CHAPTER 2
EXISTING TRIBAL AND REGIONAL CONSERVATION PROGRAMS

The Action Area contains a wide variety of physical features, ranging from valley floor to mountain peaks in the San Jacinto and Santa Rosa mountains (Figure 4). The extreme eastern end of the Action Area drops to approximately sea level. Found along the western edge of the Plan Area, the San Jacinto Mountains range in elevation from approximately 800 feet up to 10,804 feet above mean sea level (AMSL), with the maximum elevation in the Plan Area being 6,600 feet AMSL. This change in elevation and topography and accompanying differences in temperature, precipitation, and other environmental variables are significant factors contributing to the Action Area's high biological diversity.

Although there is some overlap, sensitive species occurring in the Action Area are typically associated with either features on the valley floor (particularly sand habitats) or features of the mountains and canyons. For the purposes of this Plan, therefore, the Action Area is divided into a Mountains and Canyons Conservation Area (MCCA) and a Valley Floor Planning Area (VFPA) as illustrated on Figure 5. The MCCA is located in the western and southern regions of the Action Area and includes all portions of the San Jacinto and Santa Rosa Mountain Ranges within the Action Area, generally above the 800-foot elevation contour. The VFPA consists of the balance of the Plan Area and BLM Exchange Areas in the Action Area, generally including the northern and eastern portions of the Action Area on the floor of the Coachella Valley. Finally, several off-Reservation Target Acquisition Areas are identified to the north and east of the VFPA. Together with the VFPA, these areas are referred to as the Valley Floor.

The conservation that will be achieved by this Tribal HCP will build upon an existing matrix of conservation both within and adjacent to the Reservation, including Indian Canyons Heritage Park, San Jacinto Wilderness, Mount San Jacinto State Park, San Bernardino National Forest, BLM lands, and preserves established by the Coachella Valley Fringe-toed Lizard HCP and draft Coachella Valley MSHCP, among others. The existing and proposed conservation areas and programs, including the Coachella Valley MSHCP, are described in this Chapter and for the most part are illustrated in Figure 6.

2.1 EXISTING TRIBAL CONSERVATION PROGRAMS

2.1.1 Mountains and Canyons Conservation Area

Existing Tribal conservation programs for Indian Canyons Heritage Park and Tahquitz Canyon (collectively Existing Tribal Conservation Areas) reflect the importance of natural resources to the Tribe and the Tribe's intent and ability to manage these resources. Several of the Covered Species and Natural Plant Communities protected under this Plan can be found in these Existing Tribal Conservation Areas. The established conservation programs for these two areas as well as the Tribe's trails management and wetlands conservation program (discussed below and collectively referenced as Existing Tribal

Conservation Programs) provide over 2,600 acres of protection to Covered Species. In addition, by managing human access to the mountainous portions of the Action Area through the methods described below, these programs provide conservation benefits to approximately 18,600 acres of more remote land located to the south and west. The current management practices of the Existing Conservation Areas and the Existing Conservation Programs would, to the extent that they are compatible with the Tribal HCP requirements, continue for the duration of the Plan in a fashion similar to that discussed below. However, such ongoing management activities could be modified for the benefit of Covered Species, based upon the results of the monitoring and adaptive management program described in sections 4.11 through 4.13 of this document. As such, the documents discussed below are incorporated by reference as features of this Tribal HCP.

2.1.1.1 Indian Canyons Heritage Park

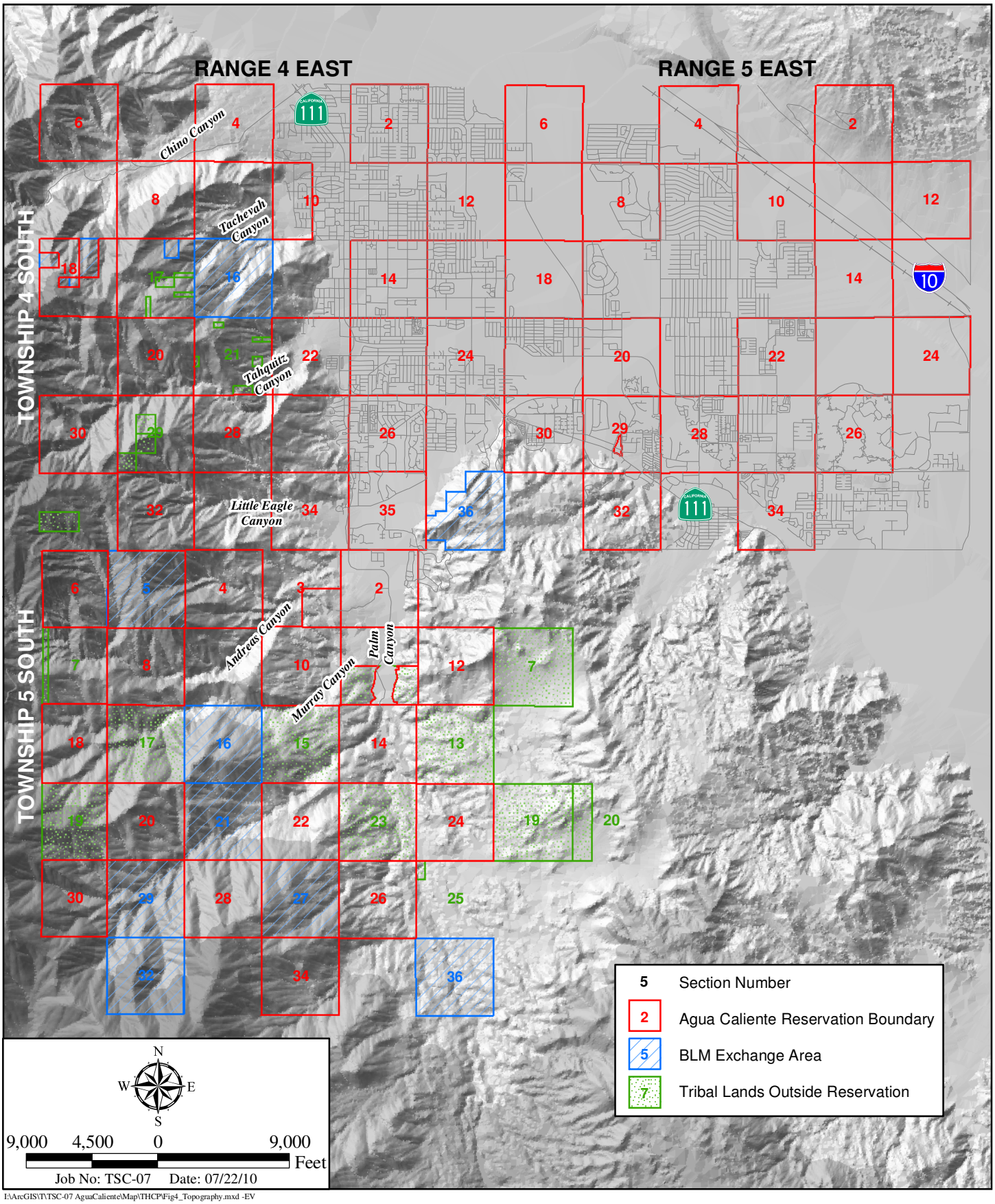
Indian Canyons Heritage Park (Figure 7) represents a site of profound ancestral heritage to the Tribe. Many traces of prehistoric villages exist within this Park.

