

**SUBMITTAL TO THE FLOOD CONTROL AND
WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



117B

FROM: General Manager-Chief Engineer

SUBMITTAL DATE:
July 17, 2014

SUBJECT: Adopt Resolution No. F2014-24 – Approving a Major Amendment to the Coachella Valley Multiple Species Habitat Conservation Plan Approving the Implementing Agreement and Incorporating Responsible Agency Findings District 4th & 5th / 4th & 5th; [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt Resolution No. F2014-24 adopting Responsible Agency findings for the Coachella Valley Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan as revised by the Major Amendment, approving said Plan and approving the Implementing Agreement;
2. Authorize the Chairman of the Board to execute said Implementing Agreement; and
3. Direct the Clerk of the Board to deliver the attached Notice of Determination for the Project to the Office of the County Clerk and Recorder for posting within five (5) days after the adoption of Resolution No. F2014-24 as well as deliver said Notice of Determination to the State Clearinghouse.

BACKGROUND:

Summary

See Page 2.

WARREN D. WILLIAMS
General Manager-Chief Engineer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	Consent <input type="checkbox"/> Policy <input type="checkbox"/>
NET DISTRICT COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	

SOURCE OF FUNDS: N/A

Budget Adjustment: N/A

For Fiscal Year: N/A

C.E.O. RECOMMENDATION:

APPROVE

BY:
Steven C. Horn

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

FORM APPROVED COUNTY COUNSEL
BY: KARIN L. WATTS-BAZAN
DATE: 7/17/14
Departmental Concurrence

Positions Added
 Change Order

A-30
 4/5 Vote

Prev. Agn. Ref.:

District: 4th & 5th

Agenda Number:

11-8

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FORM 11: Adopt Resolution No. F2014-24 – Approving a Major Amendment to the Coachella Valley Multiple Species Habitat Conservation Plan Approving the Implementing Agreement and Incorporating Responsible Agency Findings
District 4th & 5th/District 4th & 5th; [\$0]

DATE: July 17, 2014

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BACKGROUND:

Summary (continued)

The District is a Permittee of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) to include Desert Hot Springs and Mission Springs Water District (MSWD) has been approved by the Coachella Valley Conservation Commission (CVCC). This Major Amendment to the approved CVMSHCP proposes to include the City of Desert Hot Springs and MSWD as Permittees of the Plan.

The proposed action by the State and Federal wildlife agencies is the issuance of Take Authorization associated with the Major Amendment for Covered Activities that are not currently included under the existing federal Section 10(a) Permit and state Natural Community Conservation Plan (NCCP) Permit (Permits). The Major Amendment will provide for covered projects requested by Desert Hot Springs and MSWD. This Major Amendment will restore the boundaries from the 2006 Final CVMSHCP for the Upper Mission Creek/Big Morongo Canyon Conservation Area and include all of the private lands within the city limits of Desert Hot Springs. The private lands to be included total approximately 770 acres that were removed from this Conservation Area when Desert Hot Springs chose not to participate in 2006.

The Notice of Availability for public review and comment on the Supplemental Environmental Impact Report/Environmental Impact Statement (SEIR/SEIS), which describes the environmental impacts associated with the inclusion of Desert Hot Springs and MSWD as Permittees to the CVMSHCP, was released on September 6, 2013. This public notice was circulated to the Permittees, local media, public agencies and stakeholder groups. Also on September 6, a notice appeared in the Federal Register describing the availability of the Supplemental EIR/EIS. In September 2013, CVCC sent a letter to each property owner of record ("Property Owner Letter") within the Conservation Areas of the Major Amendment area letting them know that the Major Amendment to the CVMSHCP, Implementing Agreement ("IA"), and Supplemental EIR/EIS were available for review. The release of these documents commenced a 45-day public review period from September 6, 2013 through October 21, 2013. A total of seven individual comment letters were received to.

