

# **Planning Agreement**

by and among

**Imperial Irrigation District,  
the California Department of Fish and Game, and  
the United States Fish and Wildlife Service**

regarding the

**Imperial Valley  
Natural Community Conservation Plan and  
Habitat Conservation Plan  
Planning Agreement No. 2810 – 2004 – 001 – 06**

**FEBRUARY 2006**

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# Imperial Valley Planning Agreement

This agreement regarding the planning and preparation of the Imperial Valley Natural Community Conservation Plan and Habitat Conservation Plan ("Planning Agreement") is entered into as of the Effective Date by and among the Imperial Irrigation District ("IID"), the California Department of Fish and Game ("DFG"), and the United States Fish and Wildlife Service ("USFWS"). These entities are referred to collectively as "Parties" and each individually as a "Party." The DFG and USFWS are referred to collectively as "Wildlife Agencies."

## 1. Definitions

Terms used in this Planning Agreement that are defined in the Natural Community Conservation Planning Act have the meanings set forth in Fish and Game Code Section 2805. The following terms as used in this Planning Agreement will have the meanings set forth below.

1.1. "CEQA" means the California Environmental Quality Act, Public Resources Code, Section 21000, *et seq.*

1.2. "CESA" means the California Endangered Species Act, California Fish and Game Code, Section 2050, *et seq.*

1.3. "County" means the government of the County of Imperial.

1.4. "Covered Activities" means the Covered Activities described in Section 6.5.

1.5. "Covered Species" means those species, both listed and non-listed, conserved and managed under an approved Plan, that may be authorized for take pursuant to state and federal laws.

1.6. "Draft HCP" means the Draft Habitat Conservation Plan for the Imperial Irrigation District Water Conservation and Transfer Project included as Appendix C in the Final EIR/EIS, as modified by the September 2003 Addendum.

1.7. "Environmental Cost Sharing, Funding and Habitat Conservation Plan Development Agreement" or "ECSA" means the agreement among IID, Coachella Valley Water District ("CVWD") and San Diego County Water District ("SDCWA") dated October 10, 2003, as amended.

1.8. "FESA" means the federal Endangered Species Act, 16 United States Code Section 1530, *et seq.*

**1.9.** "Final EIR/EIS" means the Final Environmental Impact Report/Environmental Impact Statement for the Imperial Irrigation District Water Conservation and Transfer Project and including the following additional documents regarding the Transfer Project adopted by IID: (i) the 2003 Addendum, (ii) the Mitigation Monitoring and Reporting Program, and (iii) Resolution No. 9-2003 of the Board of Directors of IID certifying the Final EIR/EIS and adopting findings and a statement of overriding considerations pursuant to CEQA. The Final EIR was certified by IID in June 2002. In October 2002, the Bureau of Reclamation approved the EIS, which is a modified version of the Final EIR that incorporates errata into the text of the document.

**1.10.** "Habitat Conservation Plan" or "HCP" means a conservation plan prepared pursuant to Section 10(a)(1)(B) of FESA.

**1.11.** "IID Water Conservation and Transfer Project" or "Transfer Project" means the project as approved by IID in October 2003 and described in the Final EIR/EIS.

**1.12.** "Implementing Agreement" or "IA" means the agreement required pursuant to Fish and Game Code Section 2820, subdivision (b) and authorized under 14 United States Code Section 1539 (a)(2)(B) which defines the terms for implementing the Plan.

**1.13.** "Interagency Working Group" means the group composed of representatives of USFWS, DFG and IID.

**1.14.** "In Valley Biological Opinion" means the biological opinion dated December 18, 2002 issued by the U.S. Fish and Wildlife Service with regard to the Transfer Project.

**1.15.** "Listed Species" means those species designated as candidate, threatened or endangered pursuant to CESA and/or listed as threatened or endangered under FESA.

**1.16.** "Natural Community Conservation Plan" or "NCCP" means a conservation plan created pursuant to Fish and Game Code, Section 2801, *et seq.*

**1.17.** "Natural Community Conservation Planning Act" or "NCCPA" means Fish and Game Code, Section 2801, *et seq.*

**1.18.** "NEPA" means the National Environmental Policy Act, 42 United States Code Section 4321, *et seq.*

1.19. "Plan" means the joint natural community conservation plan and habitat conservation plan.

1.20. "Planning Area" means the geographic area proposed to be addressed in the Plan as depicted in Exhibit A.

1.21. "Quantification Settlement Agreement" or "QSA" means the agreement among IID, CVWD, and the Metropolitan Water District ("MWD"), dated October 10, 2003, and as the QSA is amended from time to time.

1.22. "QSA JPA" means that joint powers authority, comprised of DFG, IID, CVWD, and SDCWA regarding the Transfer Project, as defined by Stats. 2003 ch. 613 (SB 654).

1.23. "QSA JPA Agreement" means the Quantification Settlement Agreement Joint Powers Authority Creation and Funding Agreement dated October 10, 2003.

## 2. Background

### 2.1. Background Regarding Natural Community Conservation Planning Act

The NCCPA (Fish and Game Code section 2800 et seq.) was enacted to encourage broad-based planning to provide for effective protection and conservation of the state's wildlife resources while continuing to allow appropriate development, growth and other activities. The purposes of natural community conservation planning are, among other purposes described in Fish and Game Code section 2801, to provide for the conservation of biological diversity by protecting biological communities. Conservation of biological diversity includes protecting sensitive and more common species, natural communities, and the ecological processes necessary to sustain the ecosystem over time. An NCCP identifies and provides for the measures necessary to conserve and manage natural biological diversity within the Planning Area, while allowing compatible and appropriate economic development, growth, and other human uses.

### 2.2. Background Regarding Purposes of NCCP Planning Agreements

The purposes of NCCP Planning Agreements are to:

- Define the Parties' goals and commitments with regard to development of a Plan;
- Define the geographic scope of the conservation Planning Area;

- Identify a preliminary list of natural communities and species known or reasonably expected to be found in those communities, that are intended to be the initial focus of the Plan;
- Identify preliminary conservation objectives for the Planning Area;
- Establish a process for the inclusion of independent scientific input into the planning process;
- Ensure coordination among the Wildlife Agencies, particularly with respect to FESA, 16 U.S.C. Section 1531 et seq.;
- Ensure public participation and outreach throughout the planning process; and
- Provide for a process for review of activities during the preparation of the Plan (See section 6.6.1).

### **2.3. Background Regarding Planning Area and IID NCCP**

Among the species within the Planning Area are certain species that are protected, or may be protected in the future, under CESA and/or FESA. The Parties intend for the Plan to satisfy the requirements for an HCP under Section 10(a)(1)(B) of FESA, and an NCCP under the NCCPA, to serve as the basis for take authorizations under both Acts.

The NCCPA provides that after the approval of an NCCP, DFG may permit the taking of any identified species, listed or non-listed, whose conservation and management is provided for in the NCCP. Take of state-listed species may be authorized pursuant to CESA during development of the Plan. After approval of the Plan, state authorized take may be provided pursuant to the NCCPA.

FESA provides that after the approval of an HCP, USFWS and/or NOAA Fisheries may permit the taking of wildlife species covered in the HCP if the HCP and permit application satisfy the requirements of section 10(a)(2)(A) and (B) of FESA. Take authorization for federally listed wildlife species covered in the HCP shall generally be effective upon approval of the HCP and issuance of an incidental take permit. Take authorization for non-listed wildlife species covered in the HCP becomes effective if and when the species is listed pursuant to FESA. Take authorization during plan preparation for wildlife species listed pursuant to FESA may be provided pursuant to individual permits issued pursuant to section 10(a)(1)(B), or consultations under section 7 of FESA.

## **2.4. Section 7 of FESA**

To the extent allowed under law, the Parties intend that the mitigation and minimization measures included in the Plan, once approved by the USFWS and included as a condition of federal incidental take permit to IID, will be incorporated into future Section 7 consultations, if any, between the USFWS and the United States Army Corps of Engineers, the United States Bureau of Reclamation, or other applicable federal agencies regarding Covered Activities that may adversely affect Covered Species or their habitat.

## **2.5. Regional Wetlands**

IID intends to address impacts to wetlands and waters of the United States and changes to the bed, bank or channel of rivers, streams and lakes resulting from Covered Activities in the Planning Area. Based on the Plan, IID may seek future programmatic permits or authorizations under the Clean Water Act and Section 1602 of the Fish and Game Code, as necessary, for Covered Activities. The Parties agree to work together to explore the feasibility of undertaking concurrent but separate planning regarding these permits, if determined to be necessary. However, such programmatic permits or authorizations are not necessary for approval of the Plan or for issuances of take permits.

## **2.6. Assurances**

### **2.6.1. FESA**

The Parties anticipate that the USFWS will provide assurances pursuant to its applicable federal law and regulations then in effect upon issuance of federal incidental take permits to IID.

### **2.6.2. NCCPA**

The Parties anticipate that if the Plan meets the criteria for an NCCP permit under Section 2835 of the Fish and Game Code, DFG will provide assurances consistent with its statutory authority upon approval of the Plan and issuance of a NCCP permit to IID. Under Section 2820(f) of the Fish and Game Code, DFG may provide assurances for Plan participants commensurate with the level of long-term conservation and associated implementation measures provided in the Plan. In order to ensure that state regulatory assurances are legally binding, any such provisions will be included in an Implementing Agreement.



### **3. Planning Goals**

The planning goals include the following:

- Provide for the conservation and management of Covered Species;
- Preserve aquatic and terrestrial resources through conservation partnerships with IID;
- Allow for implementation by IID of the Covered Activities consistent with applicable laws;
- Provide a basis for permits necessary to lawfully take Covered Species;
- Provide a comprehensive means to coordinate and standardize mitigation and compensation requirements of CESA (including but not limited to, the requirements of the section 2081 permit referred to in section 6.4.1 and previously issued to IID), FESA, CEQA, NEPA, and NCCPA and other applicable laws and regulations, as appropriate, relating to biological and natural resources within the Planning Area that are impacted by the Covered Activities to reduce delays, expenses and regulatory duplication; and
- Provide clear expectations and regulatory predictability for IID and other persons carrying out the Covered Activities within the Planning Area.

### **4. Planning Area and Plan Participants**

The Planning Area includes the areas within the IID service area on which Covered Activities occur, IID properties outside of its service area, rights-of-way along the All-American Canal, and Coachella Valley Water District drains that discharge directly to the Salton Sea from the downstream side of the first check, which acts as a barrier to desert pupfish movement. Individual farmers who voluntarily participate with IID to conserve water may seek status as a third-party granted take authorization through IID. IID may, with DFG and FWS concurrence, choose to establish a "certificate of inclusion" process for including farmers in its permit.

#### **4.1. Geographic Scope**

The geographic area to be addressed in the Plan covers approximately 500,000 acres in Imperial County (which includes land that IID provides water to) and a small portion of Riverside County as depicted in Exhibit A. The Planning Area includes the rights-of-way along the All-American Canal from Imperial Dam on the Colorado River to its terminus near Calexico, and the IID service area from the US-Mexico border to the Salton Sea (including the rights-of-way along its canals).

