
C.5 Coachella Valley Conservation Commission
Consistency Determination Letter

COACHELLA VALLEY CONSERVATION COMMISSION



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County of Riverside • Coachella Valley Water District • Imperial Irrigation District • Mission Springs Water District

August 3, 2021

David Wilson
Engineering Project Manager
Coachella Valley Water District
75-519 Hovley Lane East
Palm Desert, CA 92211

RE: Consistency determination for CVCC 21-001 Thousand Palms Flood Control Project in the Thousand Palms Conservation Area¹

Dear Mr. Wilson:

The Coachella Valley Conservation Commission (CVCC) has received your request for a consistency determination regarding the final alignment of the Coachella Valley Water District's (CVWD) Thousand Palms Flood Control Project (Project)² in the Thousand Palms Conservation Area (TPCA). The Project constitutes a Covered Project under Section 7.3.1 of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP or Plan); the take of any covered species has already been authorized through the issuance of the CVMSHCP permits and will not count against the conservation and take authorization tables for the Conservation Area as listed in section 4.3.11. The Project nonetheless warrants special consideration given the required measures pertaining to its construction and its effect on the Conservation Area. This consistency determination serves to document that those required measures are being met and to further ensure the Project complies with all relevant Avoidance, Minimization, and Mitigation measures and Land Use Adjacency Guidelines, as described in Plan sections 4.4 and 4.5, respectively.

The TPCA constitutes the largest unfragmented habitat area on the valley floor. It encompasses the former Coachella Valley Fringe Toed Lizard Preserve, the sand source in the Indio Hills, and key desert riparian and sand-dependent habitat. In addition, it serves as a key sand source within the Valley, and a sand transport corridor for sand generated in the Little San Bernardino Mountains. The TPCA, along with the West Deception Canyon Conservation Area and Indio Hills/Joshua Tree National Park Linkage Conservation Area, provides an almost uninterrupted corridor into the protected habitat in Joshua Tree National Park and beyond. It contains core habitat for Coachella Valley fringe-toed lizard, flat-tailed horn lizard, Coachella Valley round-tailed ground squirrel, and Palm Springs pocket mouse. Alongside neighboring Conservation Areas, it contains enough core habitat for Mecca aster to support a self-sustaining population. The desert fan palm oasis woodlands provide the largest concentration of habitat for the southern yellow bat in the CVMSHCP area.

¹ This revised version updates and replaces the original analysis submitted on July 13, 2021.

² The Project was formerly referred to as the Whitewater River Flood Control Project throughout the CVMSHCP.

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The CVMSHCP has contemplated the construction of the Project since its inception, noting that it would help direct fluvial-borne sand within the TPCA such that aeolian sand transport processes could transport it downwind. At the time of the Plan’s implementation, the final Project design had not been determined, but it was acknowledged that the final alignment “may cause a minor adjustment of the Conservation Area boundary such that the levees will not be in the Conservation Area, but will define the edge of the area.” CVWD has since finalized the levee’s alignment (Figure 1), which has, in fact, shifted since the original TPCA boundary was drawn. It is therefore necessary to adjust the Conservation Area’s boundaries accordingly and to adjust the Conservation Objectives, acres of authorized disturbance, and remaining acres to be conserved so as to reflect the reduced total area of the Conservation Area.

The Project alignment as approved in the 2000 Environmental Initial Study/Environmental Impact Report considered each of the four reaches, but was developed prior to the expansion of both regional electrical utility corridors and urban development³. As originally considered, Reach 1 would be located in what is now the right-of-way for the Southern California Edison Devers-Palo Verde 500-kV No. 2 Transmission Line project, and Reach 3 would be situated on lands now occupied by Xavier High School. For these reasons, CVWD has proposed relocating Reach 1 into the existing TPCA boundary, as well as shifting Reach 3 further east, away from established development. CVCC utilized the revised 2021 alignment to draw a new boundary and calculate new acreage totals.

