

Planning Agreement

**City of Desert Hot Springs, Mission Springs Water
District,
the California Department of Fish and Game,
and the Coachella Valley Conservation Commission,**

Regarding the

**Coachella Valley
Natural Community Conservation Plan and
Multiple Species Habitat Conservation Plan**

October 2010

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Coachella Valley Multiple Species HCP/NCCP Planning Agreement

This agreement regarding the planning and preparation of the City of Desert Hot Springs and Mission Springs Water District Amendment to the Coachella Valley Natural Community Conservation Plan and Multiple Species Habitat Conservation Plan (“Planning Agreement”) is entered into as of the Effective Date by and among the City of Desert Hot Springs, Mission Springs Water District, the California Department of Fish and Game (“DFG”), and the Coachella Valley Conservation Commission (“CVCC”). These entities are referred to collectively as “Parties” and each individually as a “Party.” The DFG and United States Fish and Wildlife Service (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.** “City” means the government of the city of Desert Hot Springs.
- 1.4.** “County” means the government of the County of Riverside.
- 1.5.** “Covered Activities” means the activities that will be addressed in the Plan and for which the Local Agencies will seek an NCCP permit pursuant to Fish and Game Code, Section 2835 and an incidental take permit pursuant to Section 10 of FESA.
- 1.6.** “Covered Species” means those species, both listed and non-listed, conserved and managed under an approved Plan that may be authorized for take under state and/or federal law.
- 1.7.** “CVAG” means The Coachella Valley Association of Governments; a joint powers authority that functioned as Lead Agency for the preparation of the MSHCP.
- 1.8.** “CVCC” means the Coachella Valley Conservation Commission; a joint powers authority formed by the Local Permittees to provide primary policy direction for implementation of the MSHCP, as set forth in Section 6.1.1 of the MSHCP, and Section 11.2.2 of the Implementing Agreement.
- 1.9.** “District” means Mission Springs Water District, a County Water District formed under Section 30000 *et seq* of the California Water Code.
- 1.10.** “FESA” means the federal Endangered Species Act, 16 United States Code Section 1530, *et seq.*
- 1.11.** “Habitat Conservation Plan” or “HCP” means a conservation plan prepared pursuant to Section 10(a)(1)(B) of FESA.

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

1.13. “Listed Species” means those species designated as candidate, threatened or endangered pursuant to CESA and/or listed as threatened or endangered under FESA.

1.14. “Local Agencies” and “Local Agency” mean, individually or collectively, the Coachella Valley Conservation Commission, the city of Desert Hot Springs, and the Mission Springs Water District.

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

1.16. “Natural Community Conservation Planning Act” or “NCCPA” means Fish and Game Code, Section 2801, *et seq.*

1.17. “NEPA” means the National Environmental Policy Act, United States Code Section 4321, *et seq.*

1.18. “Plan” means the joint natural community conservation plan and habitat conservation plan.

1.19. “Planning Area” means the geographic area proposed to be addressed in the Plan as described in Exhibit A.

1.20. “Planning Subareas” means those geographic areas that are smaller units of the planning area that will each have a specific function or jurisdictional boundary within the permitted plan.

2. Background

2.1. Natural Community Conservation Planning Act

The NCCPA 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 and growth. The purpose of natural community conservation planning is to provide for the conservation of biological diversity by protecting biological communities at the ecosystem and landscape scale. 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. 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;

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- 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.;
- Establish a process to review interim development within the Planning Area that will help achieve the preliminary conservation objectives and preserve options for establishing a viable reserve system or equivalent long term conservation measures; and
- Ensure public participation and outreach throughout the planning process.

2.3. Compliance with CESA and FESA

The Planning Area contains valuable biological resources, including native species of wildlife and their habitat. 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 may permit the taking of wildlife species covered in the HCP if the HCP and permit application meet the requirements of section 10(a)(2)(A) and (B) of FESA. Take authorization for federally listed wildlife species covered in the HCP shall general 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 permits to the Local Agencies, will be incorporated into future Section 7 consultations 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. Concurrent Planning for Wetlands and Waters of the United States

The Local Agencies intend 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, the Local Agencies may seek future programmatic permits or authorizations under the Clean Water Act and Section 1600 *et seq.* of the Fish and Game Code as necessary for Covered Activities. The Parties

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agree to work together to explore the feasibility of undertaking concurrent but separate planning regarding these permits. 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 and NOAA Fisheries will provide assurances pursuant to applicable federal law and regulations then in effect upon issuance of federal incidental take permits to the Local Agencies.