The significance of cultural landscapes among native people is a blend of the physical environment with the spiritual realms. The stories that are associated with the landscape tell of people's origins, where they have lived, their customs, and beliefs. Places on the landscape serve as reminders of tribal heritage and traditions; they bring the past to the present (Gulliford 2000). Archaeological remains of native people, including their burials, also contribute to the cultural significance of the landscape. It is no different for the Agua Caliente Band of Cahuilla Indians.

The Indian Canyons Master Plan area contains multiple archaeological and historical resources, including two National Register Districts. These two districts best represent the prehistory and history of the Cahuilla Indians in the Palm Springs vicinity. The archaeology, including rock art, provides a remarkable record of precontact settlement and subsistence systems and the eventual contact with non-Indian peoples. In addition, trails crisscross the mountains and valley floors, connecting ancient villages and giving access to their resources in varying ecological zones.

The natural resources found in the Indian Canyons, Tahquitz Canyon, the Coachella Valley, and the surrounding mountains were exploited for subsistence and for domestic purposes, such as clothing, tools, and houses (Patencio 1943). Baskets were made of local materials and are highly prized today. Animals such as the bighorn sheep were an important food source. The Cahuilla were so close to their environment that they often gave their children names associated with plants and animals (Bean 1972).

The Cahuilla landscape communicates the story of their migrations. Each named place has a role in the origins of the Cahuilla people. Every place on the landscape is a potential home of Cahuilla Supernaturals. For instance, Tahquitz Canyon is where the (at times malicious) spirit of Tahquitz lives,



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Topography of the Agua Caliente Indian Reservation

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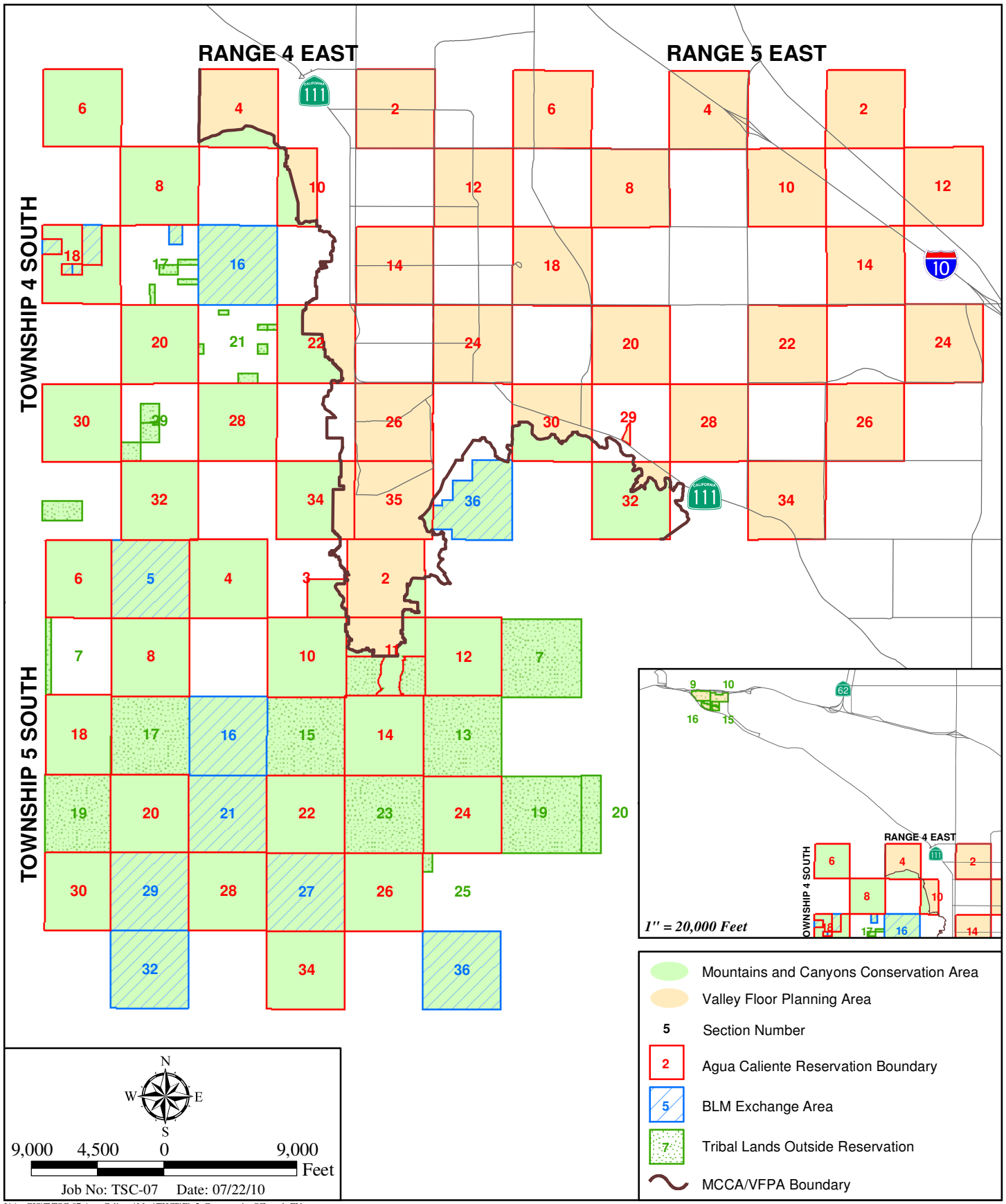
Figure 4