To determine the new TPCA boundary, CVCC first assessed how the Conservation Area’s existing boundary would shift under both the 2000 alignment and the 2021 alignment. A 50-foot buffer was drawn around each alignment, and the boundary was re-drawn such that the TPCA was immediately adjacent to the buffered northeastern face of the levee. Any portion south and west of either alignment was excised from the total area. In cases where the alignments did not completely bisect the existing boundary, a shortest-distance straight line to that boundary was used to demarcate the new boundary. Under both alignments, portions of the original TPCA boundary beneath Reaches 2 and 3 are removed, while the 2021 alignment further removes an additional portion under Reach 1 (Figure 2). Reach 4 did not impact the boundary alignment under either scenario. The total acreage for both was then summed and compared to confirm that the 2021 alignment constituted only a minor adjustment from the 2000 alignment, in accordance with the CVMSHCP (Table 1). The 2021 alignment results in an additional 183 acres (0.70%) removed from the TPCA as compared to the 2000 alignment. The boundary areas not impacted by the levees remain unchanged (Figure 3).

Table 1: Gross acreage comparison among the original Thousand Palms Conservation Area boundary, the 2000 levee alignment boundary, and the 2021 levee alignment boundary.

	<i>Total Acreage</i>	<i>Difference from original (ac)</i>	<i>Difference from original (%)</i>
<i>Original boundary</i>	25,900	-	-
<i>2000 alignment boundary</i>	25,782	-118	-0.46
<i>2021 alignment boundary</i>	25,599	-301	-1.16

³ This paragraph has been revised at the request of CVWD to clarify the need for deviation from the 2000 alignment.

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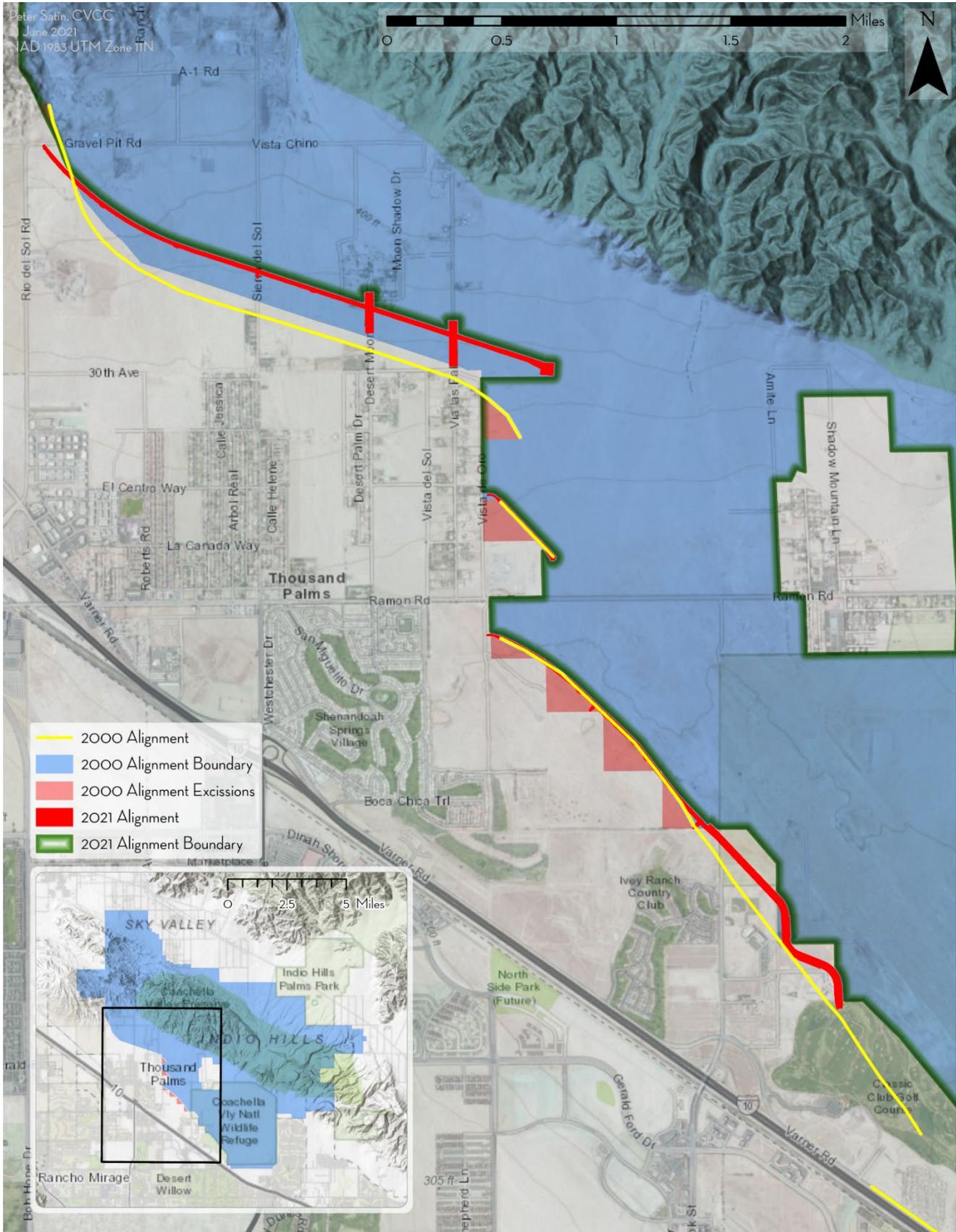


