

EXECUTIVE SUMMARY

Pursuant to Section 10(a)(1)(B) of the federal Endangered Species Act of 1973 (ESA), as amended, the Coachella Valley Association of Governments (CVAG) (Applicant) has applied for an incidental take permit from the U.S. Fish and Wildlife Service (Service). The permit will allow for the incidental take of Casey's June beetle (CJB), which was federally listed as an endangered species in 2011.

As part of the development of the CV Link project, CVAG proposes the expansion of existing pathways from El Cielo Road on the west to the western boundary of Cathedral City on the east, through an area designated as the Service's recommended "Survey Area," for the CJB. The recommended Survey Area identifies areas outside of designated CJB critical habitat where no previous surveys have been conducted, and where habitat may nonetheless be suitable for CJB. CV Link is a multi-modal pathway that will extend from Palm Springs to Coachella in the Coachella Valley. No project activities are proposed in CJB Critical Habitat, but activities are proposed in the CJB Survey Area. The portion of the CV Link Project Area (Project Area) within the CJB Survey Area that will be permanently impacted by the Project is limited to 0.84 acres which currently includes an existing long, narrow concrete and asphalt path on the top of an existing flood control levee, within an existing city park and golf course. The Proposed Project would result in the widening of portions of that path at specific locations (please see Exhibits 3A, 3B, and 3E), an access point in Demuth Park (Exhibit 3A), an access point east of Golf Club Drive (Exhibit 3E), and new segments of path in Demuth Park (Exhibit 3C), and at the 17th hole of Tahquitz Creek Golf Course (Exhibit 3D). In addition, the portion of the path occurring along Upper Tahquitz Creek west of Sunrise Way occurs in an area where Service biologists have recently identified CJB individuals and emergence holes for the species (Exhibit 3F). This portion of the path, however, will not require any modification from its current footprint, and no impact to the species will occur. The species was detected during trapping surveys conducted between April 29 and May 29 of 2014 along an existing pathway through Demuth Park and the Tahquitz Creek Golf Course in the CJB Survey Area. CVAG herein provides a Habitat Conservation Plan (HCP) that will mitigate and minimize impacts to the species resulting from the construction, use, and maintenance of the proposed CV Link.

Covered Activities in the long term will include the following: construction, maintenance, walking, bicycle riding, golf cart/neighborhood electric vehicle use, mobility assistance devices, other forms of active transportation and passive recreation, landscaping, irrigation, and pesticide use on non-listed species. These activities are further described in the subsequent sections. The covered activities allow for the continued use, maintenance, repair, construction, and upgrading of CV Link facilities within the Project Area. Management practices that may adversely impact the species, such as the use of pesticides and ground irrigation will be restricted as directed by the Service, and lighting will be prohibited. The mitigation and minimization measures, how they will be funded, and other details concerning plan implementation and responsibility are addressed in Section V. The HCP also addresses identified alternatives to the proposed plan and a process to address changed and/or unforeseen circumstances.

CVAG proposes to mitigate 0.84 acres of permanent impacts and 0.94 acres of temporary construction impacts to CJB habitat by conserving, restoring, or creating habitat equivalent to

10.38 acres of land. A combination of land conservation methods has been developed to assure that the impacts to the species are mitigated to meet the requirements of the Endangered Species Act.

This HCP has been prepared in coordination with the Service and will become effective on the date the Service issues the permit. This incidental take permit will be valid for a period of thirty (30) years and will be subject to renewal under the provisions of 13 CFR § 13.22.

I. INTRODUCTION

A. Purpose and Need

CVAG is proposing a multi-modal path, the CV Link project, that will enhance connectivity between major employment, residential, recreational, and institutional centers throughout the Coachella Valley, while facilitating and promoting the use of alternative modes of transportation, including pedestrians, bicycles, neighborhood electric vehicles (NEVs), and golf carts.

A portion of CV Link, the Project Area, is proposed from El Cielo Road through Demuth Park and the Tahquitz Creek Golf Course in the City of Palm Springs. This section of the path would occur on existing sidewalk, disturbed soil, golf cart path, and bike trail, which would be enhanced with colored concrete, decomposed granite and directional signage. In addition, the portion of the path occurring along Upper Tahquitz Creek west of Sunrise Way occurs in an area where Service biologists have recently identified CJB individuals and emergence holes for the species (please see Exhibit 3F). This portion of the path, however, will not require any modification from its current footprint, and no impact to the species will occur.