The Final Supplemental EIR includes responses to all written comments received from agencies, private organizations, and the public during the public comment period and was released on March 1, 2014. It is our understanding that CVCC staff worked closely with Desert Hot Springs staff and Mission Springs Water District staff to prepare and review the responses to comments. In addition, changes to the Final CVMSHCP, Final Implementing Agreement, and Final Supplemental EIR/Supplemental EIS have been made as appropriate in response to the comments received. This fulfills the intent of CEQA and NEPA to provide decision makers and the public a full analysis of the potential impacts of the Major Amendment to the CVMSHCP and to provide the public with an opportunity to provide additional information to decision-makers regarding the potential effects of the Major Amendment.

At their March 13, 2014 meeting, the Coachella Valley Conservation Commission ("CVCC") certified the Final Supplemental SEIR and approved the Major Amendment to the CVMSHCP to include the City of Desert Hot Springs and MSWD. A public notice was published in the Desert Sun on March 1, 2014 to inform the public about the March 13 CVCC meeting. Notices were sent to all property owners of record in the Conservation Area within the Major Amendment area, notifying them of the March 13, 2014 public hearing. The City of Desert Hot Springs and Mission Springs Water District both approved the Major Amendment unanimously on April 15, 2014 and April 21, 2014, respectively.

**SUBMITTAL TO THE FLOOD CONTROL AND WATER CONSERVATION DISTRICT
BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

FORM 11: Adopt Resolution No. F2014-24 – Approving a Major Amendment to the Coachella Valley Multiple Species Habitat Conservation Plan Approving the Implementing Agreement and Incorporating Responsible Agency Findings
District 4th & 5th/District 4th & 5th; [\$0]

DATE: July 17, 2014

PAGE: Page 3 of 3

Impact on Citizens and Businesses

This Major Amendment is necessary to incorporate the City of Desert Hot Springs and MSWD into the Plan as Permittees, define their obligations, commitments, and covered Activities consistent with the original Plan, and authorize Take associated with their Covered Activities. As Permittees, the City and MSWD as well as their constituents and water users will benefit from the CVMSHCP as they become part of this effort to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth within the Coachella Valley. The CVMSHCP allows preservation of a quality of life characterized by well-managed and well-planned growth integrated with an associated open-space system. The City of Desert Hot Springs will be responsible for exercising its land use authority to ensure the goals and objectives of the Plan are met while at the same time allowing development projects impacting listed species to proceed. MSWD will also be responsible to ensure the Conservation Goals and Objectives of the Plan are met and will be allowed to proceed with the development of critical water facilities. As a benefit to the development community and businesses, it is anticipated that the CVMSHCP mitigation fee will be decreased when the CVMSHCP and the permits as amended are approved by the State and Federal wildlife agencies due to the inclusion of an additional 770 acres of land within the boundaries of the City of Desert Hot Springs.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

ATTACHMENT 1: Resolution No. F2014-24 Adopting Responsible Agency findings pursuant to the California Environmental Quality Act for the Coachella Valley Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan, as revised by the Major Amendment; approving said the Coachella Valley Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan, as revised by the major amendment; and approving the Implementing Agreement

EXHIBIT A: Final Supplemental Environmental Impact Report/Statement (SCH No. 2000061079) for the Coachella Valley Multiple Species Habitat Conservation Plan and associated Natural Community Conservation Plan

EXHIBIT B: Final Supplemental Environmental Impact Report/Statement (SCH No. 2000061079) for the Major Amendment to the Coachella Valley Multiple Species Habitat Conservation Plan and Associated Natural Community Conservation Plan Responses to Comments

EXHIBIT C: CVAG Attachment 1 Resolution No. 07-009

EXHIBIT D: CVCC Attachment 2 Resolution No. 14-004

ATTACHMENT 2: Implementing Agreement for the Coachella Valley Multiple Species Habitat Conservation Plan/ Natural Community Conservation Plan