Figure 2: Comparing the boundary adjustments under each alignment. The area under Reaches 2 and 3 is removed in both cases, while the area removed in Reach 1 expands under the 2021 alignment.

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In revising Conservation Objectives, acres of authorized disturbance, and acres of remaining habitat, CVCC used 1996 property ownership as a baseline to determine available land under the new TPCA alignment. From that remaining acreage, CVCC applied a 9:1 ratio of conservation of available habitat to authorized disturbance for each of the Covered Species. Finally, the proportion of Conservation Objective minimums to available habitat under the original boundary was calculated to determine revised minimum Conservation Objectives (Table 2). This process corrected certain instances where the original conservation to disturbance ratio was less than 9:1, and where some Conservation Objectives required more conservation than was actually available.

Even after adjusting the Conservation Area boundary, portions of Reach 1 located in Sections 7 and 8, Township 4 South, Range 6 East, and running through parcels designated as Rural Residential by the County of Riverside, may be subject to specific Site Planning Standards as described in section 4.3.11. CVWD has indicated that, in acquiring the necessary property to construct the Project, parcels will be subdivided so as to utilize only the minimum portion of the original parcel required for the Project footprint, located outside the TPCA. The remaining portion within the adjusted TPCA boundary will be available for other uses and shall continue to be subject to the Site Planning Standards.

Section 5.2.1.4 of the CVSHCP requires CVWD to acquire 550 acres of conservation land within the TPCA floodway to mitigate for the Project, and further that CVWD make a contribution to the CVMSHCP endowment fund sufficient to cover the long-term cost of management and monitoring of these lands⁴. It is CVCC's understanding that CVWD has identified these acres, and their acquisition and protection will take place concurrent with the acquisition of land for the Project footprint. Should any portion of the 550 acres remain unprotected at the initiation of Project ground disturbance, CVCC recommends CVWD prepare an acquisition plan outlining the remaining parcels to be acquired and the timeline projected for their acquisition. CVCC encourages early consultation and coordination to ensure this requirement is met. CVCC acknowledges that CVWD has already met its financial obligation under the CVMSHCP.