Because of the CV Link's location within the Survey Area for CJB, protocol surveys for Casey's June Beetle (with a Service-approved modification) were conducted during late April and May 2014. A total of 15 traps were placed along the length of the route in the CJB Survey Area. The species was trapped in 11 of the 15 locations. As a result of these findings, CVAG is assuming presence for the species along the entire route within the CJB Survey Area. Within the 2-mile length of existing trail and golf course pathway through the CJB Survey Area, CVAG proposes modifications to only specific locations, as shown in Exhibits 3A through 3F. These modification areas are the subject of this HCP, to address potential impacts to the species. The impact area identified on Exhibit 3B includes widening an existing bike path to be consistent with CV Link standards.

CVAG is the applicant seeking a permit under authority of Section 10(a)(1)(B) of the Federal Endangered Species Act of 1973, as amended, to authorize incidental take of the species which may occur during construction, use, and maintenance of the CV Link. A conservation strategy to mitigate and minimize potential impacts to the species is detailed in this HCP.

B. Regulatory Framework

Endangered Species Act

In 1973, Congress enacted the Endangered Species Act for the purpose of protecting and recovering endangered and threatened species and the ecosystems which they inhabit. The ESA makes it unlawful to “take” an endangered species without a permit. “Take” is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct.” Take also includes habitat modification or degradation that significantly impairs a species’ behavior patterns, including nesting, breeding, feeding, or sheltering.

Casey’s June Beetle (*Dinacoma caseyi*) was listed as a federal endangered species by the Service on September 22, 2011,¹ under the general provisions of the ESA. Approximately 587 acres of critical habitat for this species were also designated by the Service at that time. The Service released the Draft Casey’s June Beetle Survey Area in 2012.² Although initially considered for coverage under the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the 10(a)(1)(B) “take” permit for the CVMSHCP did not include Casey’s June beetle, and thus this species is not a covered species under the CVMSHCP.

Habitat Conservation Plans

In 1982, the ESA was amended to include in Section 10 of the Act provisions that allowed for the “incidental take” (accidental harming, killing, and other actions the ESA defines as “take”) of an endangered or threatened species on non-federal lands. The Section 10 process attempts to balance the importance of both economic interests and biological conservation. It provides landowners with long-term assurances that their development activities will be in compliance with federal law, and provides the Service with a way to minimize and mitigate the incidental take of listed species.

Section 10 allows the submittal of Habitat Conservation Plans (HCPs) by non-federal entities as part of an application for an incidental take permit. The HCP must specify:

- The likely impacts on the species from the proposed action;
- The required steps that the project proponent must take to minimize and mitigate those impacts;
- The funding mechanisms that will be used to implement those steps;
- Procedures to deal with changed and unforeseen circumstances;
- Alternatives that would not result in take and the reasons such alternatives are not being used; and
- Other measures the Service requires as necessary or appropriate for the purposes of the plan.³

¹ Endangered and Threatened Wildlife and Plants; Listing Casey’s June Beetle (*Dinacoma caseyi*) as Endangered and Designation of Critical Habitat published by Department of the Interior and U.S. Fish and Wildlife Service (50 CFR Part 17). Federal Register, Vol. 75, No. 61, March 31, 2010, Proposed Rules.

² Casey’s June beetle (*Dinacoma caseyi*) Survey Guidelines, USFWS, January 23, 2012.

³ These measures usually consist of an optional Implementation Agreement, which is not required in this case.

Upon approval of a Habitat Conservation Plan, the Service issues an incidental take permit that allows for authorized “take” of the listed species. The Service’s decision to issue a permit is based upon whether the applicant’s proposed HCP complies with the ESA’s issuance criteria:

- Take will be incidental to otherwise lawful activities;
- The applicant will minimize and mitigate the impacts of take to the maximum extent practicable;
- The applicant will ensure adequate funding for the HCP;
- The proposed taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild; and
- Any other measures required by the Service will be met⁴.