#### **4.2. IID**

IID is the local sponsor of the Plan. As part of this planning process, IID has committed to undertake a collaborative, systematic approach to protecting the Planning Area's ecologically significant resources, including candidate, threatened and endangered species and their habitats, open space, and working landscapes, and to ensure that the Covered Activities comply with applicable federal and state laws. An Implementation Team ("IT") has been established by the DFG, USFWS, and IID to help implement the In Valley Biological Opinion and the Section 2081 permit conditions for the Transfer Project. Those responsible for preparation of the Plan (see Section 6.4.4. (the Interagency Working Group)) will coordinate with the IT.

#### **4.3. California Department of Fish and Game**

DFG is the agency of the State of California authorized to act as trustee for the state's wildlife. DFG is authorized to approve NCCPs pursuant to the NCCPA, administer and enforce CESA and other provisions of the Fish and Game Code, and enter into agreements with federal and local governments and other entities for the conservation of species and habitats pursuant to CESA and the NCCPA.

#### **4.4. United States Fish and Wildlife Service**

The USFWS is an agency of the United States Department of the Interior authorized by Congress to administer and enforce FESA with respect to terrestrial wildlife, insects, plants and certain fish species, and to enter into agreements with states, local governments, and other entities to conserve threatened, endangered, and other species of concern. The NCCPA and this Planning Agreement require coordination with USFWS with respect to FESA. USFWS will act as the federal lead agency with regard to the Plan and compliance with NEPA.

### **5. Preliminary Conservation Objectives**

The preliminary conservation objectives intended to be achieved through the Plan are to:

- Provide for the protection of species, natural communities and other semi-natural landscapes and ecosystems in compliance with the NCCPA;
- Preserve the diversity of plant and animal communities throughout the Planning Area;
- Protect threatened, endangered or other special status plant and animal species, and minimize and mitigate the take or loss of proposed Covered Species;

- Identify and designate biologically sensitive habitat areas;
- Preserve habitat and contribute to the recovery of Covered Species;
- Reduce the need to list additional species;
- Set forth species specific goals and objectives; and
- Set forth specific habitat-based goals and objectives expressed in terms of amount, quality, and connectivity of habitat.

## **5.1. Conservation Elements**

### **5.1.1. Ecosystems, Natural Communities, and Species List**

The Plan will employ a strategy that focuses on the conservation of ecosystems, natural communities, and ecological processes in the Planning Area. In addition, the Plan will employ species-specific conservation and management measures as required to meet federal permit issuance standards under FESA and the standards of the NCCPA.

A narrative description of natural communities and a preliminary list of the endangered, threatened, candidate, or other sensitive species known, or reasonably expected to be found in the Planning Area, that are intended to be the initial focus of the Plan is attached as Exhibit B. This list identifies the species that the Parties will evaluate for inclusion in the Plan. Exhibit B is not necessarily the Plan's final Covered Species list. The Parties acknowledge that inclusion of a particular species as a Covered Species in the Plan will require an individual determination by the Wildlife Agencies that the Plan adequately provides for conservation of the species in accordance with state and/or federal permit issuance requirements.

### **5.1.2. Conservation Areas and Viable Habitat Linkages**

The Plan will establish conservation areas throughout the Planning Area where appropriate, provide linkages where appropriate, and include other measures to the extent required by the NCCPA. Such conservation areas will include a range of environmental gradients and ecological functions, and will address edge effects and other reserve design principles, to the extent appropriate given the background conditions described in Section 6.2.2.

The Plan will focus on conservation and management actions of the agricultural water delivery and drainage system and other IID lands. An offsite mitigation component will be proposed where onsite (within the Planning Area) mitigation and conservation may not be feasible. Connectivity of the preserve areas may rely upon the continued operations of the agricultural irrigation infrastructure (canals and drains), which may serve to link core habitat areas and adjacent agricultural/farmed lands.

### **5.1.3. Project Design**

The Plan will ensure that Covered Activities will be appropriately designed to avoid and/or minimize and mitigate on-site and off-site impacts to resources.

## **6. Preparing the Plan**

The Parties intend that this Planning Agreement will fulfill the NCCPA requirements pertaining to planning agreements and will establish a mutually agreeable process for preparing the Plan that fulfills the requirements of the NCCPA and FESA. The process used to develop the Plan will incorporate independent scientific input and analysis, and include extensive public participation with ample opportunity for comment from the general public as well as advice solicited by IID from key groups of stakeholders as described below.

In order to meet NCCPA standards, IID recognizes that it may have to commit additional land for conservation purposes, beyond what is currently in conservation, or demonstrate that they have control over land use on those lands needed for the conservation of the species. This could be in the form of conservation easements or other appropriate methods.

### **6.1. Best Available Scientific Information**

The Plan will be based on the best available scientific information, including:

- principles of conservation biology, community ecology, landscape ecology, individual species' ecology, and other scientific knowledge and thought;
- thorough information about all natural communities and proposed Covered Species on lands throughout the Planning Area; and
- advice from well-qualified, independent scientists.

### **6.2. Data Collection**

The Parties agree that data collection for preparation of the Plan should be prioritized to develop more complete information on existing biological conditions. Preference should be given to collecting data essential to address conservation requirements of natural communities and proposed Covered Species. The scientific advisory process and analysis of existing information may reveal data gaps currently not known that are necessary for the full and accurate development of the Plan. Data needed for preparation of the Plan may not be known at this time nor identified herein. Therefore, the Parties anticipate that data collection priorities may be adjusted from time to time during the planning process. All data collected

for the preparation and implementation of the Plan will be made available to the Wildlife Agencies in hard and digital formats, as requested.

### **6.2.1. Existing Biological Conditions**

The Draft HCP and Final EIR/EIS provide substantial descriptions of the area's biological conditions as well as water use/transfer information, an evaluation of impacts of Covered Activities. Wildlife habitat associations within the Planning Area are described in the Draft HCP.

### **6.2.2. Conditions In Planning Area**

The Planning Area contains valuable biological resources, including native species of wildlife and their habitat. A number of the biological resources are in the Planning Area as a result of agricultural practices in the Imperial Valley. Most of the current inflow to the Salton Sea originates as agricultural and/or development-generated runoff that enters from the New and Alamo Rivers and other sources. The importation of water from the Colorado River and subsequent cultivation of the Imperial Valley has altered the Salton Trough from its native desert condition. The availability of water in the drains and canals supported the development of marsh-associated vegetation and in some locations patches of marsh-like habitats. These marsh-like habitats, in addition to the productive agricultural fields, currently support species of wildlife that would be absent or present in low numbers in the native desert habitat. Today small areas of native desert (and sand dune) habitat persist in the Planning Area, but mainly the Planning Area supports habitats created and maintained by water imported to the Imperial Valley for agricultural production.

Exhibit B provides summaries of the dominant vegetation communities and identifies some of the important species that are found in these communities. Additional information is available at [www.iid.com/water/transfer.html](http://www.iid.com/water/transfer.html).

### **6.3. Independent Scientific Input**

The Parties intend to include independent scientific input and analysis to assist in the preparation of the Plan. Independent scientists representing an appropriate range of disciplines, including conservation biology and locally relevant ecological knowledge, will participate in the development of the Plan by performing the following activities as directed by the Parties:

- review the Draft HCP and recommend, as necessary, additional scientifically sound conservation strategies for species and natural communities proposed to be covered by the Plan;

- review the Draft HCP and recommend, as necessary, additional reserve design principles that address the needs of species, landscapes, ecosystems, and ecological processes in the Planning Area proposed to be addressed by the Plan;
- review the Draft HCP and recommend, as necessary, additional, management principles and conservation goals that can be used in developing a framework for the monitoring and adaptive management component of the Plan; and
- identify data gaps and uncertainties so that risk factors can be evaluated.

The independent scientists may be asked to provide additional feedback on key issues during preparation of the Plan, may be facilitated, and may prepare reports regarding specific scientific issues throughout the process, as deemed necessary by the Parties.

Design and implementation of the science advisory process must be done in a coordinated fashion and with the mutual agreement of the Parties. The Parties will establish funding and payment procedures. The independent science advisory process will include the development of a detailed scope of work, input from technical experts, may use a professional facilitator, and production of a report by the scientists. In addition, the Parties will make the report available for use by all participants and the public during the planning process.

#### **6.4. Public Participation**

IID will prepare the Plan in an open and transparent process with an emphasis on obtaining input from a balanced variety of public and private interests including state, local and tribal governments, landowners, conservation organizations, agricultural commissioners, agricultural organizations, and the general public. The planning process will provide for thorough public review and comment and include a working group that will review the Plan at every stage of development. To assist in the development of the Plan, the Parties will form an Interagency Working Group as described in Section 6.4.4.

##### **6.4.1. The 2081 Permit and In Valley Biological Opinion**

The Parties recognize that IID has obtained (i) an incidental take permit from DFG pursuant to Fish and Game Code section 2081 (the "2081 Permit") with regard to the potential impact of the Transfer Project on threatened and endangered species currently listed under CESA, and (ii) approvals and incidental take authority from the USFWS with regard to potential impacts on threatened species and endangered species currently listed under FESA pursuant to the In Valley Biological Opinion. The Wildlife Agencies acknowledge and agree that the 2081 Permit and the In

Valley Biological Opinion satisfy existing legal requirements under CESA and Section 7 of FESA with regard to impacts of the Transfer Project on state and federally listed Covered Species. IID intends that, to the maximum extent authorized by law, (i) the biological resource mitigation, minimization and enhancement measures (collectively "Mitigation Measures") included in the 2081 Permit and the In Valley Biological Opinion will be included in the Plan, and (ii) IID will receive credit in the Plan for any Mitigation Measures approved by DFG and USFWS, as applicable, and properly implemented by IID prior to the approval of the Plan, as appropriate to the extent that the Mitigation Measures minimize and mitigate the impacts of take associated with actions covered in the Plan.

#### **6.4.2. Prior Public Participation**

The Parties recognize that IID made available opportunities for public review and comment on the Transfer Project and the Draft HCP in the course of the public review of the Final EIR/EIS and the other various local, state and federal agency approvals of the Transfer Project. The previous public review process for the Transfer Project is summarized on Exhibit C. The public review process for the Plan shall be designed to reflect the extensive prior public review of the Transfer Project consistent with applicable public review process requirements of state and federal law including the NCCPA. IID will use the Draft HCP as a primary source document for the preparation of the Plan and to guide the identification of feasible conservation strategies.

#### **6.4.3. Prior Environmental Community Consultation**

In addition, IID engaged in substantial consultation with the environmental community concerning the Draft HCP. This consultation resulted in the amendments to the fully protected species statutes and other provisions of California law to authorize the QSA and the Transfer Project. This Planning Agreement acknowledges that additional scientific input could provide new information or identify additional conservation measures to provide benefits for the proposed covered habitats and species.

