

# ***1.0 Background, Purpose, Scope, Process, and Regulatory Context***

This section of the Plan describes the background, purpose, scope, and planning process of the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (Plan). This section also discusses the federal and state laws on which the Plan is based.

## ***1.1 Background***

In 1986, the U.S. Fish and Wildlife Service (USFWS) approved the Coachella Valley Fringe-toed Lizard Habitat Conservation Plan (CVFTL HCP). This plan, the second habitat conservation plan ever prepared in the United States, created three preserves to protect Habitat for the Coachella Valley fringe-toed lizard, a state Endangered and federally Threatened Species, and provided an Incidental Take permit under the Federal Endangered Species Act (FESA) for lawful activities outside the preserves.

As the Coachella Valley continued to grow in ensuing years, other species and their habitats were impacted by human activities. Further, the Habitat of many species whose ranges are broader than just the Coachella Valley was also impacted elsewhere. As a result of impacts within and outside the Plan Area, a total of 11 species in the Plan Area are now either state or federally listed as threatened or endangered. A number of other species are either endemic or nearly endemic to the Coachella Valley and could be threatened by future Development, or are rare in the Plan Area and require protection to persist in the Plan Area.

A scoping study prepared for the Coachella Valley Association of Governments (CVAG) by the Coachella Valley Mountains Conservancy (CVMC) in 1994 recommended that a Multiple Species Habitat Conservation Plan be prepared for the entire Coachella Valley and surrounding mountains to address current and potential future State and Federal Endangered Species Act (ESAs) issues in the Plan Area. Subsequently, a Memorandum of Understanding (Planning Agreement) was developed to govern the preparation of the Plan. In late 1995 and early 1996, 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; USFWS; the California Department of Fish and Game (CDFG); the Bureau of Land Management (BLM); the U.S. Forest Service (USFS); and the National Park Service (NPS) (Parties) signed the Planning Agreement to initiate the planning effort.

In late 1996 and early 1997, the Parties to the Planning Agreement approved an amendment stipulating that the Plan will meet the intent of the Natural Community Conservation Planning Act and FESA, and, further, that the Planning Agreement constitutes an agreement to prepare a Natural Community Conservation Plan (NCCP) as specified in Fish and Game Code Section 2810. Hereinafter in this document, “Plan” or “MSHCP” refers to the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan.

## **1.2 Purpose**

The overall goal of the MSHCP is to enhance and maintain biological diversity and ecosystem processes while allowing future economic growth. This goal would allow preservation of a quality of life characterized by well-managed and well-planned growth integrated with an associated open-space system. The primary goals of the MSHCP are to:

- Protect Core Habitat for 27 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.
- Improve the future economic development in the Coachella Valley by providing an efficient, streamlined regulatory process through which Development can proceed in an efficient way. The 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 Endangered Species protection.
- Provide for permanent open space, community edges, and recreational opportunities, which contribute to maintaining the community character of the Coachella Valley.

The purpose of the MSHCP is to obtain Take Authorization (Take Permits) pursuant to FESA and the NCCP Act for Covered Activities in the Coachella Valley while balancing environmental protection with regional economic objectives and simplifying compliance with the State and Federal Endangered Species Acts and other applicable laws and regulations. The term “Permits” refers, collectively, to the Section 10(a)(1)(B) Permit and NCCP Permit issued by USFWS and CDFG, collectively (Wildlife Agencies) to Permittees for Take of Covered Species pursuant to FESA and the NCCP Act and in conformance with the MSHCP and the Implementing Agreement (IA), a contractual obligation between the individual Permittees and the Wildlife Agencies. The term of the Permits is 75 years, which is the length of time required to fully fund Plan implementation. Section 5 describes the costs and funding for Plan implementation. The Plan will result in the establishment, monitoring and management of a Reserve System consisting of approximately 723,480 acres, as further described in Section 4.

The traditional project-by-project process for resolving conflicts between species preservation and development involves a costly expenditure of time and money. Moreover, this piecemeal process results in uncoordinated preservation of scattered Habitat areas set aside as mitigation for individual project impacts. These generally small, unconnected Habitat areas do not necessarily guarantee the continued viability of species populations or ecosystem functions, which generally depend on large interconnected Habitat areas designed and managed in a coordinated manner. The proposed MSHCP would replace the current piecemeal approach to project approval and mitigation with a coordinated, comprehensive approach based on the basic conventions of biological reserve design. This approach ensures that project mitigation is directed to those areas most critical to maintenance of ecosystem function and species viability.