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Tribal HCP Planning Areas

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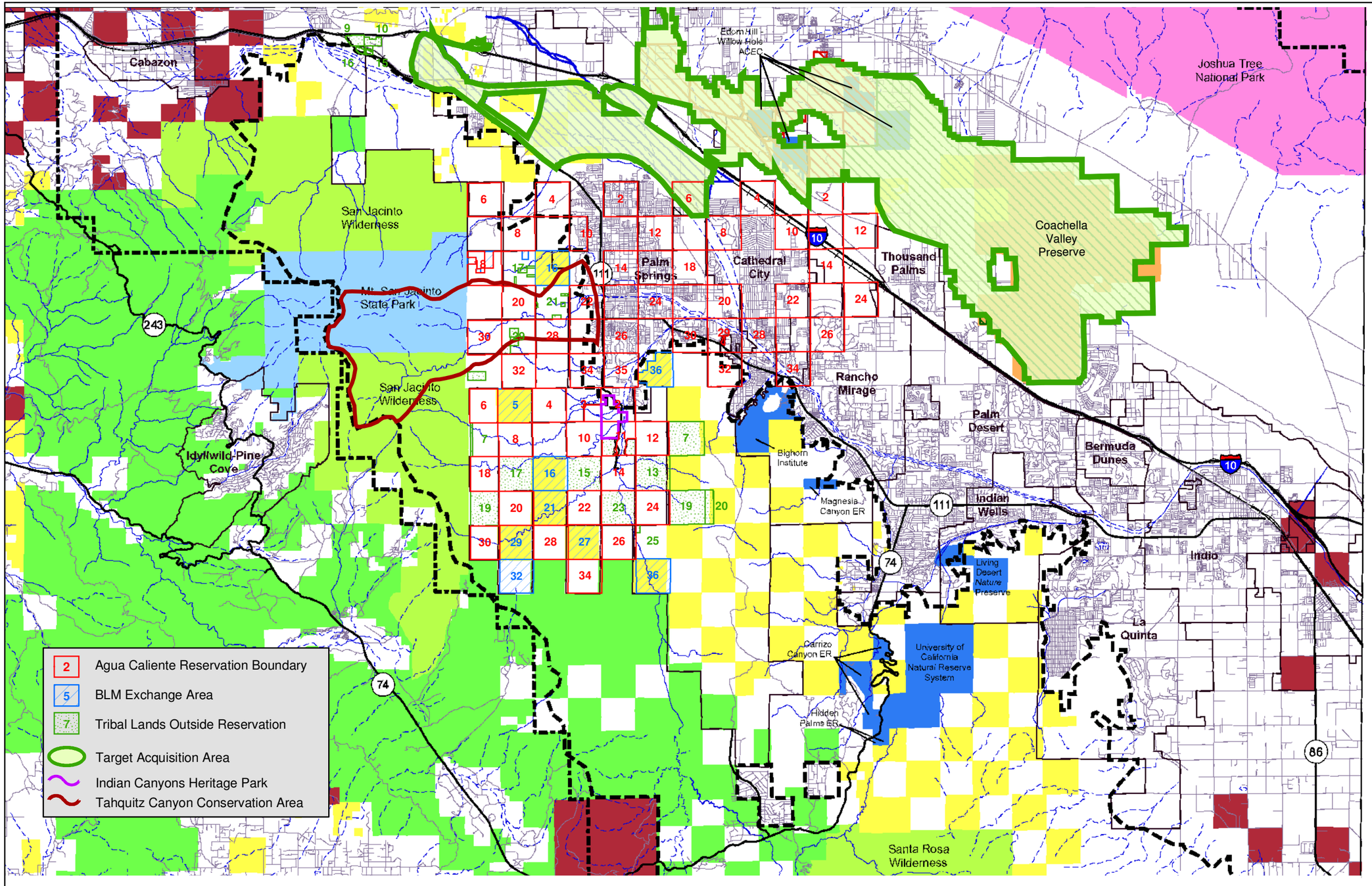
Figure 5



Major Road
Freeway
Freeway Ramp
Roads
Railroad
Perennial Creek
Intermittent Creek
Coachella Valley MSHCP Boundary
Santa Rosa and San Jacinto National Monument Boundary

Management Agencies

City Government
Agua Caliente Indian Reservation
BLM Managed Land
CA Dept of Parks and Recreation
National Park Service
Other Native American Lands
U.S. Fish and Wildlife Service
U.S. Forest Service
U.S. Forest Service Wilderness Area

N
W E
S

NO SCALE

Public Lands

Bureau of Land Management (BLM)
- Santa Rosa Wilderness
- Edom Hill - Willow Hole Area of Critical Environmental Concern (ACEC)

United States Forest Service (USFS)
- San Jacinto Wilderness
- Santa Rosa Wilderness

National Parks Service (NPS)
- Joshua Tree National Park
- Santa Rosa and San Jacinto National Monument

United States Fish and Wildlife Service (USFWS)
- Coachella Valley Preserve

California Department of Fish and Game (CDFG)
- Carrizo Canyon Ecological Reserve (ER)
- Hidden Palms Ecological Reserve
- Magnesia Canyon Ecological Reserve