#### **6.4.4. Interagency Working Group**

Staff from the IID, DFG, and USFWS will form an Interagency Working Group to direct the preparation of the Plan, including: provide direction to consultants who will prepare the Plan; prepare, review, or revise portions of the Plan; coordinate the independent scientific advisors' work; and organize and conduct public outreach. The Interagency Working Group role and functions may be integrated with any previously formed, similar group that has been established to perform related functions, such as the

HCP Implementation Team ("IT"), which has begun to implement various components of mitigation for the Transfer Project.

#### **6.4.5. Outreach**

The Working Group will provide access to information for persons interested in the Plan. The Parties expect and intend that public outreach regarding preparation of the Plan will be conducted largely by and through the Working Group, which will establish a plan and schedule for public meetings. In addition, IID will hold public meetings to fulfill environmental review (CEQA and NEPA) as required and to present key decisions regarding the preparation of the Plan to allow the public the opportunity to comment on and inquire about the decisions. Other outreach efforts will include posting key documents and meeting schedules on IID's website ([www.iid.com](http://www.iid.com)).

#### **6.4.6. Availability of Public Review Drafts**

IID will designate and make available for public review in a reasonable and timely manner "public review drafts" of pertinent planning documents including, but not limited to, plans, memoranda of understanding, maps, conservation guidelines, and species coverage lists. Such documents will be made available by IID at least ten working days prior to any public hearing addressing these documents. In addition, IID will make available all reports and formal memoranda prepared by the Interagency Working Group. This obligation will not apply to all documents drafted during preparation of the Plan. However, IID will periodically designate various pertinent documents drafted during preparation of the Plan as "public review drafts", and will make these documents available to the public. The Parties agree that the internet will be one of the principal means of making documents available for public review, as well as more traditional means such as distribution and display of hard copies of such documents.

#### **6.4.7. Public Hearings**

Public hearings regarding development of the Plan will be planned and conducted in a manner that satisfies the requirements of CEQA, NEPA, and any other applicable state or federal laws.

#### **6.4.8. Public Review and Comment Period Prior to Adoption**

IID will make the proposed draft Plan and Implementing Agreement available for public review and comment a minimum of 60 days before adoption. IID expects to fulfill this obligation by distributing the draft Plan and Implementing Agreement with any subsequent assessment that may be required under CEQA and NEPA.



## **6.5. Covered Activities**

Covered Activities under the Plan are those Covered Activities described in the Draft HCP, such as those Covered Activities listed below, and any additional activities identified by IID during the planning process that may result in authorized take of Covered Species and that will be identified and addressed in the Plan. The Covered Activities include, but are not limited to:

- water conservation and irrigation and drainage of lands to which IID delivers water;
- water conservation activities undertaken by IID;
- activities of IID in connection with the diversion, conveyance, and delivery of Colorado River water to users within IID's service area;
- activities of IID in connection with the collection of unused irrigation or drainage waters within its service area and conveyance to the Salton Sea; and
- implementation of the Plan.

The Covered Activities specifically include all water conservation activities and mitigation measures, whether undertaken by IID or by farmers, tenants, or landowners, in connection with either the conservation and transfer of up to 300,000 acre feet/year of Colorado River water pursuant to the Transfer Project and/or the QSA; or compliance with the cap on IID's annual diversions of Colorado River water established by the QSA, and adaptive habitat management and monitoring activities in the Planning Area.

The Parties intend that the Plan will allow Covered Activities in the Planning Area to be carried out in compliance with NCCPA, CESA and FESA.

## **6.6. Protection of Habitat Land During Planning Process**

### **6.6.1. Conservation Lands Acquired/Protected**

The In Valley Biological Opinion and the 2081 Permit address the protection of habitat during the NCCPA planning process. IID may elect to preserve, enhance or restore, either by acquisition or other means (e.g., conservation easements; designated setbacks), lands in the Planning Area that contain native species of wildlife or natural communities prior to approval of the Plan. IID will consult with the Wildlife Agencies regarding potential lands to be protected. The Wildlife Agencies intend to credit such lands toward the land acquisition or habitat protection requirements of the Plan as appropriate and as allowed by law, provided the lands are conserved and managed and contribute to the Plan's conservation

strategy to the satisfaction of the Wildlife Agencies and were not acquired or protected to mitigate for other activities.

### **6.6.2. Mitigation Lands**

Lands, or portions of lands, acquired or otherwise protected to mitigate the impacts of specific projects, actions, or activities will be considered as mitigation only for those projects, actions or activities. The Parties acknowledge that IID is implementing extensive mitigation measures pursuant to the approvals of the Transfer Project, including, but not limited to, the 2081 Permit and the In Valley Biological Opinion. With regard to DFG, any mitigation measures derived from the Transfer Project Mitigation Monitoring and Reporting Program adopted by IID or the 2081 Permit and, with regard to USFWS, any mitigation measures derived from the In Valley Biological Opinion, and properly implemented by IID pursuant to the prior approvals of the Transfer Project will be applied by the Wildlife Agencies towards IID's obligations under the Plan to the extent such measures are included in the Plan, approved by the Wildlife Agencies, and minimize and mitigate the impacts of take associated with activities covered in the Plan.

### **6.6.3. Interim Project Review**

IID shall meet and confer with DFG and USFWS with regard to impacts of any new IID activity (other than the activities described in the Final EIR/EIS) on Covered Species to ensure that these activities are consistent with the preliminary conservation objectives and do not compromise successful completion and implementation of the Plan.

### **6.7. Implementing Agreement**

The NCCPA requires that any NCCP approved by DFG include an Implementing Agreement that contains provisions for:

- conditions of species coverage;
- the long-term protection of habitat reserves and/or other conservation measures;
- implementation of mitigation and conservation measures;
- terms for suspension or revocation of the take permit;
- procedures for amendment of the plan and implementation agreement;
- implementation of monitoring and adaptive management;
- oversight of plan effectiveness and funding; and
- periodic reporting.

While the Plan is being developed, the Parties will negotiate a draft Implementing Agreement that will satisfy the requirements of the NCCPA and FESA, and include specific provisions and procedures for the

implementation, monitoring and funding of the Plan. A draft of the Implementing Agreement will be made available for public review and comment with the final public review draft of the Plan. In the Implementing Agreement, the Department may provide assurances for Plan participants commensurate with long-term conservation assurances and associated implementation measures pursuant to the approved Plan.

## **7. Commitment of Resources**

### **7.1. Funding**

The Parties agree that they will work together to bring available funding to the planning effort.

#### **7.1.1. Local Funding**

IID recognizes that, as a prospective applicant for state and federal permits, they have the primary responsibility for developing a plan that meets applicable legal requirements and that as a result, the development of the Plan must be funded primarily from local assured sources. Implementation will be funded as directed in the QSA JPA agreement.

#### **7.1.2. DFG Assistance with Funding and DFG Costs**

DFG agrees to cooperate with the other Parties in identifying and securing, where appropriate and available, federal and state funds earmarked for natural community conservation planning. The Parties agree that QSA JPA shall not provide reimbursement to DFG for its participation in the planning phase of the Plan as provided in Fish and Game Code, Section 2810, except as provided in Section 8.7.1 of this Planning Agreement. DFG's commitments and obligations under this Planning Agreement are subject to the availability of appropriated funds and the written commitment of funds by an authorized DFG representative.

#### **7.1.3. USFWS Assistance with Funding**

The USFWS agrees to cooperate with the other Parties in identifying and securing, where appropriate, federal and state grants and/or earmarks for habitat conservation planning purposes. Potential federal funding sources may include: the USFWS' Cooperative Endangered Species Conservation Fund, Land and Water Conservation Fund, and land acquisition grants or loans through other federal agencies such as the Environmental Protection Agency, the Army Corps of Engineers, or the Departments of Agriculture or Transportation. The commitments of the USFWS under this Planning Agreement are subject to the requirements of the federal Anti-Deficiency Act (31 U.S.C. section 1341) and the availability of

appropriated funds. The Parties acknowledge that this Planning Agreement does not require any federal agency to expend its appropriated funds unless and until an authorized officer of that agency provides for such expenditures in writing.

## **7.2. Expertise of Wildlife Agencies**

Subject to funding and staffing constraints, the Wildlife Agencies agree to provide technical and scientific information, analyses and advice to assist IID with the timely and efficient development of the Plan.

## **8. Miscellaneous Provisions**

### **8.1. Public Officials Not to Benefit**

No member of or delegate to Congress will be entitled to any share or part of this Planning Agreement, or to any benefit that may arise from it.

### **8.2. Statutory Authority**

The Parties will not construe this Planning Agreement to require any Party to act beyond, or in a manner inconsistent with, its statutory authority.

### **8.3. Multiple Originals**

This Planning Agreement may be executed by the Parties in multiple originals, each of which will be deemed to be an official original copy.

### **8.4. Effective Date**

The Effective Date of this Planning Agreement will be the date on which it is fully executed by DFG, USFWS and IID. This Planning Agreement is effective as to each of the other Parties at the time that Party signs the Planning Agreement.

### **8.5. Duration**

This Planning Agreement will be in effect until the Plan is approved and permitted by the Wildlife Agencies, but shall not be in effect for more than five years following the Effective Date, unless extended by amendment. This Planning Agreement may be terminated pursuant to section 8.7 below.

### **8.6. Amendments**

This Planning Agreement can be amended only by written agreement of all Parties.

## **8.7. Termination and Withdrawal**

Subject to the requirement in Section 8.7.1 of this Planning Agreement, any party may withdraw from this Planning Agreement upon 30 days' written notice to the other Parties. The Planning Agreement will remain in effect as to all non-withdrawing Parties unless the remaining Parties determine that the withdrawal requires termination of the Planning Agreement. This Planning Agreement can be terminated only by written agreement of all Parties. The Planning Agreement shall automatically terminate upon the approval of the Plan by the Parties. Any termination of the Planning Agreement shall have no effect on the validity of the 2081 Permit or the In Valley Biological Opinion.

### **8.7.1. Funding**

In the event that federal or state funds have been provided to assist with Plan preparation, any Party withdrawing from this Planning Agreement shall return to the granting agency unspent funds awarded to that Party for preparation of the Plan prior to withdrawal. A withdrawing Party shall also provide the remaining Parties with a complete accounting of the use of any federal or state funds it received for preparation of the Plan regardless of whether unspent funds remain at the time of withdrawal. In the event of termination of this Planning Agreement, all Parties who received funds shall return any unspent funds to the grantor prior to termination.