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 NCCP permits to the Local Agencies. 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, 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 the Local Agencies;
- Allow for appropriate and compatible growth and development that is 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 FESA, CEQA, NEPA, and NCCPA within the Planning Area;
- Provide a less costly, more efficient project review process which results in greater conservation values than project-by-project, species-by-species review; and
- Provide clear expectations and regulatory predictability for persons carrying out Covered Activities within the Planning Area.

4. Planning Area and Plan Participants

Under the auspices of CVAG, a Planning Agreement to govern the preparation of a Coachella Valley Multiple Species Habitat Conservation Plan was initiated in 1996. The Planning Agreement entitled "Memorandum of Understanding Regarding the Preparation of A Coachella Valley Multiple Species Habitat Conservation Plan" was signed in February 1996 by the cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, and Rancho Mirage, Riverside County, the U.S. Fish and Wildlife Service, California Department of Fish and Game, as well as the Bureau of Land Management (BLM), U.S. Forest Service (USFS), and the National Park Service (NPS). Subsequently, Caltrans, Coachella Valley Water District (CVWD), Imperial Irrigation District (IID), Riverside County Flood Control and Water Conservation District (County Flood Control), Riverside County Regional Park and Open Space District (County Parks), Riverside County Waste Resources Management District (County Waste), California Department of Parks and Recreation (State Parks), and the Coachella Valley Mountains Conservancy (CVMC) decided to participate in the

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Plan. The Planning Agreement was amended in 1997 to stipulate that the signatories agreed to also prepare a Natural Communities Conservation Plan(NCCP) consistent with Fish and Game Code Section 2810.

In February 2006 the Final CVMSHCP and Final EIR/EIS were released for review and approval by the participating jurisdictions and agencies. The City of Desert Hot Springs voted not to approve the Plan in June 2006. Subsequently, the CVAG Executive Committee rescinded its approval of the Plan and directed that Desert Hot Springs be removed as a Permittee. A revised Plan was prepared and recirculated which removed the City of Desert Hot Springs and made other modifications consistent with direction from the CVAG Executive Committee. These changes included the delineation of a corridor for a future Morongo Wash flood control facility and associated conservation.

The revised and recirculated CVMSHCP was approved by CVAG and the CVCC in September 2007 and subsequently by all local Permittees by the end of October 2007. The state Permittees -- Caltrans, CVMC, and California State Parks -- approved the Plan and signed the Implementing Agreement as of March 2008. The Final Recirculated CVMSHCP, which does not include Desert Hot Springs, is expected to receive final state and federal permits by September 2008.

In October 2007, the City Council of Desert Hot Springs unanimously approved a Memorandum of Understanding, stating the parties' mutual intent to enter into negotiations for the City to join the CVMSHCP as a Permittee after the Plan has been approved by USFWS and CDFG. The MOU was subsequently approved by the Coachella Valley Conservation Commission, Coachella Valley Association of Governments, and the County of Riverside as of February 2008. On March 18, 2008, the Desert Hot Springs City Council passed Resolution 2008-15 to formalize an interim procedure for development applications in any area within or adjacent to the CVMSHCP Conservation Areas. This procedure requires that any such development application must provide written evidence from USFWS and CDFG that the project is consistent with the protection measures for threatened and endangered species and is consistent with the CVMSHCP.

Mission Springs Water District has a 135 square mile service area that is situated in both the City of Desert Hot Springs and unincorporated areas of Riverside County. Currently, parts of the District within Riverside County are subject to the Plan and the remaining parts within Desert Hot Springs are not subject to the Plan. Mission Springs Water District participated in the development of the CVMSHCP and considered becoming a Permittee but decided not to prior to October 2004. In September 2009, the Board of Directors of MSWD unanimously passed Resolution 2009-24 to state its intent to become a permittee under the CVMSHCP. The Resolution instructed staff to participate in the CVMSCHP Major Plan Amendment and do those things necessary for MSWD to become a permittee under the Plan. The District has signed this Planning Agreement.

The City of Desert Hot Springs has indicated their commitment to join the CVMSHCP by signing this Planning Agreement and preparing to submit a Major Amendment as soon as feasible. The amendment to the CVMSHCP to include Desert Hot Springs and Mission Springs Water District will propose that the Plan provisions and boundaries be based on the February 2006 MSHCP, with modifications as described in the September 2007 Final Recirculated CVMSHCP to provide for a future flood control facility along Morongo Wash, including a 1200 foot wide corridor (See Section 4.3.7).