Private Lands
- University of California Natural Reserve System
- Living Desert Nature Preserve
- Bighorn Institute

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Conservation Areas and Programs in the Vicinity of the Agua Caliente Indian Reservation

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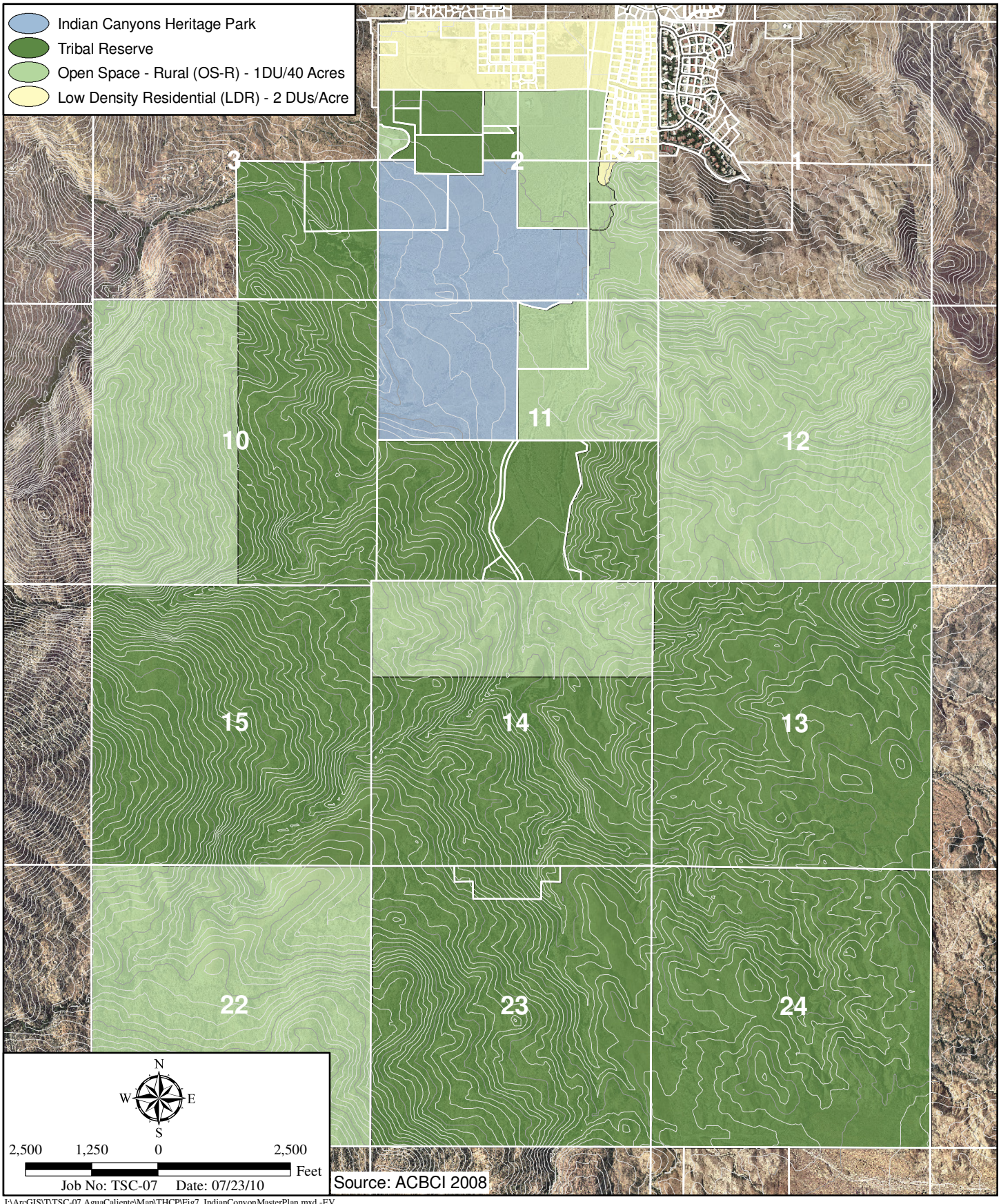
Figure 6



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Indian Canyons Master Plan

AGUA CALIENTE THCP

Figure 7

and it is the place of "Aunt Rock" (Patencio 1943). Bird songs are another important source of information about the significance of the landscape and traditions. The songs are about the migrations of the Cahuilla, and they often tell about places on the landscape (Dozier 1998). Special occasions such as fiestas or other gatherings would be a cause for singing traditional bird songs.

The land—the mountains, valleys, and canyons—gave the Cahuilla food and shelter, and so they respect it. This sacred landscape still provides for the Cahuilla today. Stories about the people and the land are shared among the Cahuilla through oral traditions, much as Chief Patencio described in 1943:

> They would put plenty of blankets on the floor for the children, and tell them stories about the sun and the moon and the stars, the air, the wind, the water, the sky, the world, and the people, and the animals and fish upon it. (Patencio 1943)

The Canyons are an iconic symbol of the Agua Caliente people. They have provided food, clothing, housing, and spiritual power and relief for many generations and will continue to do so. They are sacred places. It is for these reasons that substantial development is not anticipated in these areas.

The mouths of the three canyons within Indian Canyons Heritage Park (Palm, Andreas, and Murray canyons) are recognized by their listing on the National Register of Historical Places. The palm oases located in Palm, Andreas, and Murray canyons are known to contain the most numerous, second most numerous, and fourth most numerous naturally occurring stands of California fan palm (*Washingtonia filifera*) in the Americas, respectively. Indian Canyons Heritage Park provides occupied or potential habitat for Peninsular bighorn sheep (*Ovis canadensis*), southern yellow bat (*Lasiurus ega* [*xanhinus*]), yellow-breasted chat, summer tanager, least Bell's vireo, southwestern willow flycatcher, yellow warbler, burrowing owl (*Athene cunicularia*), desert tortoise (*Xerobates* or *Gopherus agassizii*), Palm Springs pocket mouse (*Perognathus longimembris bangsi*), Palm Springs (Coachella Valley round-tailed) ground squirrel (*Spermophilus tereticaudus* var. *chlorus*), and Coachella Valley milk-vetch (*Astragalus lentiginosus coachellae*).