**SIGNATURES:**

Dated: February 6, 2006

IMPERIAL IRRIGATION DISTRICT

By: Charles J. Hosken  
Charles J. Hosken  
General Manager

Dated: February \_\_\_\_, 2006

CALIFORNIA DEPARTMENT OF FISH  
AND GAME

By: \_\_\_\_\_  
Banky Curtis  
Deputy Director  
Habitat Conservation Division

Dated: February 6, 2006

Approved as to Form

By: M. Martin  
General Counsel

Dated: February \_\_\_\_, 2006

US FISH AND WILDLIFE SERVICE

By: \_\_\_\_\_  
Kenneth McDermond  
Deputy Manager, California-Nevada  
Operations Office

**SIGNATURES:**

Dated: \_\_\_\_\_, 20\_\_

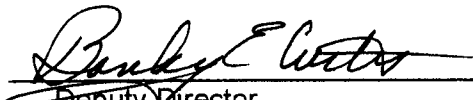
IMPERIAL IRRIGATION DISTRICT

By: \_\_\_\_\_

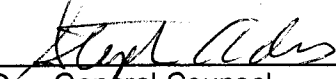
Title: \_\_\_\_\_

Dated: May 17, 2006

CALIFORNIA DEPARTMENT OF FISH  
AND GAME

By:   
Deputy Director  
Habitat Conservation Division

Approved as to Form

By:   
Dep. General Counsel

Dated: \_\_\_\_\_, 20\_\_

US FISH AND WILDLIFE SERVICE

By: \_\_\_\_\_

Title: \_\_\_\_\_

**SIGNATURES:**

Dated: February \_\_\_\_, 2006

IMPERIAL IRRIGATION DISTRICT

By: \_\_\_\_\_  
Charles J. Hosken  
General Manager

Dated: February \_\_\_\_, 2006

CALIFORNIA DEPARTMENT OF FISH  
AND GAME

By: \_\_\_\_\_  
Banky Curtis  
Deputy Director  
Habitat Conservation Division


Dated: February \_\_\_\_, 2006

Approved as to Form

By: \_\_\_\_\_  
General Counsel

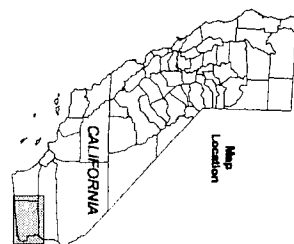
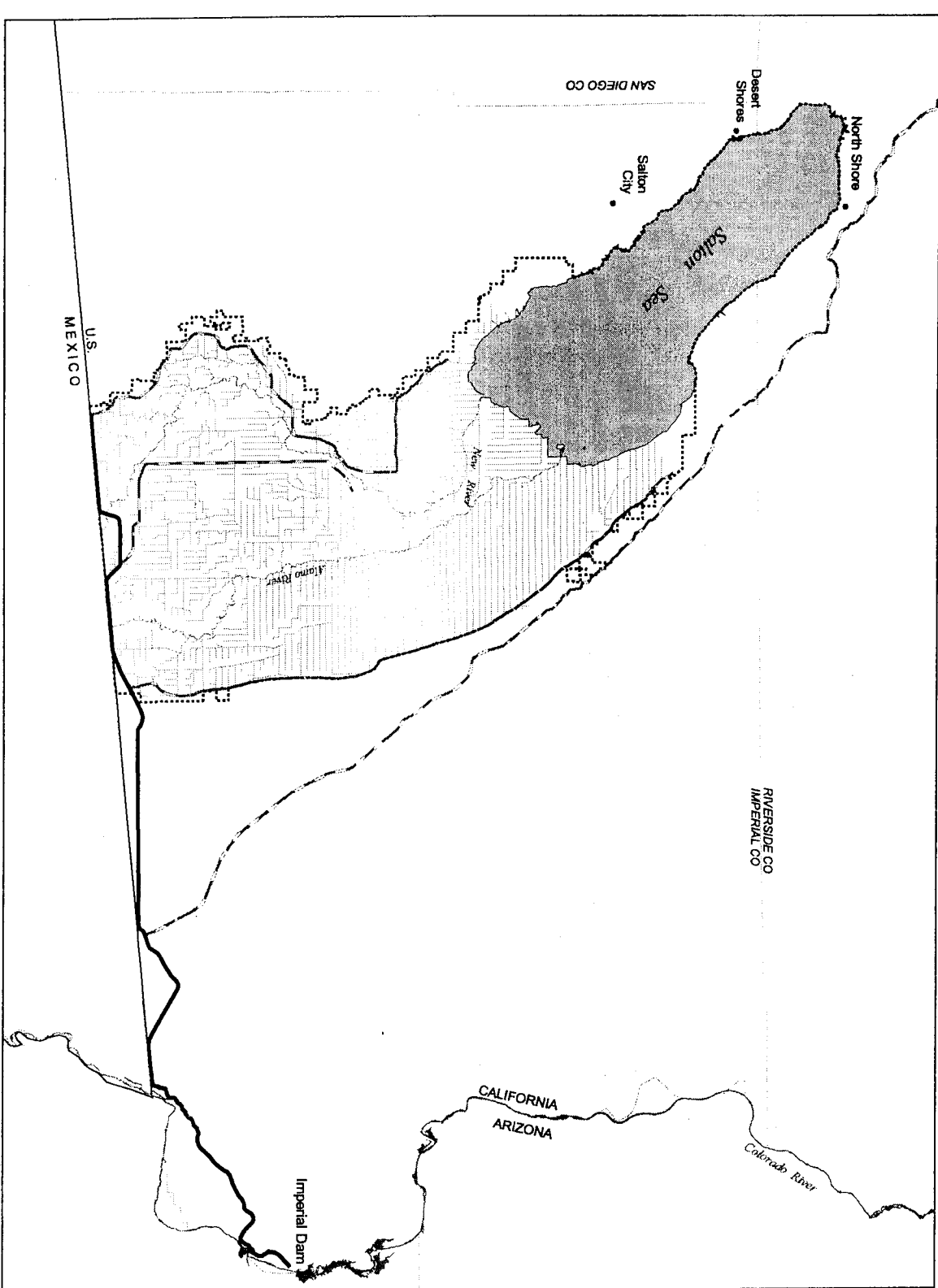
Dated: APR 9 2006

US FISH AND WILDLIFE SERVICE

By:   
Kenneth McDermond  
Deputy Manager, California-Nevada  
Operations Office







- HCP BOUNDARY
- DRAINS
- AQUEDUCT/CANAL
- ALL AMERICAN CANAL
- RIVERS
- COUNTY BOUNDARY

Source:  
 University of Redlands, 1996. DOI, 1996.  
 USBR, 1999

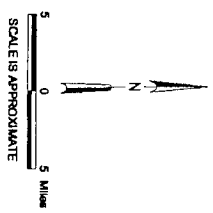


Figure 1-4-1  
 IID HCP AREA  
 IID Water Conservation and  
 Transfer Project Draft HCP



**TABLE 1.5-1**  
Species Covered by the IID HCP

Common Name	Scientific Name	Federal Status	State Status
<b>Invertebrates</b>			
Cheeseweed moth lacewing	<i>Oliarces clara</i>	S	-
Andrew's dune scarab beetle	<i>Pseudocatapa andrewsi</i>	S	-
<b>Fish</b>			
Desert pupfish	<i>Cyprinodon macularius</i>	E	E
Razorback sucker	<i>Xyrauchen texanus</i>	E	E/FP
<b>Amphibians and Reptiles</b>			
Colorado River toad	<i>Bufo alvarius</i>	-	CSC
Desert tortoise	<i>Gopherus agassizi</i>	T	T
Banded gila monster	<i>Helodema suspectum cinctum</i>	-	CSC
Flat-tailed horned lizard	<i>Phrynosoma mcalli</i>	PT	CSC
Lowland leopard frog	<i>Rana yavapaiensis</i>	S	-
Western chuckwalla	<i>Sauromalus obesus obesus</i>	S	-
Couch's spadefoot toad	<i>Scaphiopus couchii</i>	-	CSC
Colorado desert fringed-toed lizard	<i>Uma notata notata</i>	S	CSC
<b>Birds</b>			
Cooper's hawk	<i>Accipiter cooperii</i>	-	CSC
Sharp-shinned hawk	<i>Accipiter striatus</i>	-	CSC
Tricolored blackbird	<i>Agelaius tricolor</i>	S	CSC
Golden eagle	<i>Aquila chrysaetos</i>	-	CSC/FP
Short-eared owl	<i>Asio flammeus</i>	-	CSC
Long-eared owl	<i>Asio otus</i>	-	CSC
Burrowing owl	<i>Athene cunicularia</i>	S	CSC
Aleutian Canada goose	<i>Branta canadensis leucopareia</i>	DM	-
Ferruginous hawk	<i>Buteo regalis</i>	S	CSC
Swainson's hawk	<i>Buteo swainsoni</i>	-	T
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>	-	CSC
Mountain plover	<i>Charadrius montanus</i>	PT	CSC
Vaux's swift	<i>Chaetura vauxi</i>	-	CSC
Black tern	<i>Chlidonias niger</i>	S	-
Northern harrier	<i>Circus cyaneus</i>	-	CSC
Western yellow-billed cuckoo	<i>Coccyzus americanus</i>	-	E
Gilded flicker	<i>Colaptes chrysoides</i>	-	E
Black swift	<i>Cypseloides niger</i>	-	CSC
Fulvous whistling-duck	<i>Dendrocygna bicolor</i>	S	CSC
Yellow warbler	<i>Dendroica petechia</i>	-	CSC
Reddish egret	<i>Egretta rufescens</i>	S	-
White-tailed kite	<i>Elanus leucurus</i>	-	FP
Southwestern willow flycatcher	<i>Empidonax trailii extimus</i>	E	E
Merlin	<i>Falco columbarius</i>	-	CSC
Prairie falcon	<i>Falco mexicanus</i>	-	CSC

**TABLE 1.5-1**  
Species Covered by the IID HCP

Common Name	Scientific Name	Federal Status	State Status
Peregrine falcon	<i>Falco peregrinus</i>	DM	E/FP
Greater sandhill crane	<i>Grus canadensis tadiba</i>	-	T/FP
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	E/FP
Yellow-breasted chat	<i>Icteria virens</i>	-	CSC
Least bittern	<i>Ixobrychus exilis</i>	S	CSC
Loggerhead shrike	<i>Lanius ludovicianus</i>	S	-
Laughing gull	<i>Larus atricilla</i>	-	CSC
California black rail	<i>Laterallus jamaicensis coturniculus</i>	S	T/FP
Long-billed curlew	<i>Numenius americanus</i>	-	CSC
Osprey	<i>Pandion haliaetus</i>	-	CSC
Black skimmer	<i>Rhynchops niger</i>	-	CSC
Bank swallow	<i>Riparia riparia</i>	-	T
Gila woodpecker	<i>Melanerpes uropygialis</i>	-	E
Elf owl	<i>Micrathene whitneyi</i>	-	E
Wood stork	<i>Mycteria americana</i>	-	CSC
Brown-crested flycatcher	<i>Myiarchus tyrannulus</i>	-	CSC
Harris' hawk	<i>Parabuteo unicinctus</i>	-	CSC
Large-billed savannah sparrow	<i>Passerculus sandwichensis rostratus</i>	S	-
American white pelican	<i>Pelecanus erythrorhynchos</i>	-	CSC
Brown pelican	<i>Pelecanus occidentalis</i>	E	E/FP
Double-crested cormorant	<i>Phalacrocorax auritus</i>	-	CSC
Summer tanager	<i>Piranga rubra</i>	-	CSC
White-faced ibis	<i>Plegadis chihi</i>	S	CSC
Purple martin	<i>Progne subis</i>	-	CSC
Vermilion flycatcher	<i>Pyrocephalus rubinus</i>	-	CSC
Yuma clapper rail	<i>Rallus longirostris yumanesis</i>	E	T/FP
California least tern	<i>Sterna antillarum browni</i>	E	E/FP
Elegant tern	<i>Sterna elegans</i>	S	-
Van Rossem's gull-billed tern	<i>Sterna nilotica vanrossemi</i>	S	CSC
Crissal thrasher	<i>Toxostoma crissale</i>	-	CSC
LeConte's thrasher	<i>Toxostoma lecontei</i>	-	CSC
Arizona Bell's vireo	<i>Vireo bellii arizonae</i>	-	E
Least Bell's vireo	<i>Vireo bellii pusillus</i>	E	E
<b>Mammals</b>			
Pallid bat	<i>Antrozous pallidus</i>	-	CSC
Mexican long-tongued bat	<i>Choeronycteris mexicana</i>	S	CSC
Pale western big-eared bat	<i>Corynorhinus townsendii pallescens</i>	-	CSC
Spotted bat	<i>Euderma maculatum</i>	S	CSC
Western mastiff bat	<i>Eumops perotis californicus</i>	S	CSC
California leaf-nosed bat	<i>Macrotus californicus</i>	S	CSC
Western small-footed myotis	<i>Myotis ciliolabrum</i>	S	-