ATTACHMENT 3: Notice of Determination

ATTACHMENT - 1

2
3 RESOLUTION NO. 2014-24

4 A RESOLUTION OF THE BOARD OF SUPERVISORS
5 OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER
6 CONSERVATION DISTRICT
7 ADOPTING RESPONSIBLE AGENCY FINDINGS PURSUANT TO
8 THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE
9 COACHELLA VALLEY MULTIPLE SPECIES HABITAT
10 CONSERVATION PLAN AND THE COACHELLA VALLEY
11 MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL
12 COMMUNITY CONSERVATION PLAN, AS REVISED BY THE
13 MAJOR AMENDMENT; APPROVING THE COACHELLA VALLEY
14 MULTIPLE SPECIES HABITAT CONSERVATION PLAN AND THE
15 COACHELLA VALLEY MULTIPLE SPECIES HABITAT
16 CONSERVATION PLAN / NATURAL COMMUNITY
17 CONSERVATION PLAN, AS REVISED BY THE MAJOR
18 AMENDMENT; AND APPROVING
19 THE IMPLEMENTING AGREEMENT

20 WHEREAS, the Coachella Valley Multiple Species Habitat Conservation Plan/Natural
21 Community Conservation Plan ("CVMSHCP") is a regional, comprehensive, multi-jurisdictional
22 Habitat Conservation Plan focusing on Conservation of Federal and State-Listed Species, other
23 rare and sensitive species, and their Habitats, while maintaining opportunities for recreation and
24 a strong and sustainable environment for economic Development in the region; and

25 WHEREAS, the Coachella Valley Conservation Commission ("CVCC") is the lead
26 agency pursuant to the California Environmental Quality Act ("CEQA") (Public Res. Code, §
27 21000 et seq.) and the State CEQA Guidelines (14 CCR § 15000 et seq.); and

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

FORM APPROVED COUNTY COUNSEL
BY: *Karin L. Watts-Bazan*
DATE: *7/17/14*

1 WHEREAS, thereafter the Plan was revised to remove the City of Desert Hot Springs
2 (the “City”) as a Permittee and to reflect other project description modifications and, as a result,
3 the Coachella Valley Association of Governments (“CVAG”) prepared a Recirculated Draft
4 EIR/Supplemental Final EIS which it certified in September 2007, (the “September 2007
5 Recirculated EIR/EIS”); and

6 WHEREAS, the CVCC now wishes to add the City and Mission Springs Water District
7 as Permittees and so CVCC prepared a Major Amendment to the CVMSHCP (the “Major
8 Amendment”); and

9 WHEREAS, the Project proposed for approval is the inclusion into the CVMSHCP, as
10 revised by the Major Amendment, of the City of Desert Hot Springs and Mission Springs Water
11 District, as Permittees (the “Project”); and

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

23 WHEREAS, a Supplemental Environmental Impact Report/Environmental Impact
24 Statement (“EIR/EIS”) has been prepared pursuant to State CEQA Guidelines Section 15163 and
25 NEPA Regulations, 40 C.F.R. 1502.9(c) in order to analyze all potential adverse environmental
26 impacts of the Project; and
27
28

1 WHEREAS, CVCC, at a public meeting on March 13, 2014 reviewed the Final
2 Supplemental EIR/EIS, Major Amendment to the CVMSHCP and CVMSHCP/Natural
3 Communities Conservation Plan (“CVMSHCP”), Implementing Agreement, and other related
4 documents in the record before it and by Resolution No. 14-004, certified the Final Supplemental
5 EIR/EIS, and approved the Major Amendment to the CVMSHCP, and Implementing Agreement;
6 and

7 WHEREAS, pursuant to State CEQA Guidelines sections 15091, 15096 sub. (h), 15381, and other
8 provisions of CEQA, the Riverside County Flood Control and Water Conservation District (“District”) is
9 a responsible agency for the Project and must therefore make certain findings prior to the approval of the
10 Project; and