The Tribe takes great pride in the fact that Indian Canyons Heritage Park remains intact and available for controlled public access and enjoyment. The primary objective of Indian Canyons Heritage Park is to provide long-term preservation of major natural and cultural resources. Secondary objectives are to preserve the ecological setting for the unique palm oases; preclude any development in the Park that would have negative impacts on the cultural/ecological continuity of the greater area or the pristine aesthetics of the viewshed; and delineate a logical management framework to ensure long-term resource preservation and subsequent public enjoyment. Other objectives are to restore the palm oases to pristine ecological condition; allow public access in a manner that the oases may be preserved and interpreted for public education; provide adequate interpretation of cultural resources so the uniqueness of the culture

may be understood and appreciated by the public; and provide adequate vehicular, pedestrian, and equestrian access to the area without further affecting the ecology.

The management plan developed for Indian Canyons Heritage Park (Appendix B: *Indian Canyons Master Plan*, May 2008) emphasizes the preservation of the following key habitats:

- Wetland and riparian habitats found in Indian Canyons. (Such areas need to be considered not only for preservation, but also restoration needs, including removal of tamarisk [*Tamarix* sp.] and other invasive exotic species);
- Desert scrub communities at the mouth of Palm Canyon in the northern reaches of the Indian Canyons Heritage Park boundaries; and
- The Peninsular bighorn sheep habitat linkage that runs east-west between the San Jacinto and Santa Rosa Mountains.

Tribal staff maintains trails (as described in section 2.1.1.3) and regularly cleans picnic areas. The following restrictions currently apply to users of Indian Canyons:

- Admission fees: $8.00 adults, $4.00 children, $10.00 equestrians
- Hours of operation: 8am to 5pm
- Open daily October 1 to July 1; Friday through Sunday only July 2 to September 30
- No fires of any kind
- No smoking
- No loud music or noise
- No alcoholic beverages
- No dogs or other pets
- Hiking on designated trails only (no cross-country travel)
- No rock climbing
- No bicycles or motorized vehicles on trails
- No roadside parking
- No firearms, explosives, or fireworks
- No overnight camping

These restrictions are enforced through regular ranger patrols and canyon worker monitoring.

Potential future uses in the Indian Canyons may include; a reconstructed Indian village; interpretive exhibits, trailhead signage; and limited improvements to the Trading Post ; The Tribe had previously planned to realign South Palm Canyon Drive as the primary entrance to Indian Canyons. The project was reviewed under TEPA and approved in 2002. The first portion of the road was constructed from Acanto

Drive to the existing roadway into the Canyons. The second phase is proposed for abandonment if the Tribe can acquire easements for access and utilities as needed to secure permanent use of the existing paved road (refer to Figure 8). Easements would include adequate space for a new tollbooth. The road would be "rural" in character, consisting of a 40-foot wide right-of-way to accommodate the existing two-lane road and minor modifications needed for safety, such as minor grading and resurfacing of the road. The Tribe does not currently have any plans to extend South Palm Canyon Drive past the Trading Post;however, allottees potentially could be authorized to construct access roads from this roadway to their allotments.

2.1.1.2 Tahquitz Canyon

Tahquitz Canyon is located in the San Jacinto Mountains north of Indian Canyons Heritage Park. Upstream from the mouth of the canyon, Tahquitz Creek generally flows year-round. Winter rains and the runoff from melting snow in the spring allow the creek to flow far to the east across the alluvial fan. As it spreads out over the fan, much of the water in Tahquitz Creek seeps into the ground. During summer months, the creek carries only enough water to extend to the mouth of Tahquitz Canyon.

Prior to 1990 when the Tribe took action to restore this area, domestic animal grazing, tree cutting, and the erosion caused by water diversion (all of which activities have since ceased) contributed to a decline in the quality of the Tahquitz Creek riparian habitats. In many areas of the Canyon, exotic plants had supplanted native vegetation and years of uncontrolled human intrusion had taken their toll. Litter, vandalism, and other impacts on the ecosystem contributed greatly to the degradation of Tahquitz Creek.

In the 1990s, the Tribe commissioned a program aimed at the restoration of Tahquitz Creek. Litter and other debris were removed, the effects of vandalism were mitigated, and human access to the area was controlled by gating the entrance to the canyon and implementing regular patrols by Tribal Rangers. To ensure the continued protection and restoration of the Tahquitz Canyon area, the Tribal Council has adopted and thereby committed to implement a wetland conservation plan that formalizes its goals for the maintenance and biological monitoring of Tahquitz Canyon (Appendix C: *Agua Caliente Band of Cahuilla Indians Tahquitz Canyon Wetland Conservation Plan*, 2000).

In Tahquitz Canyon, three exotic plants (fountain grass [*Pennisetum setaceum*], umbrella flat sedge [*Cyperus* sp.], and tamarisk) are considered of primary concern because of their extremely invasive characteristics. The Tribe utilizes various measures to control this influx of exotics. Control techniques are largely physical, relying for the most part on pulling clumps of the plants by hand and frequently checking for renewed growth. When necessary, the removal of persistent exotics may require the minimal and carefully monitored application of herbicides. (Such applications are considered compatible uses under this Tribal HCP, but no incidental take coverage under the requested permit is contemplated for chemical application such as the use of herbicides.)

Tahquitz Canyon is gated, and is open to public access from 8am to 5pm daily, October 1 through July 1, and Friday through Sunday between July 2 and September 30, on a loop trail along the canyon bottom to the base of the waterfall. Admission fees are $12.50 for adults and $6.00 for children. An interpretive center has been constructed and ranger-led hikes are provided four times a day. The Tribe maintains as a high priority the protection of the sensitive biological resources present or potentially present within the canyon, including Peninsular bighorn sheep, least Bell's vireo, southwestern willow flycatcher, yellow-breasted chat, yellow warbler, summer tanager, mountain yellow-legged frog (*Rana muscosa*), desert tortoise, Palm Springs pocket mouse, and Le Conte's thrasher.