**TABLE 1.5-1**  
Species Covered by the IID HCP

Common Name	Scientific Name	Federal Status	State Status
Occult little brown bat	<i>Myotis lucifugus occultus</i>	S	CSC
Southwestern cave myotis	<i>Myotis velifer brevis</i>	S	CSC
Yuma myotis	<i>Myotis yumanensis yumanensis</i>	S	CSC
Pocketed free-tailed bat	<i>Nyctinomops femorosaccus</i>	-	CSC
Big free-tailed bat	<i>Nyctinomops macrotis</i>	-	CSC
Nelson's bighorn sheep	<i>Ovis canadensis nelsoni</i>	BLMSS	
Jacumba little pocket mouse	<i>Perognathus longimembris internationalis</i>	S	CSC
Yuma Hispid cotton rat	<i>Sigmodon hispidus eremicus</i>	S	CSC
Colorado River hispid cotton rat	<i>Sigmodon arizonae plenus</i>	-	CSC
<b>Plants</b>			
Peirson's milk-vetch	<i>Astragalus magdalenae</i> var. <i>peirsonii</i>	T	E
Flat-seeded spurge	<i>Chamaesyce platysperma</i>	S	-
Wiggin's croton	<i>Croton wigginsii</i>	-	R
Foxtail cactus	<i>Escobaria vivipara</i> var. <i>alversonii</i>	S	-
Algodones Dunes sunflower	<i>Helianthus niveus</i> ssp. <i>tephrodes</i>	S	E
Munz's cactus	<i>Opuntia munzii</i>	S	
Giant Spanish needle	<i>Palafoxia arida</i> var. <i>gigantea</i>	S	-
Sand food	<i>Pholisma sonorae</i>	S	-
Orocopia sage	<i>Salvia greatae</i>	S	-
Orcutt's aster	<i>Xylorhiza orcuttii</i>	S	-

Status Codes:

BLMSS: Bureau of Land Management Sensitive Species

CSC: California Species of Special Concern

DM: Delisted – monitored

E: Endangered

FP: Fully protected

PT: Proposed threatened

R: Rare

S: Federal Species of Concern

T: Threatened

The drains carry three kinds of water: tailwater and tilewater discharged from farm fields, and operational discharge. Three kinds of water make up operational discharge: carriage water, lateral fluctuations, and change order. Carriage water is the extra volume of water needed in the laterals to deliver a specific volume of water to a turnout. Because open channel gravity flow water delivery is not exact, additional water is required to ensure deliveries are made in the amounts ordered. Lateral fluctuations are caused by delivery operations and maintenance activities. Laterals may need to be emptied for maintenance activities; the water that was in the lateral at the time must be removed and is discharged into a drain. Finally, a reduction or change by a farmer in his delivery order may not be timed exactly to efficiently implement the change by IID, resulting in extra water being delivered to a lateral or onto a field and then discharged into a drain.

Drains discharge water into one of three locations: the New River, Alamo River, or Salton Sea. Both the New and Alamo Rivers discharge to the Salton Sea. The Alamo River flows in

**TABLE 2.3-13**  
Selenium Concentrations in Bird Eggs and Livers Collected at the Salton Sea, 1991

Species	Egg Samples			Liver Samples		
	N	GM ( $\mu\text{g/g DW}$ )	Range ( $\mu\text{g/g DW}$ )	N	GM ( $\mu\text{g/g DW}$ )	Range ( $\mu\text{g/g DW}$ )
Great egret	9	4.77	3.5-7.1	-	-	-
Gull-billed tern	6	4.1	3.4-5.3	-	-	-

Source: Audet et al. 1997.

Notes:

DW concentrations in dry weight;

- no data

Studies conducted on Yuma clapper rails (Roberts 1996; and USFWS 1994) involved analyses of sediment, crayfish, bird egg, kidney, liver, and whole body samples from salvaged birds for selenium and organochlorines. Egg and bird tissue samples were taken in the CDFG Wister Wildlife Management Unit when drainwater was being used as a water source for managed marshes. Concentrations of selenium from the study are presented in Table 2.3-14. The other samples (sediment and crayfish) were collected when most of the Wister Unit had been converted to the use of Colorado River water.

**TABLE 2.3-14**  
Detection Frequency and Summary Statistics for Selenium in Yuma Clapper Rail Diet and Tissue Samples

Matrix	N/DV	Geometric Mean ( $\mu\text{g/g DW}$ )	Range ( $\mu\text{g/g DW}$ )
Sediments	19/19	1.43	0.55-9.57
Crayfish	19/19	2.16	0.92-4.67
Rail eggs	2/2	-	4.98-7.75
Rail liver	2/2	-	3.09-11.78
Rail kidney	1/1	-	3.69

Source: Roberts 1996.

Notes:

DW concentrations in dry weight

- no data

N/DV number of samples collected per number of samples with detected value

### 2.3.4 Covered Species and Habitat Associations

This HCP covers 96 species (Table 1.5-1). The covered species use one or more of the six general habitat types described below:

- Salton Sea
- Tamarisk scrub habitat
- Drain habitat
- Desert habitat
- Freshwater aquatic habitats
- Agricultural fields

The covered species can be grouped based on their habitat association and how they use the habitat. The following identifies the covered species associated with each of the habitat types in the HCP area, and describes how the habitat is used and the relative quality of the habitat for the covered species. Some species use more than one habitat in the HCP area and could be exposed to impacts in each of the habitats that they use. Such species are assigned to multiple habitats. More specific information on each of covered species' habitat requirements, status and distribution and life history traits is provided in Appendix A.

### 2.3.4.1 Salton Sea Habitat Associates

The Salton Sea is a large inland sea that attracts many species associated with large waterbodies as well as species that are more typically associated with coastal areas. Since its formation in the early 1900s the diversity and number of species using the Salton Sea has increased. The sea has become an important breeding location for several species. For example, the Salton Sea supports the largest inland breeding population of western snowy plovers. However, the Salton Sea is most well-known for the large populations of wintering birds. Located on the Pacific Flyway, many birds also pass through the Salton Sea area on migrations to and from Central and South America.

Table 2.3-15 identifies the covered species that are primarily associated with the Salton Sea. In the HCP area, some species (e.g., pelicans) only occur at the Salton Sea, while others use the Salton Sea in addition to other habitats within the HCP (e.g., western snowy plover).

**TABLE 2.3-15**  
Covered Species Associated with the Salton Sea in the HCP Area

Resident Breeders <sup>a</sup>	Migratory Breeders <sup>b</sup>	Short-Term Residents <sup>c</sup>	Transient Species <sup>d</sup>
Desert pupfish	Van Rossem's gull-billed tern	Osprey	California least tern
Double-crested cormorant	Black skimmer	Black tern	Elegant tern
Western snowy plover		Laughing gull	Merlin
		American white pelican	Black swift
		Wood stork	Vaux's swift
		Long-billed curlew	Purple martin
		California brown pelican	Bank swallow
			Reddish egret
			Bald eagle
			Prairie falcon

<sup>a</sup> Resident breeders are species that occur at the Salton Sea year-round and breed in this habitat in the HCP area.

<sup>b</sup> Migratory breeders are species that breed at the Salton Sea, but migrate out of the HCP area or into other habitats for the non-breeding season.

<sup>c</sup> Short-term residents are species that do not breed in the HCP area, but migrate into the HCP area and use the Salton Sea for several months (e.g., during winter).

<sup>d</sup> Transient species are species that do not breed in the HCP area, but use the Salton Sea in the HCP area for short periods of time, typically during migration.



### 2.3.4.2 Tamarisk Scrub

The species associated with tamarisk scrub habitat are primarily riparian species that find optimal habitat in native riparian habitats consisting of cottonwoods, willows, and other native riparian plant species. As previously described, tamarisk invaded many areas and supplanted native riparian vegetation in the HCP area in most locations. Tamarisk also colonized non-riparian areas along drains or seepage areas. Tamarisk scrub habitat does not represent optimal habitat for the species that use this habitat in the HCP area. Rather, it constitutes the only available tree-dominated habitat in the HCP area. As such, it is used although not preferred. Table 2.3-16 identifies the covered species that use tamarisk scrub habitat in the HCP area.

### 2.3.4.3 Drain Habitat Associates

Covered species using drain habitat in the HCP area include species that use it exclusively (e.g., Yuma clapper rail) as well as species that will exploit the resources of the habitat, but are not dependent upon it (e.g., northern harrier; Table 2.3-17). The highest quality drain habitat within the HCP area occurs on the state and federal refuges where active management promotes development of emergent aquatic vegetation such as cattails and bulrushes. The drains themselves also provide habitat; however, much of the vegetation in the drains consists of common reed or salt cedar, and only a small proportion of the drains supports cattails or bulrushes. Thus, for species with an affinity for emergent vegetation, habitat quality and availability is limited outside of the state and federal refuges.

**TABLE 2.3-16**  
Covered Species Associated with Tamarisk Scrub Habitat in the HCP Area

Resident Breeders	Migratory Breeders	Short-Term Residents	Transient Species
White-tailed kite	Elf owl <sup>a</sup>	Large-billed savannah sparrow	Merlin
Summer tanager	Brown-crested flycatcher	Sharp-shinned hawk	Black swift
Vermilion flycatcher	Yellow-breasted chat	Cooper's hawk	Vaux's swift
Gila woodpecker <sup>a</sup>	Yellow warbler		Long-eared owl
Gilded flicker <sup>a</sup>			Least Bell's vireo
Harris hawk			Purple martin
Crissal thrasher			Western yellow-billed cuckoo <sup>a</sup>
			Bank swallow
			Willow flycatcher
			Arizona Bell's vireo

<sup>a</sup> Species not known to use tamarisk, but could use native tree habitats.