While the TPCA's boundary has been adjusted to exclude entirely the permanent disturbance caused by the levees, portions of the Project, especially along Reach 1, will involve temporary impacts to the Conservation Area, and are therefore subject to the CVMSHCP's Avoidance, Minimization, and Mitigation requirements as described in section 4.4. Specific attention shall be paid to those measures pertaining to biological corridors, burrowing owl, sand transport, Le Conte's thrasher, Palm Springs pocket mouse, and Coachella Valley round-tailed ground squirrel. Furthermore, the Project's immediate proximity to the TPCA necessitates the implementation of any and all relevant Land Use Adjacency Guidelines detailed in section 4.5.

CVCC has determined that the Project as proposed by CVWD is consistent with the CVMSHCP Conservation Objectives for the Thousand Palms Conservation Area. The 2021 alignment constitutes only a minor adjustment from the originally contemplated 2000 alignment. Parcels subject to Site Planning Standards will be subdivided such that portions remaining within the TPCA will still be available for conservation and/or development consistent with CVMSHCP requirements. The 550 acres of mitigation have been identified and will be protected during the

⁴ This contribution is included as part of CVWD's total endowment contribution of \$3,583,400.

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land acquisition phase of the Project, while the funding of the long-term management of these acres has already been fulfilled. The Project represents a net benefit to conservation in the TPCA. The levees will serve to retain sand within the system which would otherwise be transported outside the conservation area. Loss of this sand would put the long-term sustainability of the sand dune ecosystem in the TPCA at risk. Acquisition of 550 acres will ensure that sand source and habitat areas are permanently conserved. The Project's overall consistency with the CVMSHCP is predicated on its meeting the above requirements; should CVCC determine at any point that the Project has failed to implement any of the required measures discussed above, it reserves the right to revoke this consistency determination.

Please do not hesitate to reach out to me if you have any questions regarding this analysis, either by phone at 760.346.1127 or by email at psatin@cvag.org.

Sincerely,



Peter Satin
Regional Planner

CC: William Patterson, CVWD
Steve Bigley, CVWD
Carrie Oliphant, CVWD
Heather Pert, CDFW
Carly Beck, CDFW
Jenness McBride, USFWS
Alicia Thomas, USFWS
Katie Barrows, CVCC

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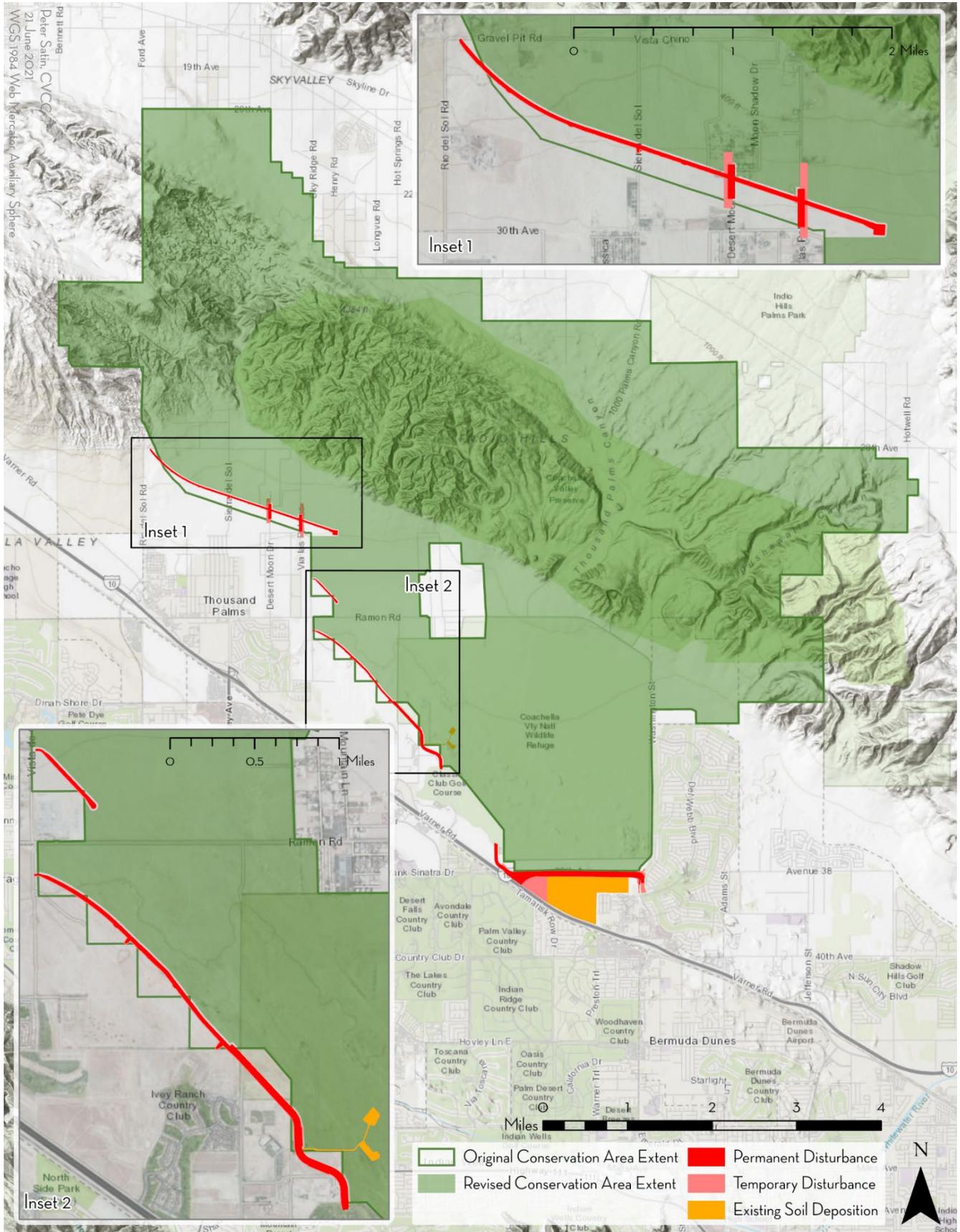


