

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

161



FROM: Waste Management District

SUBMITTAL DATE:
July 17, 2014

SUBJECT: Adoption of Resolution No. 2014-01 Approving a Major Amendment to the Coachella Valley Multiple Species Habitat Conservation Plan, Approving the Implementing Agreement and Incorporating Responsible Agency Findings 4th & 5th / 4th & 5th District; [\$0]

RECOMMENDED MOTION: That the Board of Directors:

1. Adopt Resolution No. 2014-01 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. 2014-01 as well as deliver said Notice of Determination to the State Clearinghouse.

BACKGROUND:

Summary

[Continued on Page 2]


Hans Kernkamp
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 checked="" type="checkbox"/>
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A	
SOURCE OF FUNDS: N/A				Budget Adjustment: N/A	
				For Fiscal Year: 14/15	

C.E.O. RECOMMENDATION:

APPROVE

BY: 
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

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

Positions Added
 Change Order

A-30
 4/5 Vote

Prev. Agn. Ref.:

Districts: 4th & 5th

Agenda Number:

DISTRICT

12-1

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FORM 11: CVMSHCP Major Amendment

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BACKGROUND:

Summary

The Major Amendment to 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.

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

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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. 2014-01 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 4: Notice of Determination

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3 RESOLUTION NO. 2014-01

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

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

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

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

WHEREAS, thereafter the Plan was revised to remove the City of Desert Hot Springs

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

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

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

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

11 WHEREAS, the Major Amendment includes the issuance of Take Authorization
12 associated with Covered Activities that are not currently included under the existing federal
13 Section 10(a) Permit and state NCCP Permit (“Permits”). This Major Amendment will restore
14 the boundaries from the 2006 Final CVMSHCP for the Upper Mission Creek/Big Morongo
15 Canyon Conservation Area and would include all of the private lands within the city limits of
16 Desert Hot Springs. The private lands to be included total approximately 770 acres that were
17 removed from this Conservation Area when Desert Hot Springs chose not to participate in 2006.
18 The city limits of Desert Hot Springs also include two parcels in the Whitewater Canyon
19 Conservation Area that are both owned by BLM and are currently managed consistent with the
20 Plan, therefore no additional disturbance associated with the Major Amendment will occur in this
21 area; and
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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
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28 WHEREAS, CVCC, at a public meeting on March 13, 2014 reviewed the Final

1 Supplemental EIR/EIS, Major Amendment to the CVMSHCP and CVMSHCP/Natural
2 Communities Conservation Plan (“CVMSHCP”), Implementing Agreement, and other related
3 documents in the record before it and by Resolution No. 14-004, certified the Final Supplemental
4 EIR/EIS, and approved the Major Amendment to the CVMSHCP, and Implementing Agreement;
5 and

6 WHEREAS, pursuant to State CEQA Guidelines sections 15091, 15096 sub. (h), 15381,
7 and other provisions of CEQA, the Riverside County Waste Resources Management District (“District”)
8 is a responsible agency for the Project and must therefore make certain findings prior to the approval of
9 the Project; and
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11 WHEREAS, all the procedures of CEQA and the State CEQA Guidelines have been
12 met, and the Final Supplemental EIR/EIS, prepared in connection with the Major Amendment, as
13 well as the September 2007 Recirculated EIR/EIS, are sufficiently detailed so that all the
14 potentially significant effects of the Project on the environment and measures necessary to avoid
15 or substantially lessen such effects have been evaluated in accordance with the above-referenced
16 Act and Guidelines; and
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18 WHEREAS, as contained herein, the District has endeavored in good faith to set forth
19 the basis for its decision on the Project; and

20 WHEREAS, all of the findings and conclusions made by the Board of Directors
21 pursuant to this Resolution are based upon the oral and written evidence presented to it as a
22 whole and not based solely on the information provided in this Resolution; and
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24 WHEREAS, prior to taking action, the Board of Directors has heard, been presented
25 with, reviewed and considered all of the information and data presented to it, including the Draft
26 Supplemental EIR/EIS, Final Supplemental EIR/EIS, the September 2007 Recirculated EIR/EIS,
27 and other documentation relating to the Project, and all oral and written evidence presented to it;
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1 WHEREAS, all other legal prerequisites to the adoption of this Resolution have
2 occurred; and

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

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

14 A. The Final Supplemental EIR/EIS prepared for the Major Amendment to
15 the CVMSHCP is hereby received by the Board in the form attached hereto as
16 Exhibit A, and incorporated herein by this reference. The September 2007
17 Recirculated EIR/EIS is hereby received by the Board in the form attached hereto
18 as Exhibit B, and incorporated herein by this reference.

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20 B. The Board hereby finds and determines that the September 2007
21 Recirculated EIR/EIS, as revised by the Final Supplemental EIR/EIS, has been
22 completed in compliance with CEQA and the State CEQA Guidelines and, as the
23 decision-making body for the County of Riverside , the Board has reviewed and
24 considered the information contained in the September 2007 Recirculated
25 EIR/EIS, as revised by the Final Supplemental EIR/EIS, and related documents
26 before it and all of the environmental effects of the CVMSHCP, as revised by the
27 Major Amendment, and finds that the September 2007 Recirculated EIR/EIS, as
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1 revised by the Final Supplemental EIR/EIS, reflects the independent judgment
2 and analysis of the District.
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4 C. The District Board concurs with the environmental findings in CVAG Resolution
5 Nos. 07-009 and CVCC Resolution 14-004 and adopts these findings, attached
6 hereto as Exhibit C and Exhibit D, respectively, and incorporated herein by this
7 reference.

8 BE IT FURTHER RESOLVED by the District Board that the CVMSHCP as amended by the
9 Major Amendment is hereby approved.
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11 BE IT FURTHER RESOLVED by the District Board that the Implementing Agreement is
12 hereby approved and that the Chairman is authorized to execute said Agreement.

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