**TABLE 2.3-17**  
Covered Species Associated with Drain Habitats in the HCP Area

Resident Breeders	Migratory Breeders	Short-Term Residents	Transient Species
Yuma clapper rail	Fulvous whistling-duck	Short-eared owl	Golden eagle
California black rail		Northern harrier	Merlin
Desert pupfish <sup>a</sup>			Black swift
White-faced ibis			Vaux's swift
Least bittern			Purple martin
Lowland leopard frog <sup>b</sup>			Bank swallow
			Tricolored blackbird
			Bald eagle

<sup>a</sup> This species is addressed through a species-specific strategy.

<sup>b</sup> This species is addressed separately from the other species in this habitat group.

#### 2.3.4.4 Desert Habitat Associates

Native desert habitat primarily occurs in the HCP area along the AAC. This portion of the HCP area consists of creosote bush scrub and desert dune habitats. This habitat has not been converted to another use, but is subject to disturbance from maintenance and recreational activities. Most of the covered species associated with desert habitat are limited to this habitat type (e.g., desert tortoise) and would not occur in other habitats in the HCP area. A few (e.g., loggerhead shrike) use desert habitats in addition to other habitats in the HCP area. Table 2.3-18 identifies the covered species associated with desert habitats.

**TABLE 2.3-18**  
Covered Species Associated with Desert Habitat in the HCP Area

Resident Breeders	Migratory Breeders	Short-Term Residents	Transient Species
Cheeseweed moth lacewing <sup>a</sup>	Elf owl		Golden eagle
Andrew's scarab beetle <sup>a</sup>			Prairie falcon
Desert tortoise			
Colorado desert fringe-toed lizard			
Western chuckwalla			
Couch's spadefoot toad			
Colorado River toad <sup>a</sup>			
Flat-tailed horned lizard			
Banded gila monster <sup>a</sup>			
Harris' hawk			
Loggerhead shrike			
Le Conte's thrasher			

**TABLE 2.3-18**  
Covered Species Associated with Desert Habitat in the HCP Area

Resident Breeders	Migratory Breeders	Short-Term Residents	Transient Species
Crissal thrasher			
Jacumba little pocket mouse <sup>a</sup>			
Nelson's bighorn sheep			
Peirson's milk-vetch			
Algodones Dunes sunflower			
Wiggin's croton			
Flat-seeded spurge <sup>a</sup>			
Foxtail cactus <sup>a</sup>			
Munz's cactus <sup>a</sup>			
Giant Spanish needle			
Sand food			
Orocopia sage <sup>a</sup>			
Orcutt's aster <sup>a</sup>			

<sup>a</sup> These species are addressed separately from the other species in this habitat group.

#### 2.3.4.5 Aquatic Habitat Associates

The conveyance and drainage systems provide aquatic habitat. Most of the fish species present in these systems are foreign species. Razorback suckers are the only covered species that are residents in the canal system. Desert pupfish are the only covered species that are residents in drains.

#### 2.3.4.6 Agricultural Field Habitat Associates

Agricultural fields make up most of the habitat in the Imperial Valley. While not a native habitat, many of the covered species have adapted to using agricultural fields in fulfilling one or more life requisites (Table 2.3-19). Often species show an association with certain crop types. Most of the covered species associated with agricultural fields use this habitat for foraging; only a few actually breed in agricultural habitats. Loggerhead shrike and Yuma cotton rat are the only species expected to breed in agricultural habitats. Actual nest locations of these species are on the margins of the fields. The remaining resident and migratory breeders breed in other habitats of the HCP area, but forage in agricultural fields during the breeding season. Agricultural habitats in the HCP area also provide foraging opportunities for wintering birds (i.e., short-term residents) and transient species.

**TABLE 2.3-19**  
Covered Species Associated with Agricultural Fields in the HCP Area

Resident Breeders	Migratory Breeders	Short-Term Residents	Transient Species
Loggerhead shrike	Fulvous whistling-duck	Black tern	Prairie falcon
White-tailed kite		Mountain plover	Golden eagle
White-faced ibis		Ferruginous hawk	Swainson's hawk
Western snowy plover		Aleutian Canada goose	Merlin
Greater sandhill crane		Short-eared owl	Black swift
Yuma hispid cotton rat <sup>a</sup>		Northern harrier	Vaux's swift
Colorado River hispid cotton rat <sup>a</sup>		Long-billed curlew	Purple martin
			American peregrine falcon
			Bank swallow

<sup>a</sup>These species are addressed separately from the other species in this habitat group.

### 2.3.4.7 Other Species

Most of the covered species can be grouped according to their habitat associations. However, the occurrence of burrowing owls and the 12 bat species covered by the HCP are more a function of the occurrence of unique habitat features than the presence and quality of a general habitat type. Burrowing owls occur at high densities in the Imperial Valley and are associated with the general agricultural landscape. They are however, strongly associated with canals and drains where they inhabit burrows in the unlined banks of these structures. While the surrounding agricultural fields provide foraging opportunities, it is the presence of suitable burrows created by burrowing rodents that largely determine the occurrence of burrowing owls.

The HCP covers 12 bat species (Table 2.3-20). For foraging, it is likely that they use a wide range of habitats, exploiting localized areas of insect abundance. Habitats in the HCP area could be used for foraging. Whether any of the covered bat species roost in the HCP area and the types of structures that they use are unknown. Some bats probably roost outside of the HCP area but come into the HCP area to forage, while others can probably find suitable roosts within the HCP area in buildings, trees, bridges, or other structures. The location of suitable roosting sites is probably an important factor in the extent to which these species occur in the HCP area.

**TABLE 2.3-20**  
Covered Bat Species in the HCP Area<sup>a</sup>

Spotted bat	Pale western big-eared bat
Western mastiff bat	Big free-tailed bat
California leaf-nosed bat	Mexican long-tongued bat
Occult little brown bat	Southwestern cave myotis
Western small-footed myotis	Pocketed free-tailed bat
Pallid bat	Yuma myotis

<sup>a</sup> The process for ensuring Federal Endangered Species Act and California Endangered Species Act coverage for these species is being developed.



**ATTACHMENT C**

**PUBLIC REVIEW PROCESS FOR IID TRANSFER PROJECT  
AND HABITAT CONSERVATION PLAN**

*[Prepared as of November 2005 for HCP Planning Agreement]*

**1. Introduction**

This document summarizes the public review process associated with the IID Transfer Project and Habitat Conservation Plan ("Project") from commencement of the environmental review process until the end of 2005. This summary is prepared by IID to support the processing and issuance of final approval of the Habitat Conservation Plan ("HCP") included as part of the Project.

**2. Short Names Table**

In order to simplify this document, short names have been used for the key documents. The following table indicates each short name and the corresponding full reference.

**Short/Common Name**

**Full Citation Reference**

Draft EIR/EIS for Transfer Project

*Imperial Irrigation District Water Conservation and Transfer Project and Habitat Conservation Plan Draft Environmental Impact Report/Environmental Impact Statement, dated January 2002, issued by IID and BOR (2 volumes). A draft HCP is attached as Appendix C.*

Draft QSA PEIR

*Draft Program Environmental Impact Report for Implementation of the Colorado River Quantification Settlement Agreement, dated January 2002, State Clearinghouse No. 2000061034, issued by IID, MWD, CVWD and SDCWA.*

Final EIR/EIS for Transfer Project

*IID Water Conservation and Transfer Project, Final Environmental Impact Report/Environmental Impact Statement, dated June 2002 (2 volumes, plus incorporates Draft EIR/EIS), issued by IID; subsequently supplemented by an Amended and Restated Addendum dated September 2003 ("9/03 Addendum"). A draft HCP is attached as Appendix A.*

<u>Short/Common Name</u>	<u>Full Citation Reference</u>
Final EIR/EIS for Transfer Project [BOR Integrated Version]	<i>Imperial Irrigation District (IID) Water Conservation and Transfer Project Final Environmental Impact Report/Environmental Impact Statement</i> , dated October 2002, issued by BOR (6 volumes).
Final IA/EIS	<i>Final Environmental Impact Statement – Implementation Agreement, Inadvertent Overrun and Payback Policy, and Related Federal Actions INT-FES-02-35</i> , dated October 2002, issued by BOR.
Final QSA PEIR	<i>Final Program Environmental Impact Report for Implementation of the Colorado River Quantification Settlement Agreement</i> , dated June 2002, State Clearinghouse No. 2000061034, issued by IID, MWD, CVWD and SDCWA (2 volumes); subsequently modified by an Addendum dated September 2003 ("9/03 QSA PEIR Addendum").
IID/SDCWA Transfer Agreement	<i>Agreement for Transfer of Conserved Water</i> , dated April 29, 1998, executed by IID and SDCWA, as subsequently amended by the First, Second, Third and Fourth Amendments thereto.
In-Valley BA	<i>Biological Assessment of Reclamation's Proposed Section 7(a)(1) Conservation Measures for Listed Species in the Imperial Irrigation District/Salton Sea Areas</i> , dated July 2002, issued by BOR; subsequently modified by revisions transmitted by BOR to USFWS on October 23, 2002.
In-Valley BO	<i>Biological Opinion on Bureau of Reclamation's Voluntary Fish and Wildlife Conservation Measures and Associated Conservation Agreements with the California Water Agencies for Listed Species in the Imperial Irrigation District/Salton Sea Access</i> , dated December 18, 2002, issued by USFWS.
LCR BA	<i>Biological Assessment for Proposed Interim Surplus Criteria, Secretarial Implementation Agreements for California Water Plan Components, and Conservation Measures on the</i>

<u>Short/Common Name</u>	<u>Full Citation Reference</u>
LCR BO	<i>Lower Colorado River (Lake Mead to the Southern International Boundary)</i> , dated August, 2000, issued by BOR.
	<i>Biological Opinion (BO) for Interim Surplus Criteria, Secretarial Implementation Agreements, and Conservation Measures on the Lower Colorado River, Lake Mead to Southerly International Border of Arizona, California and Nevada</i> , dated January 12, 2001, issued by USFWS.
QSA	<i>Quantification Settlement Agreement</i> and certain related agreements concurrently executed, dated October 10, 2003, among, variously, IID, MWD, CVWD, SDCWA, BOR and the U.S. Department of the Interior.
ROD (CRWDA)	<i>Record of Decision, Colorado River Water Delivery Agreement, Implementation Agreement, Inadvertent Overrun and Payback Policy, and Related Federal Actions, Final Environmental Impact Statement</i> , dated October 10, 2003, issued by the Secretary of the Interior.
SWRCB Order	Revised Order WRO 2002-0013, issued by the State Water Resources Control Board ("SWRCB") on December 20, 2002.

### 3. Development of Transfer Project

This section provides a brief summary of the evolution of the Transfer Project ("Project") over the course of environmental review.

- Originally, the "Project" for purposes of CEQA and NEPA review consisted of the proposed 300 KAFY water transfer between IID and SDCWA pursuant to the IID/SDCWA Transfer Agreement, executed in 1998.
- The Transfer Project was subsequently modified to include the HCP, prior to issuance of the Draft EIR/EIS for public review. A Draft HCP was attached to the Draft EIR/EIS as Appendix C and available for public review and comment during the 90-day comment period for the Draft EIR/EIS, from January 18 to April 26, 2002. This version of the HCP included two approaches to Salton Sea conservation—one involving the construction of ponds and the other involving



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the delivery of mitigation water.) The Draft EIR/EIS was issued jointly by IID (as the CEQA Lead Agency) and BOR (as the NEPA Lead Agency).