11
12 WHEREAS, all the procedures of CEQA and the State CEQA Guidelines have been
13 met, and the Final Supplemental EIR/EIS, prepared in connection with the Major Amendment, as
14 well as the September 2007 Recirculated EIR/EIS, are sufficiently detailed so that all the
15 potentially significant effects of the Project on the environment and measures necessary to avoid
16 or substantially lessen such effects have been evaluated in accordance with the above-referenced
17 Act and Guidelines; and

18
19 WHEREAS, as contained herein, the District has endeavored in good faith to set forth
20 the basis for its decision on the Project; and

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

24
25 WHEREAS, prior to taking action, the District Board of Supervisors has heard, been presented
26 with, reviewed and considered all of the information and data presented to it, including the Draft
27 Supplemental EIR/EIS, Final Supplemental EIR/EIS, the September 2007 Recirculated EIR/EIS,
28

1 and other documentation relating to the Project, and all oral and written evidence presented to it;

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

4 WHEREAS, the documents and other materials that constitute the record of
5 proceedings/administrative record for the County's approval of the Project are located at 4080
6 Lemon Street, Riverside, California; and the custodian of these records is the Clerk of the Board.

7
8 BE IT RESOLVED, FOUND, DETERMINED AND ORDERED by the District Board of
9 Supervisors in regular session assembled on July
10 29, 2014, based upon the evidence and testimony presented on the matter, both written and oral,
11 including the Draft Supplemental EIR/EIS, Final Supplemental EIR/EIS, and the September
12 2007 Recirculated EIR/EIS, that the environmental effects of the Project have been adequately
13 addressed.

14
15 BE IT FURTHER RESOLVED by the District Board of Supervisors that:

- 16 A. The Final Supplemental EIR/EIS prepared for the Major Amendment to
17 the CVMSHCP is hereby received by the District Board in the form attached hereto as
18 Exhibit A, and incorporated herein by this reference. The September 2007
19 Recirculated EIR/EIS is hereby received by the District Board in the form attached hereto
20 as Exhibit B, and incorporated herein by this reference.
- 21 B. The District Board hereby finds and determines that the September 2007
22 Recirculated EIR/EIS, as revised by the Final Supplemental EIR/EIS, has been
23 completed in compliance with CEQA and the State CEQA Guidelines and, as the
24 decision-making body for the District, the District Board has reviewed and
25 considered the information contained in the September 2007 Recirculated
26 EIR/EIS, as revised by the Final Supplemental EIR/EIS, and related documents
27
28

1 before it and all of the environmental effects of the CVMSHCP, as revised by the
2 Major Amendment, and finds that the September 2007 Recirculated EIR/EIS, as
3 revised by the Final Supplemental EIR/EIS, reflects the independent judgment
4 and analysis of the District.

5 C. The District Board concurs with the environmental findings in CVAG Resolution
6 Nos. 07-009 and CVCC Resolution 14-004 and adopts these findings, attached
7 hereto as Exhibit C and Exhibit D, respectively, and incorporated herein by this
8 reference.
9

10 BE IT FURTHER RESOLVED by the District Board of Supervisors that the CVMSHCP as
11 amended by the
12 Major Amendment is hereby approved.

13 BE IT FURTHER RESOLVED by the District Board of Supervisors that the Implementing
14 Agreement is
15 hereby approved and that the Chairman of the District Board of Supervisors is authorized to execute said
16 Agreement.

17 BE IT FURTHER RESOLVED by the District Board of Supervisors that within five (5) days of
18 the adoption
19 of this resolution and approval of the CVMSHCP as amended by the Major Amendment
20 and the Implementing Agreement, the Clerk of the Board is directed to deliver the Notice
21 of Determination for the Project to the Office of the County Clerk and Recorder, who is
22 thereby directed to file the same, and the Clerk of the Board is further directed to deliver
23 the Notice of Determination to the State Clearinghouse, all as required by law.
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