The proposed Plan would conserve 27 species indigenous to this area of Riverside County that either have special status under the FESA and/or the California Endangered Species Act

(CESA) or species that are likely to become listed during the term of the Permit. These include species that are listed as “endangered” or “threatened” under the FESA or that have been “proposed” or are “candidates” for such listing. Additionally, 27 natural communities are included in the MSHCP. This ecosystem or natural community based approach protects general biological diversity in the Plan area, resulting in healthier ecosystems, reduced conflicts with development activities, and reduced potential for any additional species to be proposed for listing in the future.

Each Permittee participating in the proposed Plan would be a signatory to the IA. Upon issuance of the Permits, the Permittees would be granted Take Authorization for otherwise lawful actions, such as Development, that may result in Take. Local Permittees would be required to ensure future Development is consistent with the MSHCP. Authority for the issuance of Federal and State Take Authorizations is set forth in Section 10(a)(1)(B) of FESA and Section 2835 of the California Fish and Game Code, respectively.

### ***1.3 Scope***

The Plan Area includes approximately 1.2 million acres in the Coachella Valley and surrounding mountains in central Riverside County in southern California. (See Figure 1-1, Regional Context Map.) Because Indian reservation lands are not included in the Plan, the acreage covered by the Plan is approximately 1.1 million acres. Of the seven Indian reservations in the Plan Area, only the Agua Caliente Indian Reservation is the subject of a Tribal MSHCP. Implementation of this Plan and the Agua Caliente Tribal MSHCP will be coordinated to the maximum extent Feasible. Boundaries and characteristics of the Plan Area are described in Section 2, Plan Area Profile. (See Figure 1-2, Plan Area Map.)

### ***1.4 Planning Process and Public Participation***

The MSHCP planning process has included the local agencies, which will be Local Permittees and signatories to the IA. These are eight of the nine cities within the Coachella Valley (Cities), the County of Riverside (County), Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), Riverside County Flood Control and Water Conservation District (County Flood Control), Riverside County Regional Park and Open Space District (County Parks), and Riverside County Waste Resources Management District (County Waste). The California Department of Transportation (Caltrans), California Department of Parks and Recreation (State Parks), and CVMC will be State Permittees and signatories to the IA. BLM, NPS, and USFS are managers of significant public lands in the Plan Area and will participate in Plan implementation through Planning Agreements. Subsequent to the original approved Plan, the City of Desert Hot Springs and Mission Springs Water District became Permittees through a Major Amendment.

The Plan has been prepared under the direction of CVAG, which contracted with CVMC for Plan preparation. A Project Advisory Group (PAG) has provided a forum for input from an array of interests. The PAG is composed of representatives of the Parties to the Planning Agreement; other public agencies, including CVWD and the University of California (UC); and private sector groups, including the Building Industry Association, the Sierra Club, The Nature Conservancy (TNC), the Center for Natural Lands Management (CNLM), and the Riverside

County Farm Bureau. A representative of the Agua Caliente Band of Cahuilla Indians attended many PAG meetings. All PAG meetings have been public meetings to provide an opportunity for public input. Public forums were held in 1998, 1999, and 2000, and special meetings and contact by mail have provided additional opportunities for potentially affected landowners to offer input into the planning process. See Section 1.1 in Appendix I for a complete list of public meetings held. CVAG also met with the County Agricultural Commissioner in September, 2003 to discuss the proposed Plan's relationship to agricultural lands and activities in the Plan Area.

The Scientific Advisory Committee (SAC) has provided additional technical expertise on biological issues. A Geographic Information Systems (GIS) team, composed of staff from CVMC, BLM, CVAG, and the County, has provided GIS services, including developing data layers, natural communities and species distribution mapping and modeling, gap analysis, and reserve design and corridor mapping.

A group of Independent Science Advisors (ISA) provided independent scientific input for use in Plan development, including initial guidance on biological issues and subsequent review of the SAC's recommendations.

Local, state, and federal agencies have participated actively in the preparation of the Plan. The Wildlife Agencies and BLM biologists have conducted many of the biological surveys; the Wildlife Agencies and BLM have also provided funding for Plan preparation, and BLM has contributed toward a GIS staff person. Other agencies, including Cities, the County, and CVWD have actively participated by providing staff time, data, and maps.

## ***1.5 Regulatory Context***

This section describes the state and federal regulatory context governing the Plan. The regulatory context of the Plan derives primarily from federal and state laws governing the protection and Take of Threatened and Endangered Species. These laws include FESA, the National Environmental Policy Act (NEPA), the California Fish and Game Code (including the NCCP Act), and the California Environmental Quality Act (CEQA).