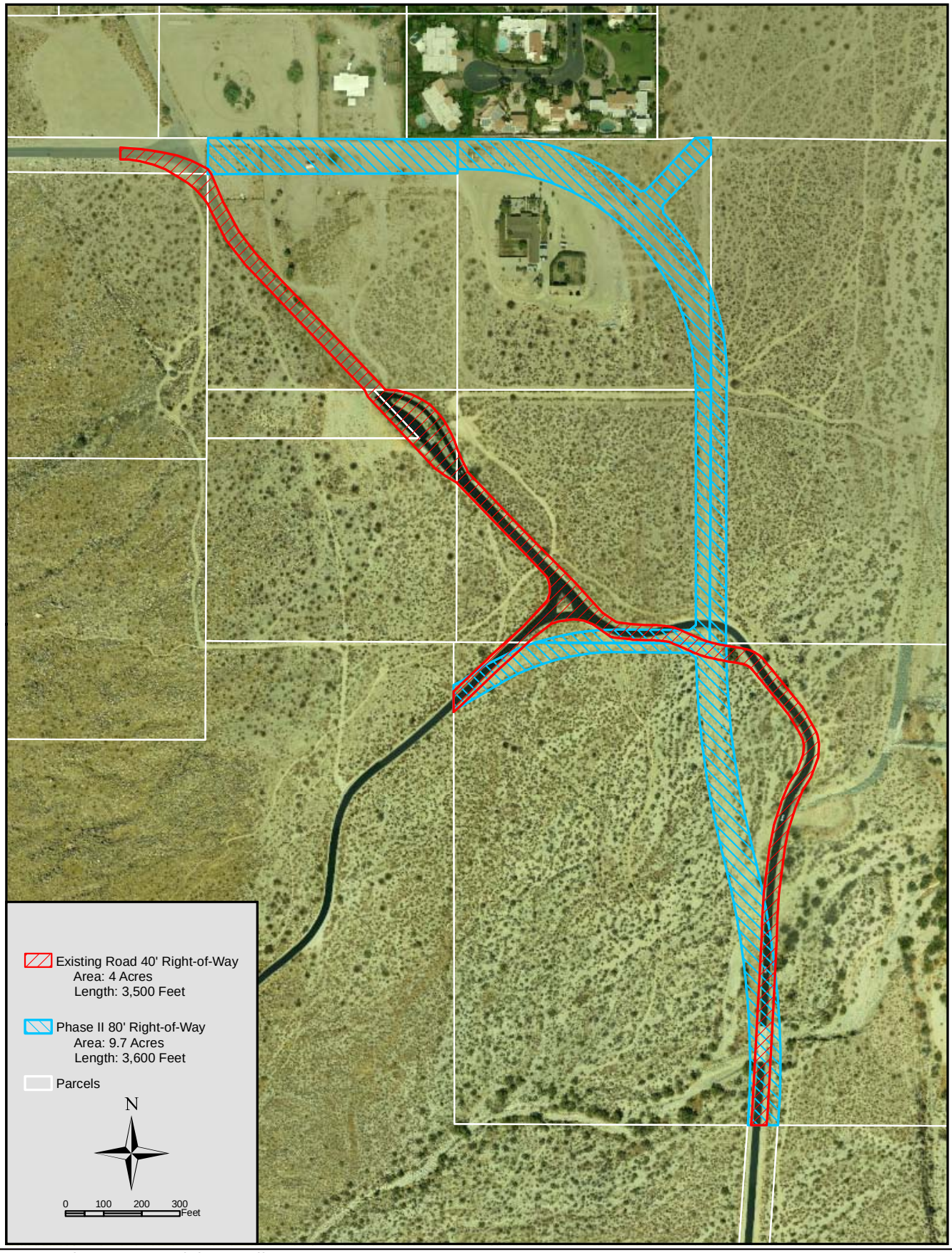
Additional future uses in Tahquitz Canyon are expected to be limited to picnicking facilities at the interpretive center and a reconstructed Indian village. Lighting may be installed only adjacent to the interpretive center. Equestrian uses envisioned in the wetland conservation plan are no longer proposed by the Tribe. As mentioned above, upon approval of the Tribal HCP, the Tahquitz Canyon Wetland Conservation Plan will be updated to ensure consistency between documents.

2.1.1.3 Trails Management Program

Numerous hiking and equestrian trails are found throughout the San Jacinto Mountains (Figures 9a and 9b). The primary trails occur within or provide access across Indian Canyons Heritage Park. The Tribe has final authority over the planning, management, use, and operation of all trails on Tribal property. Other authority is sanctioned through executed agreements between the Tribe and federal, state, and local governmental agencies. The Tribe's mission with regard to trails is, in partnership with local and governmental agencies, to maintain and manage trails and cause minimum impact upon the environment; protect scenic, cultural, and historic values; conserve resources; and provide a safe and adequate trail for the user.

Both Tribal rangers and canyon workers manage the trails in a manner that allows for minimal disturbance to the adjacent flora and fauna. Indian Canyons Heritage Park and Tahquitz Canyon are the only areas within the San Jacinto Mountains where hours of operation and access are controlled (no overnight camping is allowed). The Tribe does not encourage or support unauthorized trails. The Tribe has installed ample signage to help hikers stay on established trails and strongly discourages visitors to the Indian Canyons and Tahquitz Canyon from hiking off of legal, established, and marked trails. Tribal rangers and Tribal maintenance crews routinely patrol/monitor the trails and warn users who they find off-trail that off-trail use is not permitted and is considered trespassing under federal law.

The pattern of trail usage is such that most visitors stay within one to two miles of the canyon floor. Both Indian Canyons and Tahquitz Canyon are closed between July and October (except Fridays through Sundays). Therefore, summer months, which coincide with the period when water availability may be more limited for the Peninsular bighorn sheep, show significantly lower usage by visiting hikers.