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4.1. Geographic Scope

The entire geographic area to be addressed in the Plan covers approximately 1.1 million acres in Riverside County as described in Section 1.3 and depicted in Figure 1-2 of the MSHCP. As described in Section 4.3.7 of the Final Recirculated CVMSHCP (September 2007), “as a result of a decision by the City of Desert Hot Springs not to participate in the Plan, private lands within the city limits of Desert Hot Springs are not included in the Upper Mission Creek/Big Morongo Canyon Conservation Area, with the exception of those lands necessary to provide for flood control as well as associated habitat conservation along Morongo Wash. Within the Conservation Area, a Special Provisions Area has been delineated to address a potential Morongo Wash flood control facility and its associated mitigation, as well as conservation for a wildlife habitat corridor and additional habitat necessary to accomplish the Conservation Goals and Objectives of the Plan.”

To include the City of Desert Hot Springs, the Plan boundaries would be amended to include all of the private lands within the city limits of the City of Desert Hot Springs in addition to those areas already identified as part of the Upper Mission Creek/Big Morongo Canyon Conservation Area. The Planning Area includes that portion of the CVMSHCP Plan Area that is within the city limits of the City of Desert Hot Springs. This includes private lands which are outside the Conservation Areas, as well as private lands within the Upper Mission Creek/Big Morongo Canyon Conservation Area (See Exhibit A). The Planning Area also includes the Morongo Wash Special Provisions Area. As described in Section 4.3.7 of the CVMSHCP, “. . . Within the Conservation Area, a Special Provisions Area has been delineated to address a potential Morongo Wash flood control facility and its associated mitigation, as well as conservation for a wildlife habitat corridor and additional habitat necessary to accomplish the Conservation Goals and Objectives of the Plan.” Much of the land surrounding the city limits of Desert Hot Springs is existing conservation land, including the Wildlands Conservancy’s Mission Creek Preserve, the Morongo Canyon Area of Critical Environmental Concern (ACEC), the San Geronio Wilderness, and Joshua Tree National Park.

To include Mission Springs Water District, the Plan boundary amendment would be identical to the amendment described above for the City of Desert Hot Springs. Portions of MSWD’s service area situated in unincorporated Riverside County areas are already subject to the Plan due to Riverside County’s status as an existing Permittee.

4.2. Local Agencies

The Local Agencies are the local sponsors of the plan. Desert Hot Springs, Mission Springs Water District and CVCC are designated local agencies; however, all the agencies that are signatories to the Plan will be involved in coordination and will be required to approve a Major Amendment. As part of this planning process, the Local Agencies have 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.

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, certain fish species, insects and plants, and to enter into agreements with states, local governments, and other entities to conserve threatened, endangered, and other species of concern. The NCCPA require coordination with USFWS with respect to FESA.

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 ecosystems on a landscape level;
- 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;
- Represent native ecosystem types or natural communities across their natural range of variation in a system of conserved areas;
- Maintain or restore viable populations of the species included in the Plan so that Take Permits can be obtained for currently Listed animal species and non-listed animal species can be covered in case they are listed in the future;
- Sustain ecological and evolutionary processes necessary to maintain the viability of the natural communities and habitats for the species included in the Plan;
- Maximize connectivity among populations and avoid habitat fragmentation within Conservation Areas to conserve biological diversity, ecological balance, and connected populations of Covered Species;
- Minimize adverse impacts from off road vehicle use, illegal dumping, edge effects, exotic species, and other disturbances in accordance with the Management and Monitoring Programs;
- Manage the Conservation Areas adaptively to be responsive to short-term and long-term environmental change, including climate change;
- 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

5.1.2 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 minimization, mitigation, conservation and management measures where appropriate.

The natural communities and the endangered, threatened, candidate, or other sensitive species known, or reasonably expected to be found in the Planning Area, that are covered by the Plan are described in Section 3.2 of the CVMSHCP and are attached as Exhibits A and B. This list identifies the species and natural communities that the Parties will evaluate for inclusion in the Major Amendment to the CVMSHCP. The Parties acknowledge that inclusion of a particular species as a Covered Species in the Plan will require an individual

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determination by each Wildlife Agency that the Plan adequately provides for conservation of the species in accordance with State and/or Federal permit issuance requirements.