- A revised version of the Draft HCP was attached as Appendix A to the Final EIR/EIS certified by the IID Board in June 2002. (For this version of the HCP, the pond approach to Salton Sea mitigation was deleted, as a result of public and agency comments, and the mitigation water approach was revised and renamed the Salton Sea Habitat Conservation Strategy ("SSHCS").)
- In December 2002, subsequent to certification of the Final EIR/EIS, the Transfer Project was modified to include revised QSA terms and a refined SSHCS. (The revised SSHCS provided mitigation water to the Sea for a 15-year period, consistent with the SWRCB Order issued on December 20, 2002 and the In-Valley BO issued by USFWS on December 18, 2002.) These changes were assessed for CEQA purposes in an Addendum ("12/02 Addendum") to the Final EIR/EIS, approved by the IID Board at a public hearing on December 31, 2002. Because CVWD and MWD did not approve the revised QSA by the 12/31/02 deadline, however, the Project assessed in the 12/02 Addendum was not implemented.
- During 2003, the Transfer Project was modified to reflect further revisions to the QSA negotiated during 2003, including changes resulting from state sponsored negotiations led by Robert Hertzberg, legislation adopted by the state to facilitate the QSA, and negotiations involving BOR and Bennett Raley. The SSHCS was modified slightly to provide for the delivery of mitigation water to the Sea in annual amounts specified on a schedule approved as part of the QSA. These changes were set forth in the revised QSA executed by the parties on October 10, 2003. The changes were assessed for CEQA purposes in an Addendum to the Final EIR/EIS prepared in September 2003 ("9/03 Addendum"), which was approved by the IID Board concurrently with the QSA. The 9/03 Addendum superseded the 12/02 Addendum and covered all Project changes subsequent to certification of the Final EIR/EIS. The changes were assessed for NEPA purposes in an Environmental Evaluation dated October, 2003 prepared by the U.S. Bureau of Reclamation ("BOR"), as indicated in the ROD (CRWDA) and the Final IA EIS.

Environmental review of the Transfer Project continued for a period of 5 years or so. In addition to the public review process associated with the EIR/EIS, the Transfer Project was assessed in a number of other forums which involved public review, including:

- Extensive public hearings conducted by SWRCB on the IID/SDCWA Petition for approval of the water transfers, culminating in the SWRCB Order in December 2002.
- Preparation, review and approval of the Draft and Final QSA PEIR, prepared pursuant to CEQA by IID, MWD, CVWD and SDCWA, as co-lead agencies, to assess the impacts of the Quantification Settlement Agreement ("QSA"),

including the cumulative impacts of program components like the IID water transfers.

- Development of state legislation in 2002 and 2003 to facilitate the QSA and Salton Sea restoration (Senate Bills 277, 617 and 654).
- Preparation, review and approval of the Draft and Final IA EIS, prepared pursuant to NEPA by the BOR for the Implementation Agreement for the QSA (subsequently referred to as the Colorado River Water Delivery Agreement).

These processes provided additional mechanisms for input from the public and multiple state and federal agencies on the major environmental impacts of the Transfer Project, including Salton Sea impacts. Major events in these processes are included in the Chronology in Section 4 below.

**4. Chronology of Public Review Process Related to Transfer Project**

<b>1998</b>	
January 20, 1998 February 10, 1998 February 24, 1998 March 9, 1998 March 16, 1998	IID Board holds a public meeting in which the Transfer Project is discussed.
March 23, 1998	IID Board holds a public workshop on the Transfer Project, specifically concerning the project's environmental conditions.
March 30, 1998	IID Board holds a public workshop on the Transfer Project, specifically concerning the issue of following.
April 29, 1998	IID and SDCWA execute the IID/SDCWA Transfer Agreement, providing for the transfer of up to 300 KAFY to SDCWA, contingent upon, among other things, subsequent environmental review.
April 6, 1998	IID Board holds a public workshop on the Transfer Project, specifically concerning financing and debt.
April 13, 1998	IID Board holds a public hearing on the Transfer Project.
April 20, 1998	IID Board holds a public workshop on the Transfer Project.
April 28, 1998 May 12, 1998	IID Board holds public meetings during which the Transfer Project and Salton Sea issues are discussed.

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July 22, 1998	IID and SDCWA file a joint Petition with SWRCB seeking approval of the Transfer Project, based on the IID/SDCWA Transfer Agreement.
August 1998	A Community Advisory Commission ("CAC"), consisting of elected officials, Imperial County and city staff, and representatives from the business community, agricultural groups, and community-based organizations in the Imperial Valley, is established and funded by the IID Board to provide additional public and community impact regarding the socio-economic impacts and benefits of the Transfer Project. This group will continue to meet throughout the environmental review process for the Transfer Project.
September 1, 1998 September 19, 1998	IID Board holds public meetings during which the Transfer Project is discussed.
September 22, 1998	IID Board holds a public meeting during which Salton Sea issues are discussed.
September 22, 1998	IID Board holds a public hearing on the Transfer Project, specifically concerning a draft definition of following.
September 25, 1998	IID Board holds a special public meeting during which the Transfer Project is discussed.
October 13, 1998	IID Board holds a special public meeting during which the Transfer Project EIR/EIS is discussed.
October 27, 1998	IID Board holds a public meeting during which the new Salton Sea legislation is discussed.
November 10, 1998	IID Board holds a public meeting in which the Transfer Project is discussed.
<b>1999</b>	
January 5, 1999 May 25, 1999	IID Board holds public meetings during which the Transfer Project is discussed.
June 8, 1999	IID Board holds a public meeting in which the Transfer Project is discussed and Tom Kirk (manager of the Salton Sea Authority) provides an update on Salton Sea issues.
September 19, 1999	IID Board holds a public meeting during which the Transfer Project is discussed.
September 29, 1999	IID circulates a Notice of Preparation ("NOP") for the Draft EIR/EIS for Transfer Project.

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Sept.-Oct., 1999	Notice is published in 6 local newspapers regarding public scoping meetings for the Draft EIR/EIS for Transfer Project.
October 12-20, 1999	Six public scoping meetings for the Draft EIR/EIS for Transfer Project are held: October 12, 1999 at Brawley, California; October 13, 1999 at Salton City, California; October 14, 1999 at El Centro, California; October 18, 1999 at Las Vegas, Nevada; October 19, 1999 at Carlsbad, California; October 20, 1999 at San Diego, California.
November 20, 1999	IID Board holds a public meeting in which the Transfer Project and Salton Sea issues are discussed.
<b>2000</b>	
February 10, 2000	IID completes and circulates a Scoping Summary Report describing the public scoping process for the Draft EIR/EIS for Transfer Project.
April 18, 2000	IID Board holds a public meeting during which Salton Sea issues and the Transfer Project are discussed.
April 18, 2000	BOR holds a consultation meeting with Indian Tribes at La Quinta, California regarding the Transfer Project.
May 2, 2000	IID Board holds a public meeting during which Salton Sea issues and the Transfer Project are discussed.
May 9, 2000	IID makes a presentation to the CAC regarding the Transfer Project.
June 6, 2000	IID Board holds a public meeting during which the Transfer Project is discussed.
June 8, 2000	An NOP for the Draft QSA PEIR is circulated by the 4 co-lead agencies (IID, MWD, CVWD and SDCWA) for a 30-day public review period ending on July 8, 2000.
June 11, 2000	IID Board holds a public meeting during which the Transfer Project is discussed.
August, 2000	BOR commences a Section 7 consultation process under the federal ESA for impacts of the water transfers on the lower Colorado River ("LCR") and submits the LCR BA to USFWS.
August 1, 2000 August 22, 2000	IID Board holds public meetings during which the Transfer Project and following issues are discussed.
September 26, 2000	IID Board holds a public meeting during which the Salton Sea issues and the Transfer Project are discussed.

December 5, 2000	IID Board holds a public meeting in which the Transfer Project is discussed.
December 12, 2000	IID Board holds a special public meeting in which the Transfer Project is discussed and the Board votes to release the following documents to the public: QSA, Implementation Agreement, Agreement for Acquisition of Conserved Water Between IID and CVWD, Agreement for Acquisition of Conserved Water Between CVWD and MWD, Agreement for Acquisition of Conserved Water Between IID and MWD [Resolution 21-2000].
December 19, 2000	IID Board holds a public meeting during which the Transfer Project is discussed.
<b>2001</b>	
January 12, 2001	USFWS issues the LCR BO.
January 18, 2001	BOR publishes in the Federal Register a Notice of Public Comment Period on the proposed Inadvertent Overrun Program ("IOP"); comment period subsequently extended to 4/10/01 by Federal Register notice published 3/9/01.
February 25, 2001	BOR issues Record of Decision ("ROD") for the Interim Surplus Guidelines.
March 9, 2001	BOR publishes in Federal Register a Notice of Intent ("NOI") to prepare the IA EIS, to assess the Implementation Agreement to be signed by the Secretary to implement the QSA ("IA", later re-named the Colorado River Water Delivery Agreement ("CRWDA"), the IOP, and the LCR biological conservation measures.
April 26, 2001	BOR initiates government-to-government coordination by letter to 55 Indian Tribal representatives in connection with preparation of the Draft EIR/EIS for Transfer Project; supplemental information regarding potential impacts on Tribes was included in the Final EIR/EIS for Transfer Project.
April, 2001	BOR initiates coordination with USFWS pursuant to the Fish and Wildlife Coordination Act.
September 25, 2001	IID Board holds a public meeting during which Salton Sea issues and the Transfer Project are discussed.
November 19, 2001	IID holds a public workshop on the Transfer Project, specifically concerning the on-farm program.

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December 20, 2001	SWRCB issues a Notice of Public Hearing for the Transfer Project, based on the joint IID/SDCWA Petition.
<b>2002</b>	
January 4, 2002	BOR files Draft IA EIS with EPA.
January 8, 2002	IID Board holds a public meeting during which the Transfer Project and the release of the Draft EIR/EIS for Transfer Project are discussed.
January 15, 2002	A Notice of Availability ("NOA") for the Draft IA EIS is published in the Federal Register; public comment period is extended to March 26, 2002 by subsequent Federal Register notice on March 15, 2002.
January 17, 2002	IID files a Notice of Completion ("NOC") for the Draft EIR/EIS for Transfer Project with the State Clearinghouse; a 90-day public comment period is provided. The Draft EIR/EIS incorporates a Draft HCP as Appendix C.
January 22, 2002	IID Board holds a public meeting during which the Transfer Project and the Draft EIR/EIS for Transfer Project are discussed.
January 25, 2002	BOR files an NOA in the Federal Register indicating that the Draft EIR/EIS for Transfer Project is complete and available for review during a 90-day public comment period (January 18 to April 26, 2002).
January 30, 2002	An NOC for the Draft QSA PEIR is published by the co-lead agencies, for a public review period ending March 26, 2002.
February 2, 2002	IID Board holds a public meeting during which the Transfer Project and the public hearings to be held for the Draft EIR/EIS for Transfer Project are discussed.
February 5, 6 and 7, 2002	BOR holds public hearings in Blythe, CA, Henderson, NV and Los Angeles, CA, respectively, to receive comments on the Draft EIR/EIS for Transfer Project.
February 10, 2002	IID Board holds a public meeting during which the Transfer Project is discussed.
February 28, 2002	IID holds public workshops on the Draft EIR/EIS for Transfer Project at the Brawley Stockman's Club, Calexico City Council's chambers, and IID Board Room.
March 18, 2002	IID holds a public workshop for the 2002 Agricultural Water Management Plan.