Under the Service’s “No Surprises” rule, private landowners are assured that as long as the terms and conditions of the HCP are implemented in good faith, no additional compensation will be required by the Service if unforeseen circumstances occur.

This HCP also incorporates the Service’s addendum to the HCP handbook (the “5-point policy”), which focuses on the expanded use and integration of five components of the Habitat Conservation Planning program: (1) biological goals, (2) adaptive management, (3) monitoring, (4) permit duration, and (5) public participation. The purpose of the 5-point policy is to promote nationwide efficiency, effectiveness, and consistency within the Service, and to enhance the HCP program nationwide.

The Service published the Endangered Species Act (ESA) Compensatory Mitigation Policy in the Federal Register on December 27, 2016 (81 FR 95316). This policy adopts the mitigation principles established in the Service’s Mitigation Policy (81 FR 83440; November 21, 2016), which integrates all authorities that allow the Service to recommend or require mitigation of impacts to Federal trust resources. The ESA Compensatory Mitigation Policy establishes compensatory mitigation standards and provides guidance for the application of compensatory mitigation through implementation of the ESA. Compensatory mitigation is defined in this policy as compensation for remaining unavoidable impacts after all appropriate and practicable avoidance and minimization measures have been applied, by replacing or providing substitute resources or environments through the restoration, establishment, enhancement, or preservation of resources and their values, services, and functions. This policy applies to all Service compensatory mitigation requirements and recommendations involving ESA compliance, including permittee-responsible mitigation required under ESA section 10(a)(1)(B) through the development and implementation of Habitat Conservation Plans (HCPs) for incidental take permits. Permittee-responsible compensatory mitigation is a conserved and managed mitigation site that provides ecological functions and services as part of the conservation measures associated within the permittee’s proposed action as described in the HCP.

⁴ Ibid.

This HCP is consistent with the ESA Compensatory Mitigation Policy as described below:

1. Siting sustainable compensatory mitigation. The proposed mitigation lands (see Exhibit 4) occur immediately adjacent to critical habitat for the CJB, in areas where the male of the species has been identified. Further, the mitigation lands will be restored to native habitat conditions, as prescribed by the restoration plan to be prepared for this HCP. This restoration will include native soils and vegetation known to be suitable for the species, based on best available science.
2. In-kind for species. The proposed mitigation lands occur immediately adjacent to the Palm Canyon Wash, which is known habitat for the species, and are part of lands where the male of the species has been identified. CVAG proposes to restore 10.38 acres in total, which includes mitigation of both temporary construction impacts at a 3 to 1 ratio, and permanent impacts at a ratio of 9 to 1, consistent with the mitigation ratios implemented by the Service for other projects within this species' range.
3. Reliable and consistent metrics. Take will be measured by acres of habitat disturbed and mitigation will be measured by acres of habitat restored.
4. Judicious use of additionality. The Service has inspected the mitigation lands and provided detailed information ranking the suitability of the mitigation lands. The mitigation lands shown in Exhibit 4 have all been subject to this review, and are included at the Service's direction. These lands are currently partially landscaped, and with implementation of this HCP will be restored to appropriate native habitat for CJB, as directed in the restoration plan. The ongoing monitoring program that is also part of this HCP will assure that the value of the restored habitat is maintained over the life of this HCP, by including maintenance and invasive plant removal activities.
5. Timing and duration. The restoration of the mitigation lands and their placement in conservation easements will be completed within a year of permit issuance within the CJB Survey Area. Therefore, the lands will be conserved following approval of this HCP. Furthermore, because conservation easements will be placed on the mitigation lands, they will be conserved in perpetuity, consistent with the impacts to the CJB.
6. Ensure durability. The mitigation lands will be placed in conservation easements to assure their preservation in perpetuity. The long-term monitoring and maintenance of the mitigation lands will be assured through the creation of an endowment in the amount of \$160,075, which as shown in Appendix A, will cover maintenance and monitoring activities for a period of 30 years.
7. Effective conservation outcomes and accountability. This HCP gives the Service the authority for direct oversight of the maintenance and monitoring program. Reporting on all activities must be promptly provided to the Service by CVAG (see Sections VI and IX).
8. Maintain transparency and predictability. The Service and CVAG have coordinated all components of this HCP. The mitigation lands determined to be necessary for this HCP were determined consistent with information provided to CVAG by the Service on its compensatory mitigation programs for other projects. In addition, the Service and CVAG will provide this HCP to the public for its review.