5.1.3 Conservation Areas and Viable Habitat Linkages

The Plan has established conservation areas throughout the Planning Area and provides linkages, where appropriate, between the conservation areas within the Planning Area. This includes biological corridors along Mission Creek at Highway 62 and along Morongo Wash in the vicinity of the City of Desert Hot Springs. It will also identify where linkages between the conservation areas and important habitat areas outside the Planning Area should occur. Such conservation areas will include a range of environmental gradients and ecological functions, and will address edge effects and other reserve design principles.

5.1.4 Project Design

The Plan will ensure that projects 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 is described in Section 3.0 of the September 2007 CVMSHCP. Plan preparation included the incorporation of independent scientific input and analysis, extensive public participation with ample opportunity for comment from the general public as well as advice solicited by the Local Agencies from key groups of stakeholders as described below. The City of Desert Hot Springs and MSWD participated in this public process through their review of the original February 2006 version of the CVMSCHP and September 2007 adopted CVMSHCP.

6.1. Best Available Scientific Information

The Plan will be based on the best available scientific information, including, but not limited to:

- 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.

The use of best available scientific information is described in more detail in Section 3.1 and in Section 3.2 of Appendix I of the CVMSHCP.

6.2. Data Collection

The Parties agree that information regarding the subjects briefly described below in Section 6.2.1. is important for preparation of the Plan. The Parties therefore agree that data collection for preparation of the Plan should be prioritized to develop more complete information on these subjects. Preference should be given to collecting data essential to address conservation requirements of natural communities and proposed Covered Species. The science 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. The sources of biological data are described in

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Section 3.3 of the CVMSHCP. Data management, availability of data and the importance of data sharing is discussed in Section 8.6 of the CVMSHCP.

Brief Narrative

The species and natural communities, essential ecological processes, biological corridors and linkages, as well as existing reserve lands, land use, and land ownership within the Planning Area of Desert Hot Springs are fully described in Section 4.3.7 of the CVMSHCP for the Upper Mission Creek/Big Morongo Canyon Conservation Area. The Conservation Areas contained within the MSWD boundaries are also described therein and includes Upper Mission Creek/Big Morongo Canyon as well as the Long Canyon, Stubbe and Cottonwood Canyons, Whitewater Canyon, Whitewater Floodplain, and Willow Hole Conservation Areas.

6.3. Independent Scientific Input

The Local Agencies and DFG included independent scientific input and analysis to assist in the preparation of the Plan. As described in Section 3.1.1 and in Appendix I, a Scientific Advisory Committee was involved in preparation of the Plan from the beginning. The role of independent scientists is described in Section 3.1.2 of the Plan. In 2001 a panel of Independent Science Advisors completed a peer review of the CVMSHCP; their report is included in its entirety in Section 3.3 of Appendix I.

These independent scientists represented a broad range of disciplines, including conservation biology, and locally-relevant ecological knowledge, who were asked to, at a minimum:

- recommend scientifically sound conservation strategies for species and natural communities proposed to be covered by the plan;
- recommend a set of 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;
- recommend 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, and may prepare reports regarding specific scientific issues throughout the process, as deemed necessary by the Local Agencies and DFG.

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

6.4. Public Participation

The Local Agencies 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

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development of the Plan, the Local Agencies will depend on the results provided by the following working groups as described in the CVMSHCP: 1) a Citizens Advisory Committee called the Project Advisory Group, 2) an Interagency Working Group or Planning Team, and 4) a Biological Technical Working Group called the Scientific Advisory Committee.

The planning process for the CVMSHCP is described in Section 3.1.4 of the September 2007 Plan. A Project Advisory Group was formed and met from 1996 through 2003, providing a forum for input from an array of interests. Section 1.1 in Appendix I of the September 2007 CVMSHCP includes a complete list of public meetings held. Section 3.0 of Appendix I of the CVMSHCP includes a list of workshops and working groups involved in the planning process.

6.4.1. Steering Committee

The Coachella Valley Conservation Commission, the City of Desert Hot Springs and Mission Springs Water District will work together with the Wildlife Agencies in coordination of this Planning Agreement. Staff from the Wildlife Agencies will work with the CVCC, the City of Desert Hot Springs, and Mission Springs Water District to provide technical expertise and share information for the development and implementation of the Major Amendment to the Plan.

6.4.2. Outreach

The Local Agencies 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 City of Desert Hot Springs. In addition, the Local Agencies will continue to hold public meetings 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 the existing CVMSHCP website, and other outreach as needed.