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April 2, 3 and 4, 2002	IID and BOR hold public hearings in La Quinta, El Centro and San Diego, respectively, to receive oral and written comments on the Draft EIR/EIS for Transfer Project.
April 22, 2002	SWRCB commences hearings on the Transfer Project, which are held in two phases over 15 days between April 22 and July 16, 2002. The Phase 2 hearing commenced on May 13, 2002 and specifically addressed whether the transfer would unreasonably affect fish, wildlife or other instream beneficial uses; this schedule was intended to accommodate the review and comment on the Draft EIR/EIS for Transfer Project by hearing participants.
May 14, 2002	IID Board holds a public meeting during which the Transfer Project is discussed.
May 28, 2002	IID Board holds a public meeting during which Salton Sea issues and the Transfer Project are discussed.
June, 2002	IID completes the Final EIR/EIS for Transfer Project. The Final EIR/EIS incorporates the Draft EIR/EIS and includes a revised HCP as Attachment A. HCP Approach 1 to Salton Sea mitigation is deleted and HCP Approach 2 is adopted and re-defined as the Salton Sea Habitat Conservation Strategy ("SSHCS"), which provides for mitigation water to the Sea to maintain salinity at or below 60 ppt until 2030.
June, 2002	BOR completes the Final IA EIS.
June, 2002	The Final QSA PEIR is completed.
June 5, 2002	IID holds a public workshop on the Transfer Project.
June 13, 2002	IID Board holds a public meeting during which the Transfer Project, the QSA, and the environmental review documents are discussed.
June 25, 2002	IID Board holds a public meeting during which certification of the QSA PEIR and the Final EIR/EIS for Transfer Project is discussed.
June 28, 2002	IID Board certifies the Final EIR/EIS for Transfer Project [Resolution 8-2002], and the QSA Final PEIR [Resolution 7-2002], after a public hearing. The other three co-lead agencies also certify the Final QSA PEIR in June, 2002.
July, 2002	BOR submits the In-Valley BA to USFWS, initiating a compliance process under Section 7 of the federal ESA, as an alternative to the Section 10 HCP process.

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July 11, 2002	IID Board holds a public meeting during which the Transfer Project and the certification of environmental documents are discussed.
September, 2002	The California Legislature passes Senate Bill No. 482 to facilitate implementation of the QSA, including the adoption of certain legislative findings concerning the Salton Sea and the QSA.
September -- October, 2002	Speaker Emeritus Robert Hertzberg chairs a series of State-sponsored negotiations regarding the QSA water transfers and related environmental impacts and mitigation, which included the participation of representatives of state and federal regulatory agencies, the QSA parties, farmer and water-user groups, and environmental groups.
October, 2002	BOR completes the Final EIR/EIS for Transfer Project [BOR Integrated Version]. BOR's version integrates relevant portions of the Draft EIR/EIS for Transfer Project, issued jointly by IID and BOR.
October 22, 2002	IID Board holds a public meeting during which the Transfer Project is discussed and Salton Sea concerns are raised.
October 23, 2002	BOR transmits revisions (Errata) to the In-Valley BA to USFWS.
November 1, 2002	BOR files the Final IA EIS with EPA; notice published in the Federal Register on November 8, 2002.  BOR concurrently files the Final EIR/EIS for Transfer Project [BOR Integrated Version] with EPA.
November 4, 2002	BOR distributes an NOC for the Final EIR/EIS for Transfer Project [BOR Integrated Version].
November 5, 2002	IID Board holds a public meeting during which the Transfer Project is discussed.
November 12, 2002	IID holds an informational meeting on the Transfer Project.
November 19, 2002	IID Board holds a public meeting during which the Transfer Project is discussed.
November 27, 2002	CDFG issues Draft Findings pursuant to SB 482 with respect to the QSA and Salton Sea, pursuant to Fish and Game Code Section 2081.7.



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December, 2002	IID prepares an Addendum to the Final EIR/EIS for Transfer Project dated December 2002 ("12/02 Addendum"), to assess minor changes to the Transfer Project, subsequent to certification of the Final EIR/EIS, including modified terms of the proposed QSA and refinements to the SSHCS. These changes to the SSHCS are intended to conform to the In-Valley BO and the SWRCB Order.
December, 2002	The co-lead agencies prepare an Addendum to the Final QSA PEIR ("12/02 QSA PEIR Addendum") to assess changes to the QSA Project subsequent to certification of the Final QSA PEIR.
December, 2002	BOR prepares an Environmental Evaluation to assess the revised QSA water delivery schedule and changes to the In-Valley species conservation plan. BOR determines that preparation of a Supplement to the Final IA EIS is not necessary.
December 5, 2002	IID Board holds public workshop on the proposed Addendum to the Final EIR/EIS for Transfer Project and the proposed QSA PEIR Addendum.
December 9, 2002	IID Board holds a special public meeting in which members of the public comment on the Transfer Project, Salton Sea issues, the 12/02 Addendum to the Final EIR/EIS for Transfer Project, and the 12/02 QSA PEIR Addendum. IID Board motion to approve the QSA and related environmental documents and the Transfer Project and related environmental documents fails.
December 10, 2002	IID Board holds a public meeting during which the Transfer Project is discussed.
December 18, 2002	USFWS issues the In-Valley BO. The In-Valley BO provides an alternative to the HCP as a basis for issuance of incidental take permits for certain federal species in the Imperial Valley and in and around the Salton Sea. Measures include a "15-Year Minimization Plan" providing for delivery of mitigation water for 15 years to offset inflow reductions caused by transfers to SDCWA.
December 20, 2002	SWRCB issues the SWRCB Order, approving the IID/SDCWA Petition for approval of the transfer of conserved water. The SWRCB Order contains mitigation conditions.
December 24, 2002	SWRCB, as a CEQA Responsible Agency, files a Notice of Determination ("NOD") related to its approval of the Transfer Project.
December 30, 2002	IID Board holds a public workshop on the Transfer Project.

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December 31, 2002	IID Board adopts: (1) the 12/02 Addendum to the Final EIR/EIS for Transfer Project, (2) the CEQA Findings and Statement of Overriding Considerations, and (3) the MMRP [Resolution 15-2002], after a special public meeting. However, the Transfer Project covered by this Resolution is not implemented due to the failure of other parties to approve the QSA by December 31, 2002.
<b>2003</b>	
January 7, 2003	IID Board holds a public meeting during which the Transfer Project is discussed.
January 24, 2003	IID Board holds a special public meeting during which the Transfer Project is discussed.
March 25, 2003	IID Board holds a public meeting during which the Transfer Project is discussed.
April 21, 2003	IID holds a public workshop on the on-farm water conservation plan.
April 22, 2003	IID Board holds a public meeting during which the Transfer Project is discussed.
April 30, 2003	IID holds a public workshop on the on-farm water conservation plan.
May 5, 2003	IID Board holds a special public meeting, during which members of the public comment on the Transfer Project.
May 13, 2003	IID Board holds a public workshop regarding the on-farm water conservation plan.
May 20, 2003	IID Board holds a special public meeting during which members of the public comment on the on-farm water conservation plan.
May 27, 2003	IID Board holds a public meeting during which members of the public comment on the Transfer Project.
June 5, 2003	First meeting of the On-Farm Plan Development Team is held at the Farm Bureau offices in El Centro. Team consists of 5 people from the Farm Bureau and 5 people appointed by IID Directors.
June 10, 2003	IID Board holds a public meeting during which the Transfer Project is discussed.
June 30, 2003	IID Board holds a public meeting during which the on-farm water conservation plan is discussed.

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July 22, 2003	IID Board holds a public meeting during which the Local Entity is discussed.
August 9, 2003	IID Board holds public meetings during which the Transfer Project is discussed.
September, 2003	California Legislature passes three bills related to the QSA and restoration of the Salton Sea (SB 277, SB 317, and SB 654), and further changes to the QSA are negotiated. The legislation was approved after extensive negotiations among DWR, the water agencies, environmental groups, and other interested parties.
September 16, 2003 September 23, 2003	IID Board holds public meetings during which the QSA status is discussed.
September 23, 2003	IID Board holds a public hearing regarding the newly adopted legislation, the QSA status, and recent actions by the Department of the Interior.
September, 2003	The co-lead agencies prepare the 9/03 QSA PEIR Addendum.
September, 2003	IID prepares the 9/03 Addendum to the Final EIR/EIS for Transfer Project. The 9/03 Addendum assesses the effect of the terms of the new state legislation and the QSA changes, as well as all other changes to the Transfer Project subsequent to certification of the Final EIR/EIS. The 9/03 Addendum supersedes the 12/02 Addendum.
October 2003	BOR prepares an Environmental Evaluation to assess Project changes subsequent to Final IA EIS. This document supersedes the December 2002 Environmental Evaluation. Again, a Supplement to the IA EIS is deemed not necessary.
October 2, 2003	CDFG approves 9/03 Addendum as sufficient for revised Transfer Project.
October 2, 2003	IID Board adopts: (1) the 9/03 Addendum to the Final EIR/EIS for Transfer Project, (2) the CEQA Findings and Statement of Overriding Considerations, and (3) the MMRP [Resolution 9-2003] after a public hearing.  IID Board adopts: (1) the 9/03 QSA PEIR Addendum, (2) the CEQA Findings and Statement of Overriding Considerations, and (3) the MMRP [Resolution 10-2003].
October 6, 2003	BOR issues a Memorandum concluding that the CRWDA for the revised QSA project does not affect the 12/18/02 BO and requests USFWS' concurrence.

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October 8, 2003	IID files an NOD for the Transfer Project with (1) County of Imperial, (2) County of San Diego, and (3) California Office of Planning and Research ("OPR"). County of Imperial, County of San Diego, and OPR post the NOD.
October 7, 2003	USFWS issues a Memorandum of concurrence that the In-Valley BO covers the revised QSA and revised SSHCP.
October 10, 2003	QSA parties sign the QSA; BOR signs CRWDA and related federal agreements. BOR, IID, CVWD and SDCWA sign a Conservation Agreement, providing for implementation of the In-Valley BO. Secretary of the Interior issues the ROD (CRWDA).
October 30, 2003	IID files an NOD with the County of Riverside for the Transfer Project. County of Riverside posts the NOD.
November 3, 2003	IID files an NOD with the County of Los Angeles for the Transfer Project.
November 4, 2003	Los Angeles County posts IID's NOD.