Given the parameters of the proposed activities in the project planning area, the Service has determined that the CV Link segments occurring in the CJB Survey Area that will be constructed and maintained by CVAG require a Habitat Conservation Plan for CJB. CVAG has prepared a "low-effect" HCP, based on the Service's determination that the issuance of a section 10(a)(1)(B) "low-effect" incidental take permit would have a minor or negligible effect on CJB. Therefore, although take is likely to occur under HCP implementation, implementation of the minimization and mitigation measures proposed in the HCP would result in impacts so minor as to be negligible.

National Environmental Policy Act (NEPA)

The issuance of an incidental take permit is a federal action subject to NEPA compliance. The analysis and disclosure of environmental issues resulting from any proposed federal action is provided by NEPA. The goal of NEPA is to provide a balance between human activity and environmental conservation. Issuance of permits under the ESA is a federal action which the Service must evaluate under NEPA. The CV Link Low-Effect HCP is being evaluated under NEPA as a categorical exclusion. The Service documents the proposed HCP's consistency with NEPA categorical exclusion criteria in an "Environmental Action Statement." The Service will publish in the Federal Register a Notice of Availability of the draft HCP and Environmental Action Statement for a 30-day public review and comment period.

II. PROJECT DESCRIPTION

A. Permit Applicant

The Coachella Valley Association of Governments (CVAG) is the applicant for the incidental take permit.

B. Species Covered by Permit

An authorized incidental take permit is being sought for the Casey's June Beetle (*Dinacoma caseyi*).

C. Permit Duration

This agreement between the Service and CVAG shall become effective on the date the Service issues the permit, and shall remain in full force and effect for a period of 30 years from the date of issuance. This will allow CVAG or its successors to incidentally take, either directly or indirectly, the Casey's June Beetle within the geographical boundaries defined in this HCP for that time period. After expiration of this permit, re-authorization shall be required for any "take" within the HCP boundaries.

For discussion of issues pertaining to permit suspension, revocation, renewal, and transfer, please see Section IX of this document.

D. Project Location and Description

The CV Link project will consist of approximately 44 miles of paved pathways spanning from Palm Springs to Coachella. The core alignment begins at two take off points, or termini, in Palm Springs that converge at the city limits of Palm Springs and Cathedral City. The core alignment continues through the cities of Cathedral City, Palm Desert, Indian Wells, La Quinta, Indio, and Coachella, and portions of unincorporated Riverside County. The core alignment crosses through Tribal and allotted lands of the Agua Caliente Band of Cahuilla Indians (ACBCI), the Twenty-Nine Palms Band of Mission Indians, and the Cabazon Band of Mission Indians. For the most part the core alignment follows, closely borders, or in select locations occurs within Tahquitz Creek and the Whitewater River Stormwater Channel and its easterly extension, the Coachella Valley Stormwater Channel. Sections of the path will also occur on and adjacent to public roadways, primarily in locations where access to stormwater channel alignments is not available.

As it relates to this HCP, the area of impact extends generally from El Cielo Road on the west to the Jenkins Trail trailhead, located immediately east of Golf Club Drive and the Palm Springs city limits in the city of Cathedral City. The area of impact encompasses five segments of various widths over 7,478 linear feet. The total area of impact, as shown in Table 1, is 1.78 acres within the Survey Area, which includes the area required for construction. The current path encompasses an area of 1.60 acres. The proposed project will result in a pathway approximately 14 feet in width. The improvements proposed for CV Link will result in additional permanent disturbance of an additional 0.84 acres along the entire length of the impact area, and a total area of 2.40 acres when complete.

