the MSHCP.

17           C. The Board of Directors concurs with the environmental findings in  
18 CVAG Resolution No. 07-009 and adopts these findings, attached hereto as Exhibit A  
19 and incorporated herein by this reference. The Board of Directors also finds that there  
20 are no additional feasible mitigation measures or alternatives within its powers that  
21 would substantially lessen or avoid any significant effects that the MSHCP would have  
22 on the environment.

23           D. The Board of Directors hereby approves the MSHCP and authorizes  
24 the Chairperson to execute the Implementation Agreement.

25           E. The Board of Directors hereby authorizes and directs that a Notice of  
26 Determination shall be filed with the Clerk of the County of Riverside within five (5)  
27 working days of approval of the Project.  
28