Figure 3: Revised Thousand Palms Conservation Area boundary under the 2021 alignment of the Thousand Palms Flood Control project.

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Table 2: Revised acreage totals for authorized disturbance, remaining conservation to be acquired, and Conservation Objectives for the Thousand Palms Conservation Area.

Conservation Objective	Total Acres in Conservation Area	Acres of Existing Conservation Lands	Acres of Disturbance Authorized	Remaining Acres to be Conserved	Conservation Objective Minimum
Conserve Core Habitat for CV Milkvetch	4,322	3,285	104	933	919
Conserve Core Habitat for Mecca aster	11,763	8,776	299	2,688	2,688
Conserve Core Habitat for CV giant sand-treader cricket	3,860	3,029	83	748	733
Conserve refugium locations for desert pupfish	(15m ²)	(15m ²)	N/A	0	N/A
Conserve Core Habitat for CV fringe-toed lizard	3,860	3,029	83	748	733
Conserve Core Habitat for flat-tailed horned lizard (predicted)	4,046	3,167	88	791	776
Conserve Other Cons. Habitat for Le Conte's thrasher	10,848	6,626	422	3,800	3,785
Conserve Core Habitat for CV round-tailed ground squirrel	8,391	5,065	333	2,993	2,977
Conserve Core Habitat for Palm Springs pocket mouse	11,530	7,598	393	3,539	3,523
Conserve active desert dunes	420	403	2	15	15
Conserve active desert sand fields	3,443	2,627	82	734	720
Conserve mesquite hummocks	57	57	0	0	N/A
Conserve Sonoran cottonwood-willow riparian forest	4	4	0	0	N/A
Conserve desert dry wash woodland	748	710	4	34	34
Conserve desert fan palm oasis woodland	136	136	0	0	N/A
Conserve sand source areas	13,137	8,937	420	3,780	3,780
Conserve fluvial & aeolian sand transport areas	12,429	7,847	458	4,124	4,124
Conserve Linkages	25,554	16,784	877	7,893	0