Table 1
CV Link Impacts to CJB Survey Area

Impact Area	Existing Conditions			Project Conditions - Path			Access Points		Impacts	
	Segment Length (feet)	Average Width (feet)	Paved Area (acres)	Average Width (Feet)	Paved Path Area (Acres)	Permanent Impact Area Path (Acres)	Permanent Impact Hardscape (Acres)	Access Point Landscape (Acres)*	Temporary Impact Area (Acres)	Permanent Impact Area (Acres)
Area 1 - Demuth Park West	758	10	0.17	14	0.24	0.07	0.03	0.05	0.1	0.1
Area 2 - Tahquitz Creek Levee	4,238	10	0.97	14	1.36	0.39	NA		0	0.39
Area 3 - Park Access Ramp	214	NA	0	14	0.07	0.07	NA		0.05	0.07
Area 4 - 17th Hole	280	NA	0	14	0.09	0.09	NA		0.38	0.09
Area 5 - Golf Club Drive	1,987	10	0.46	14	0.64	0.18	0.01	0.02	0.41	0.19
Totals	7,478		1.6		2.4	0.8	0.04	0.07	0.94	0.84
Total Area of Impact									1.78	

*Landscaping at Access Points will be native vegetation, is an enhancement over existing conditions, and does not require mitigation.

Details of current and future impacted areas, and proposed mitigation and minimization measures, are provided in Section V. It is important to note that none of the lands currently occupied by paths, or proposed as part of CV Link occur in Critical Habitat for the CJB. The portion of the path occurring along Upper Tahquitz Creek west of Sunrise Way occurs in an area where Service biologists have recently identified CJB individuals and emergence holes for the species (please see Exhibit 3F). This portion of the path, however, will not require any modification from its current footprint, and no impact to the species will occur.

Construction of the path will require wider work areas than the final impact areas, except along the Tahquitz Creek CV Link Segment 2A. All construction staging areas will be located either outside of occupied habitat or on existing paved surfaces, so as to reduce impacts. The construction areas will be landscaped at the end of construction to match the current condition of the park and golf course. Both the temporary and the permanent impacts of the proposed project are detailed in Table 1 and shown on Exhibits 3A-3F. Details of the proposed re-naturalization are found in Section V.

CV Link is proposed to be a dual path system that includes a cement path for faster modes of travel, such as bicycles and neighborhood electric vehicles (NEVs), and a separate decomposed granite path for slower modes, including pedestrians. Path widths may vary depending upon right-of-way availability and terrain, but will average about 10 feet in width. Much of the CV Link path within the CJB survey area has been redesigned for the cement path only in an effort to reduce impacts to the species. Shade structures, signage, street furniture, and other accessory features may be installed at the two access points to support the needs of travelers; installation of accessory features will not result in any additional take of CJB.