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South Palm Canyon Drive

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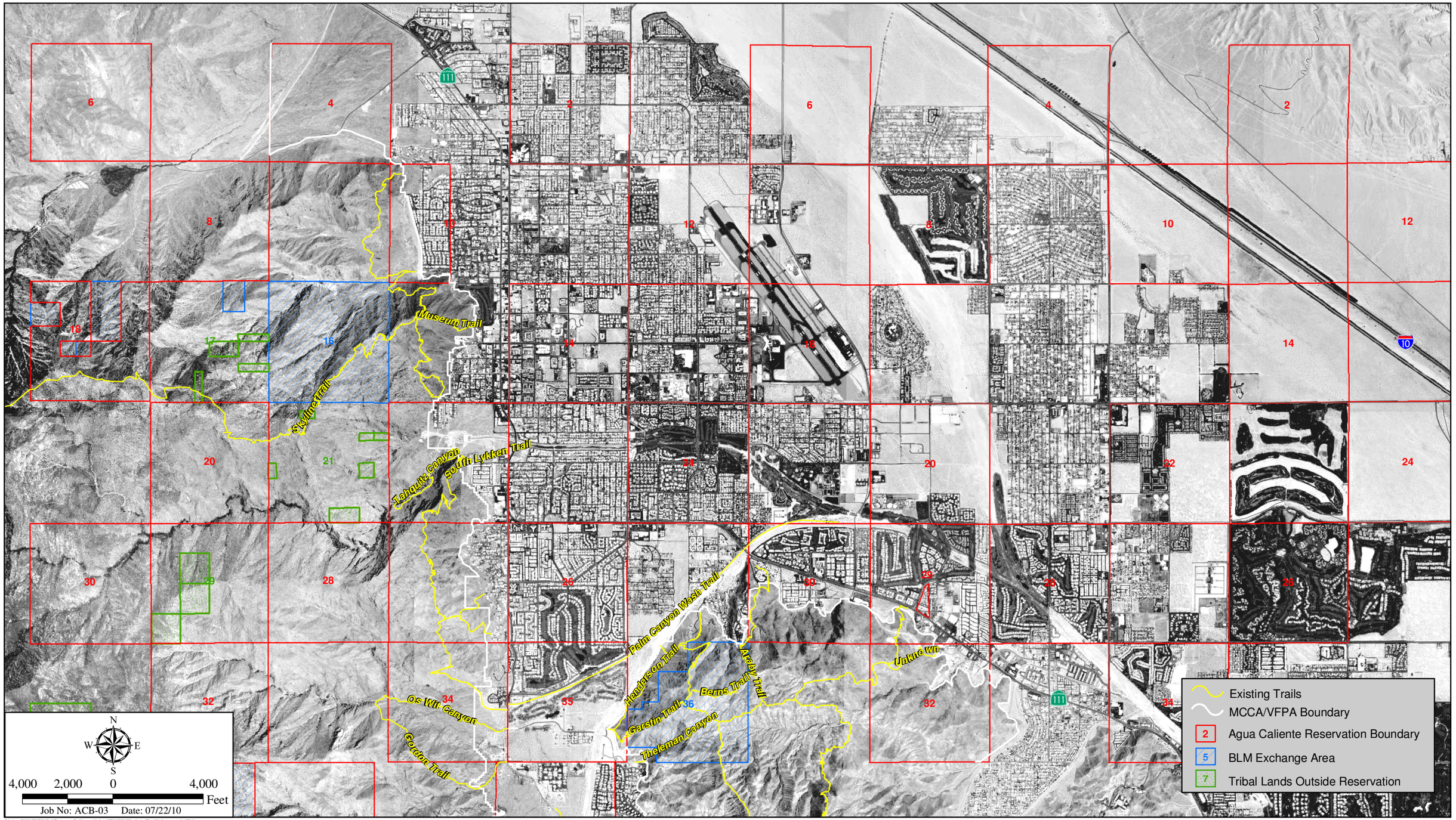
Figure 8



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Trail Map - North

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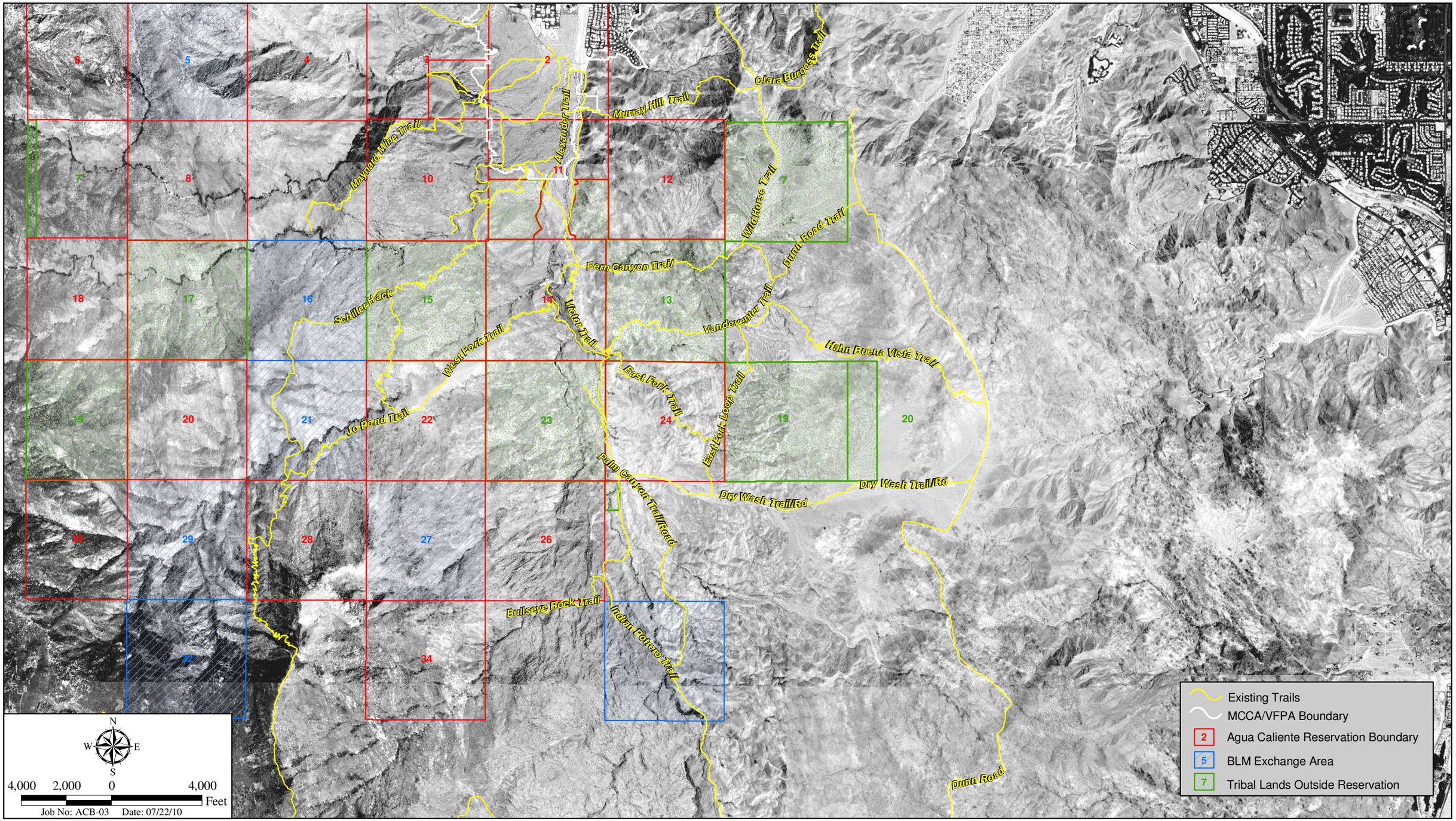
Figure 9a