6.4.3. Availability of Public Review Drafts

The City of Desert Hot Springs and Mission Springs Water District will prepare a joint CEQA/NEPA document for the addition of the City and the District to the CVMSHCP. The Local Agencies 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 the Local Agencies at least ten working days prior to any public hearing addressing these documents. In addition, the Local Agencies will make available all reports and formal memoranda prepared as part of the process. This obligation will not apply to all documents drafted during preparation of the Plan. However, the Local Agencies 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 the internet website, www.cvmshcp.org, 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.

6.4.4. 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.

6.4.5. Public Review and Comment Period Prior to Adoption

The Local Agencies will make the proposed draft Plan and Implementing Agreement available for public review and comment at least 60 days before adoption. The Local Agencies expect to fulfill this obligation by distributing the draft Plan and Implementing Agreement with the draft environmental impact report prepared for the Plan pursuant to CEQA and/or the draft environmental impact statement prepared for the Plan pursuant to NEPA.

6.5. Covered Activities

Covered Activities under the Plan are those activities that may result in authorized take or loss of Covered Species that will be identified and addressed in the Plan. Covered Activities may include: those land uses over which the Local Agencies have land use authority; certain agricultural activities over which the Local Agencies exercise control for purposes of the Plan; 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. Covered Activities identified by the City of Desert Hot Springs and included in the February 2006 Plan are shown in Table 1. Covered Activities identified by Mission Springs Water District are shown in Table 2.

6.6. Interim Project Processing

The Parties recognize that before the Wildlife Agencies approve the Plan, certain projects and activities may be proposed within the Planning Area. The Parties agree to the following interim project process to: (1) ensure that development, construction, and other projects or activities approved or initiated in the Planning Area before completion of the Plan are consistent with the preliminary conservation objectives (Section 5) and do not compromise successful completion and implementation of the Plan; (2) facilitate CEQA, CESA, and FESA compliance for interim projects that require it; and (3) ensure that processing of interim projects is not unduly delayed during preparation of the Plan.

The City Council passed Resolution 2008-15 on March 18, 2008, to formalize an interim procedure for development applications in any area within or adjacent to the CVMSHCP Conservation Areas. This procedure requires that any such development application must provide written evidence from USFWS and CDFG that the project is consistent with the protection measures for threatened and endangered species and is consistent with the CVMSHCP. The resolution also provides for projects within the City limits that are within Conservation Areas to be reviewed through the CVMSHCP Joint Project Review process.

6.6.1. Reportable Interim Projects

The Local Agencies will notify the Wildlife Agencies pursuant to section 6.6.2 about proposed development, construction, subdivisions, rezones or other projects or activities requiring discretionary approvals from the Local Agencies that have the potential to adversely impact proposed Covered Species and natural communities (“Reportable Interim Project”) within the Planning Area.

6.6.2. Notification Process

The Local Agency proposing to undertake or approve a Reportable Interim Project will notify the Wildlife Agencies of the project prior to the time, or as soon as possible after, the project application is deemed complete. The City of Desert Hot Springs would report projects through the Joint Project Review process of the CVCC, as described in the CVMSHCP. The Local Agency will notify the particular individuals designated by the Wildlife Agencies to be notified of Reportable Interim Projects, and will provide these

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designated individuals with (1) a depiction of the project location on a USGS 7.5 minute quadrangle map with the quadrangle name and section, township, and range identified; (2) a description of the project along with the land cover types present on the project site using the most current land cover data available to the Local Agency; and (3) any other biological information available to the Local Agency about the project area.

6.6.3. Wildlife Agency Review

The Wildlife Agencies will review Reportable Interim Projects in a timely manner, and will use reasonable efforts to provide any comments on the projects to the referring Local Agency within the legally prescribed comment periods. The Wildlife Agencies will recommend mitigation measures or project alternatives that would help achieve the preliminary conservation objectives and will not preclude important conservation planning options or connectivity between areas of high habitat values. Any take of listed or candidate species arising out of a Reportable Interim Project must be authorized pursuant to applicable federal and/or state law. Wildlife Agency input will follow the CVMSHCP Joint Project Review process. In addition, the Wildlife Agencies will be asked to provide written evidence from USFWS and CDFG that the project is consistent with the protection measures for threatened and endangered species and the CVMSHCP as described in Section 6.6 above.

6.6.4. Coordinating Interim Process with Plan Preparation

Representatives of the Parties will meet as needed to discuss Reportable Interim Projects and to coordinate with development of the Plan. Independent scientific input will be considered by the Parties during interim project review.