### ***1.5.1 FESA (Federal Endangered Species Act)***

Section 10(a) of FESA authorizes the issuance of Take permits and establishes standards for the content of habitat conservation plans.

### ***1.5.2 NEPA (National Environmental Policy Act)***

USFWS, as the lead agency under NEPA, has prepared an Environmental Impact Statement (EIS), which is part of the joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS). The EIS analyzes the potential effects of the approval and implementation of the Plan and the issuance of a Permit by USFWS. The document was made available for public review and noticed in the *Federal Register*.

### ***1.5.3 NCCP Act (California Natural Community Conservation Planning Act)***

Fish and Game Code Section 2835 authorizes CDFG to permit the Take of any Covered Species whose Conservation and management are provided for in an approved NCCP.

### ***1.5.4 CEQA (California Environmental Quality Act)***

Similar to NEPA, CEQA requires state and local agencies, when making discretionary decisions, to evaluate the environmental effects of a proposed project before project approval.

Accompanying the Plan is a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) that serves as the CEQA environmental document for review by responsible and other interested agencies and the public. CVAG is the lead agency under CEQA.

## ***1.6 Relationship to Other Plans and Programs***

Other plans and programs relevant to this Plan include the adopted general plans of the Permittees and other non-Permittees, various land use management plans governing state and federal lands in the Plan Area, species management plans approved by state and/or federal agencies, and habitat conservation plans in adjoining or overlapping areas.

Plans considered in the preparation of this Plan are listed below.

#### **Bureau of Land Management**

- California Desert Conservation Area (CDCA) Plan
- 2002 CDCA Plan Amendment for the Coachella Valley
- Big Morongo Canyon Area of Critical Environmental Concern (ACEC) Management Plan
- Chuckwalla Bench ACEC Management Plan
- Dos Palmas ACEC Management Plan
- Whitewater Canyon ACEC Management Plan
- Whitewater Floodplain Reserve Management Plan
- Willow Hole-Edom Hill ACEC Management Plan

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U.S. Forest Service

- San Bernardino National Forest Land Use Management Plan

National Park Service

- Backcountry and Wilderness Management Plan
- Joshua Tree National Park General Management Plan
- Land Protection Plan for Joshua Tree National Park

U.S. Fish and Wildlife Service

- Arroyo Toad Recovery Plan
- Bighorn Sheep in the Peninsular Ranges, California, Recovery Plan
- Desert Pupfish Recovery Plan
- Desert Tortoise Recovery Plan
- Yuma Clapper Rail Recovery Plan

California Department of Fish and Game

- Carrizo Canyon Ecological Reserve Management Plan
- Hidden Palms Ecological Reserve Management Plan
- Magnesia Spring Ecological Reserve Management Plan
- Oasis Springs Ecological Reserve Management Plan

California Department of Parks and Recreation

- Mount San Jacinto State Park Management Plan
- Salton Sea State Recreation Area Management Plan

Multiple Agency Plans

- Coachella Valley Fringe-toed Lizard Habitat Conservation Plan
- Coachella Valley Preserve System Management Plan
- Flat-tailed Horned Lizard Rangelwide Management Strategy (1997)
- Northern and Eastern Colorado Desert Coordinated Management Plan
- Santa Rosa Mountains Wildlife Habitat Management Plan
- Santa Rosa and San Jacinto Mountains National Monument Management Plan
- West Mojave Plan
- Western Riverside County Multiple Species Habitat Conservation Plan

Local Plans

- City of Cathedral City General Plan

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- City of Coachella General Plan
- City of Desert Hot Springs General Plan
- City of Indian Wells General Plan
- City of Indio General Plan
- City of La Quinta General Plan
- City of Palm Desert General Plan
- City of Palm Springs General Plan
- City of Rancho Mirage General Plan
- County of Riverside General Plan
- Transportation Improvement Program for the County of Riverside
- Coachella Valley Water District Water Management Plan
- Riverside County Flood Control and Water Conservation District's proposed West Desert Hot Springs Master Drainage Plan
- Riverside County Flood Control and Water Conservation District's existing Master Drainage Plans for the Cathedral City, Desert Hot Springs, Garnet Wash, Long Canyon Wash, and Palm Springs Areas
- Bureau of Reclamation and Coachella Valley Water District Coachella Canal Lining Project and Biological Opinion
- Corps of Engineers Thousand Palms Flood Control Project

Tribal Plan

- Agua Caliente Band of Cahuilla Indians Tribal MSHCP

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