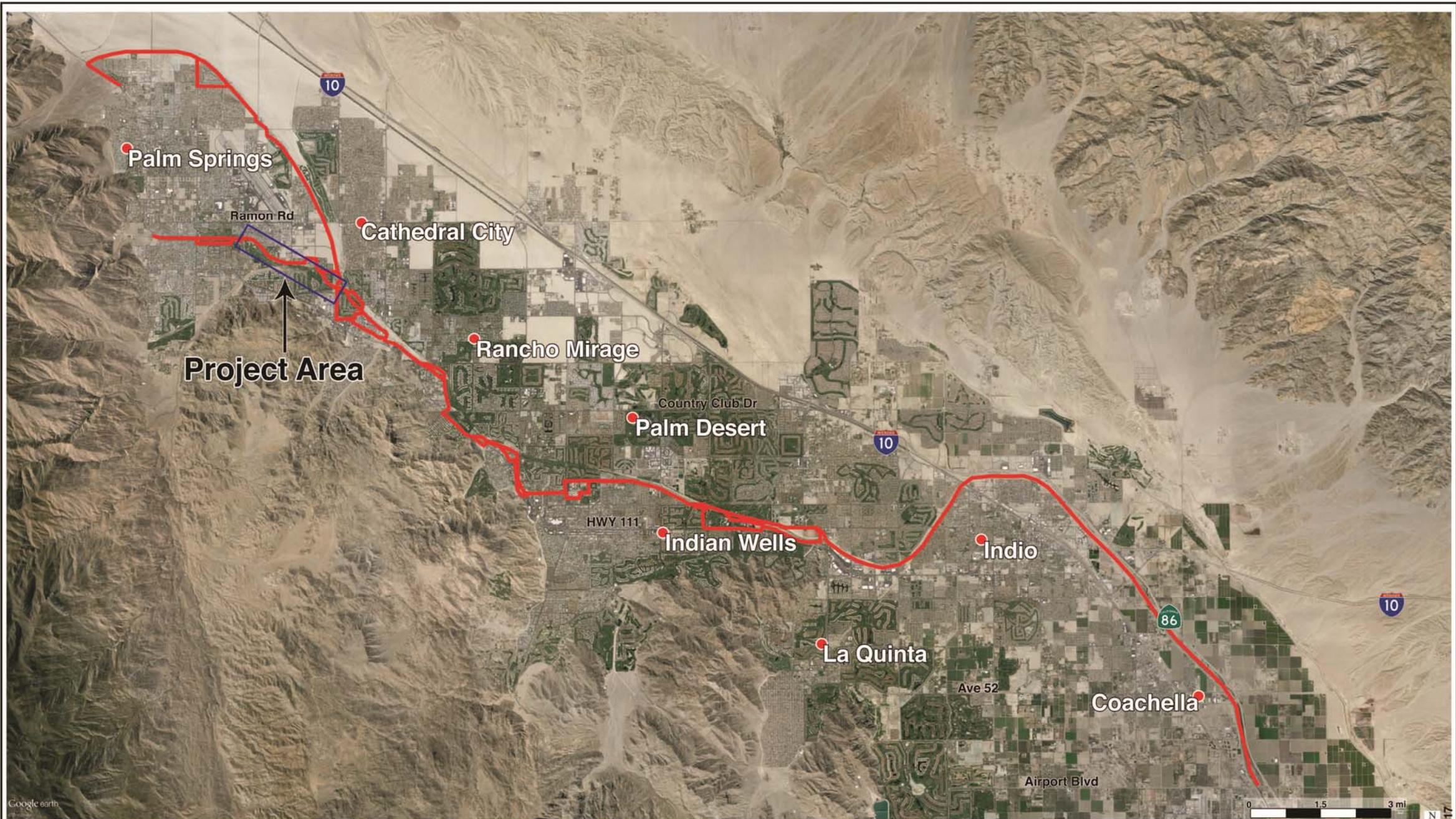
Native landscaping will be integrated into the two access points. The pathway will also incorporate informational kiosks and public art at the access points, and directional signage to assist users with way-finding. As part of this HCP, CVAG also proposes an interpretive display or kiosk focusing on CJB, its habitat and restoration efforts. The balance of the facilities within the impact area will be limited to the path reconstruction.

E. Activities Covered by Permit

Potential impacts to Casey's June Beetle habitat can be caused by a variety of activities. In the case of the CV Link, construction, use, and maintenance of the path could impact CJB. These activities are proposed to be covered by the Section 10(a)(1)(B) permit. Covered activities include the following:

1. Removal of existing paving and construction of the proposed CV Link path and appurtenant signage, lighting, structures, and facilities.
2. Maintenance and repair of the path and appurtenant structures and facilities over the life of the permit, including landscaping, irrigation, informational materials and signage. Maintenance activities include:

- Repair of the path, including replacement of concrete.
 - Regular maintenance of landscaping associated with the access points, including raking, weed removal, removal of dead plant material, and planting of replacement plants; repair and maintenance of irrigation pipes, if used; repair of signage, informational kiosks and similar appurtenances.
 - Maintenance of access point locations including regular cleaning and removal of trash, periodic painting of these features, and maintenance and repair of plumbing fixtures.
3. The use of the route by pedestrians, cyclists, neighborhood electric vehicles (NEVs), and golf carts, mobility assistance devices, and other forms of active transportation and passive recreation.
 4. Application, storage, and use of pesticides, herbicides, insecticides, biocides, and fertilizers in a lawful manner that does not affect Casey's June Beetle is allowed. All such use must occur in accordance with the EPA label on each product.
 5. Native habitat enhancement, restoration, and creation carried out by qualified desert habitat restoration specialists working under the direction of CVAG.
 6. Compliance monitoring. For the life of this HCP permit, CVAG shall submit an annual report and any other additional documentation pertinent to monitoring activities. The report shall be provided to the Service by January 31 for activities conducted the previous calendar year.



Source: Google Earth, 2016

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