6.7. Protection of Habitat Land During Planning Process

6.7.1. Conservation Lands Acquired/Protected

The Parties 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. The Local Agencies will consult with the Wildlife Agencies regarding potential lands to be protected. The Wildlife Agencies agree to credit such lands toward the land acquisition or habitat protection requirements of the Plan as appropriate, provided the lands are permanently conserved and managed and contribute to the Plan's conservation strategy. The CVMSHCP provides for lands acquired since 1996 within the Conservation Areas to be credited toward the land acquisition requirements.

6.7.2. Mitigation Lands

Lands, or portions of lands, acquired or otherwise protected solely to mitigate the impacts of specific projects, actions, or activities approved prior to Plan approval will only be considered as mitigation for those projects, actions or activities. Such lands will be considered during the Plan analysis, but will not count toward future mitigation obligations of the Plan.

6.8. 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;

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- procedures for amendment of the Plan and IA;
- implementation of monitoring and adaptive management;
- oversight of plan effectiveness and funding; and
- periodic reporting.

While the Plan is being developed, the Parties will use the CVMSHCP September 2007 Implementing Agreement to 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 revised Implementing Agreement including the City of Desert Hot Springs, and Mission Springs Water District will be made available for public review and comment with the final public review draft of the 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

The Local Agencies recognize that, as prospective applicants 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 and implementation of the Plan must be funded primarily from locally assured sources.

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 the Local Agencies 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 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 funds earmarked 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 the Local Agencies 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 and the Local Agencies. 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 the 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.

8.7.1. Funding

In the event that federal or State funds have been provided to assist with Plan preparation or implementation, any Party withdrawing from this Planning Agreement shall return to the granting agency unspent funds awarded to that Party 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 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.

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**Table 1: Covered Activities
City of Desert Hot Springs's Facilities/Project Proposals in Conservation Areas**

<i>Facility</i>	<i>Conservation Area</i>	<i>Avoidance/minimization Measures Required</i>
Palm Dr. north of Pierson Blvd., south of Mission Lakes Blvd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Indian Ave. north of 20th Ave., south of 19th Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Indian Ave. north of 19th Ave., south of Dillon Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Indian Ave. north of Dillon Rd., south of 14th Ave./Two Bunch Palms Tr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Indian Ave. north of 14th Ave./Two Bunch Palms Tr., south of Pierson Blvd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Indian Ave. north of Pierson Blvd., south of Mission Lakes Blvd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Indian Ave. north of Mission Lakes Blvd., southeast of Worsley Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Little Morongo Rd. north of Pierson Blvd., south of Mission Lakes Blvd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Little Morongo Rd. north of 14th Ave./Two Bunch Palms Tr., south of Pierson Blvd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Little Morongo Rd. north of Dillon Rd., south of 14th Ave./Two Bunch Palms Tr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Mountain View Rd. north of Dillon Rd., south of Hacienda Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Mountain View Rd. north of 20th Ave., south of Dillon Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor

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Dillon Rd. east of Palm Dr., west of Mountain View Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Dillon Rd. east of Mountain View Rd., west of Bennett Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Pierson Blvd. east of Hwy 62, west of Indian Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Pierson Blvd. east of Indian Ave., west of Little Morongo Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Pierson Blvd. east of Little Morongo Rd., west of Palm Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Mission Lakes Blvd. east of Indian Ave., west of Little Morongo Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Mission Lakes Blvd. east of Little Morongo Rd., west of Verbena Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
13th Ave./Hacienda Ave. east of Little Morongo Rd., west of Palm Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
13th Ave./Hacienda Ave. east of Palm Dr., west of Mountain View Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Mountain View Rd. north of Varner Rd., south of 20th Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Long Canyon Rd. north of Dillon Rd. to Hacienda Ave., west to Mountain View Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
14th Ave./Two Bunch Palms Tr. east of Indian Ave., west of Little Morongo Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
14th Ave./Two Bunch Palms Tr. east of Little Morongo Rd., west of Palm Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor

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14th Ave./Two Bunch Palms Tr. east of Palm Dr., west of Miracle Hill Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Dillon Rd. east of Hwy 62, west of Indian Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Dillon Rd. east of Indian Ave., west of Palm Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
20th Ave. east of Worsley Rd, west of Indian Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
20th Ave. east of Indian ave., west of Little Morongo Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
20th Ave. east of Little Morongo Rd., west of Palm Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
20th Ave. east of Palm Dr., west of Mountain View Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
13th Ave./Hacienda Ave. east of Hwy 62, west of Indian Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
13th Ave./Hacienda Ave. east of Indian Ave., west of Little Morongo Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Little Morongo Rd. north of 20th Ave., south of Dillon Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Mission Lakes Blvd. east of Hwy 62, west of Indian Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Palm Dr. north of Varner Rd., south of 20th Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Palm Dr. north of 20th Ave., south of Dillon Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor

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Palm Dr. north of Dillon Rd., south of 14th Ave./Two Bunch Palms Tr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Pierson Blvd. east of Palm Dr., west of Miracle Hill Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Pierson Blvd. east of Miracle Hill Rd. to Mountain View Rd., south to Hacienda Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
14th Ave./Two Bunch Palms Tr. east of Hwy 62, west of Indian Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Varner Rd. south east of Little Morongo Rd., west of Palm Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Worsley Rd. north of 20th Ave., south of Dillon Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Worsley Rd. north of Dillon Rd., south of 14th Ave./Two Bunch Palms Tr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Worsley Rd. north of 14th Ave./Two Bunch Palms Tr., south of Pierson Blvd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Worsley Rd. north of Pierson Blvd., south of Indian Ave.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Varner Rd. east of Palm Dr., west of Mountain View Rd.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Bubbling Wells Rd. north of 20th Ave., south of Calle Campanero	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
8th Street east of Alignment of Golden Eagle Dr., west of Verbena Dr.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor
Western Ave. north of 14th Ave., south of Mission Lakes Blvd	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridor

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**Table 2: Covered Activities
Mission Springs Water District's Facilities/Project Proposals in Conservation Areas**

<i>Facility</i>	<i>Conservation Area</i>	<i>Avoidance/minimization Measures Required</i>
913 / 1070 Pressure Zone - Two wells and one reservoir are planned for APNs 665-090-001, 665-090-002 or 665-090-003. A new water transmission main from North Palm Springs heading north past Dillon Road to Powerline Road. Another water transmission line would be located north along Little Morongo Road from the 1070 pressure zone to the 1240 pressure zone that crosses the Mission Creek Channel.	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors
1240 Pressure Zone-New Water Transmission Line-Hacienda Avenue, Mountain View Road east of Long Canyon Road	Long Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors
1400 Pressure Zone-2 New Wells, 3 Water Transmission Lines-Little Morongo Road	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors
1530 Pressure Zone-New Water Transmission Line-Indian Avenue to the north of Mission Lakes Boulevard	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors
1700 Pressure Zone-1 Water Storage Reservoir-north of Verbena Drive	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors
1875 Pressure Zone-3 Water Storage Reservoirs-	Upper Mission Creek/Big Morongo Canyon	Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors
2035 Pressure Zone-3	Upper Mission	Burrowing owl; Le Conte's

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<p>Water Storage Reservoirs, 3 Water Transmission Lines- west of Highway 62, north of Mission Lakes Boulevard</p>	<p>Creek/Big Morongo Canyon</p>	<p>thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors</p>
<p>2155 Pressure Zone-1 Water Storage Reservoir and one water transmission line -West of Mission Creek Trails project</p>	<p>Upper Mission Creek/Big Morongo Canyon</p>	<p>Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors</p>
<p>New Regional Wastewater Treatment Plant to be located north of 20th Avenue and west of Little Morongo Road</p>	<p>Upper Mission Creek/Big Morongo Canyon</p>	<p>Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport; Biological corridors</p>
<p>Network of sewer main lines along Dillon Road to Palm Drive and onto Indian Avenue. These Trunk Lines will cross the MSHCP Area in multiple areas within City and/or County Right of Way. First crossing is west of Palm Drive along Dillon Road (Morongo Channel), another crossing at Mission Creek east of the Morongo Channel. The other crossing will occur from the Sewer Trunk Line west of Palm Drive along 20th Avenue to Little Morongo Road within the County Right of Way.</p>	<p>Upper Mission Creek/Big Morongo Canyon</p>	<p>Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport;</p>
<p>One sewer trunk line that will run under the 62 freeway down Dillon Road to Diablo, and then down 18th Avenue to the east where it will cross a small section of the MSHCP (Small Creek – Garnet Region). This will be constructed within the utility easement or future road right of way.</p>	<p>Upper Mission Creek/Big Morongo Canyon</p>	<p>Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport;</p>

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<p>Recycled Water and Purple Pipe – Pipe #1 from the future Regional Wastewater Treatment Plant heads north along Indian Avenue in the County Right of Way and crosses Mission Creek north of Pierson Blvd. and extends up to the Mission Lakes Country Club. Pipe #2 runs from the Horton Wastewater Treatment Plant up along Pierson Blvd. in the City of Desert Hot Springs Right of Way crossing the Morongo Channel(s) as well as crossing the Mission Creek Channel heading west towards the Highland Falls Subdivision.</p>	<p>Upper Mission Creek/Big Morongo Canyon</p>	<p>Burrowing owl; Le Conte's thrasher; Little San Bernardino Mtns. linanthus; fluvial sand transport;</p>
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SIGNATURES:

Dated: _____, 20__

CITY OF DESERT HOT SPRINGS

By: _____

Title: _____

Dated: October 19, 2010

MISSION SPRINGS WATER DISTRICT

By: 

Title: GENERAL MANAGER

Dated: _____, 20__

CALIFORNIA DEPARTMENT OF FISH AND GAME

By: _____

Title: _____

Dated: _____, 20__

COACHELLA VALLEY CONSERVATION COMMISSION

By: _____
Richard W. Kite, Chair

Exhibit A: Species Covered under the Plan

Plants

Mecca aster, *Xylorhiza cognata*¹
Coachella Valley milkvetch, *Astragalus lentiginosus* var. *coachellae* (FE)
Triple-ribbed milkvetch, *Astragalus tricarinatus* (FE)
Orocopia sage, *Salvia greatae*¹
Little San Bernardino Mountains linanthus, *Linanthus maculatus* (or *Gilia maculata*)¹

Invertebrates - Insects

Coachella Valley giant sand-treader cricket, *Macrobaenetes valgum*
Coachella Valley Jerusalem cricket, *Stenopelmatus calhuilaensis*

Fish

Desert pupfish, *Cyprinodon macularius* (FE/SE)

Amphibians

Arroyo toad, *Bufo californicus* (FE/CSC)

Reptiles

Desert tortoise, *Gopherus agassizii* (FT/ST)
Flat-tailed horned lizard, *Phrynosoma mcallii* (CSC)
Coachella Valley fringe-toed lizard, *Uma inornata* (FT/SE)

Birds

Yuma clapper rail, *Rallus longirostris yumanensis* (FE/ST/SFP)
California black rail, *Laterallus jamaicensis* (ST/SFP)
Burrowing owl, *Athene cunicularia* (CSC)
Southwestern willow flycatcher, *Empidonax traillii extimus* (SE/FE)
Crissal thrasher, *Toxostoma crissale* (CSC)
Le Conte's thrasher, *Toxostoma lecontei* (CSC)
Least Bell's vireo, *Vireo bellii pusillus* (FE/SE)
Gray vireo, *Vireo vicinior* (CSC)
Yellow warbler, *Dendroica petechia brewsteri* (CSC)
Yellow-breasted chat, *Icteria virens* (CSC)
Summer tanager, *Piranga rubra*¹

Mammals

Southern yellow bat, *Lasiurus ega* or *xanthinus*¹
Coachella Valley round-tailed ground squirrel, *Spermophilus tereticaudus chlorus* (C/CSC)
Palm Springs pocket mouse, *Perognathus longimembris bangsi* (CSC)
Peninsular bighorn sheep, *Ovis canadensis nelsoni* (FE/ST/SFP)

(Footnotes are explained below.)

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Exhibit B: Natural Communities Covered under the Plan

Active desert dunes
Stabilized and partially stabilized desert dunes
Active desert sand fields
Ephemeral desert sand fields
Stabilized and partially stabilized desert sand fields
Stabilized shielded desert sand fields
Mesquite hummocks
Sonoran creosote bush scrub
Sonoran mixed woody and succulent scrub
Mojave mixed woody scrub
Desert saltbush scrub
Desert sink scrub
Chamise chaparral
Red shank chaparral
Semi-desert chaparral
Interior live oak chaparral
Cismontane alkali marsh
Coastal and valley freshwater marsh
Southern arroyo willow riparian forest
Sonoran cottonwood-willow riparian forest
Mesquite bosque
Desert dry wash woodland
Desert fan palm oasis woodland
Southern sycamore-alder riparian woodland
Arrowweed scrub
Mojavean pinyon and juniper woodland
Peninsular juniper woodland and scrub

The status codes used in the table are identified in the following key, as listed in the *California Natural Diversity Data Base Special Animals List and Special Plants List* from July 2000 (CNDDDB 2000).

Key: FE = Federal Endangered
FT = Federal Threatened
FC = Federal Candidate
SE = State Endangered
ST = State Threatened
SC = State Candidate
SFP = State Fully Protected
CSC = Species of Special Concern (a state list of species that are at risk due to habitat modification or destruction, over-collecting, disease, or other threats)
CNPS = Rare in California