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Trail Map - South

AGUA CALIENTE THCP

Figure 9b

Current activities undertaken by Tribal staff in the canyons are complementary to the survival of Peninsular bighorn sheep. In addition to discouraging off-trail use, activities include prohibition of dogs, tamarisk removal, fountain grass removal, and maintenance of creeks and springs as well as educating the visiting public on the significance and behavior of Peninsular bighorn sheep. Exotics currently are cleared from a 10-foot radius around springs and a 50-foot radius adjacent to streams.

Routine trail maintenance activities include installing water bar diverters made out of rock to stop erosion; trimming branches to create a four-foot clear width on trails; posting "Stay on the Trail" signs; and removing exotics for a distance of up to 50 feet from the trail. Such activities generally involve the use of hand tools, including chainsaws, picks, shovels, mcclouds, wheelbarrows, and prybars. Where accessible, small equipment such as a trail machine (which is smaller than a bobcat) is used. In addition, chippers are used in picnic areas and adjacent to vehicular access roads.

Trails under the management of the Tribe will be kept open and managed under the provisions of the Tribe's Trails Management Plan (Appendix D), Indian Canyons Master Plan, the Cooperative Agreement with the BLM (see section 2.2.1.1, below), and this Tribal HCP (see sections 4.2 and 4.11.2.2). The Tribe is committed to continuing to enforce the current policies and regulations described in these documents and Chapter 2 of this Tribal HCP, including maintenance of current staffing levels for rangers (eight full-time positions) and canyon workers (seven full-time positions). Furthermore, the Tribe will continue to cooperate with adjoining resource agencies to monitor the activities and behavior of Peninsular bighorn sheep throughout the habitat and revisit management practices from time to time for the benefit of Covered Species as part of its adaptive management program.

Construction of new trails is not a Covered Activity under this Tribal HCP. Minor trail re-routing may in some cases be necessary to address the effects of erosion or other issues. In the cases where this is necessary, the old trail would be restored with native habitat, such that no increase in the amount of permanent disturbance associated with trails is anticipated. Should unauthorized trails become a problem, the Tribe would take appropriate actions to remove/decommission the unauthorized trails such as installing more signs, raking out the trail, and/or replanting native vegetation.

2.1.1.4 Wetlands Conservation Program

Most of the Reservation's wetlands[1] are found in the San Jacinto Mountains canyons, including those in Existing Tribal Conservation Areas. These wetlands and riparian ecosystems are already provided some protection by the Existing Tribal Conservation Programs, discussed above, as well as the Clean Water

[1]By this reference to "wetlands" and otherwise, the Tribe does not imply that all watercourses or drainages of every type and location of the Agua Caliente Indian Reservation are subject to regulation under the Clean Water Act. Such regulation is permissible only if a significant hydrologic nexus exists between the watercourse or drainage in question and the "Waters of the United States."

Act. The Tribe is continuing its efforts to preserve these vital natural and cultural resources for the future. Future efforts (which will be determined based on future needs and evaluated using a sound scientific approach) may include but not be limited to activities such as:

- Removal of invasive exotic vegetation such as tamarisk and fountain grass;
- Redesign of the trail systems for lower impacts;
- Restriction of recreational activities that adversely impact wetlands and riparian areas; and
- Restoration of disturbed wetlands and riparian areas.

2.1.2 Valley Floor Planning Area

In 1985, after the County and the cities of Desert Hot Springs, Palm Springs, Cathedral City, Rancho Mirage, Palm Desert, Indian Wells, La Quinta, Indio, and Coachella adopted the Coachella Valley Fringe-toed Lizard Habitat Conservation Plan, the Tribe adopted its own Interim Habitat Conservation and Management Plan (Interim HCP) to coordinate conservation efforts for that species in the Coachella Valley. The Interim HCP imposed a mitigation fee of $600 per acre on development within the portions of the Reservation deemed habitat for the Coachella Valley fringe-toed lizard (*Uma inornata*) and identified several uses of fees collected by the Tribe to assist in Valley-wide conservation activities. The Interim HCP was amended in December 2001 to expand the list of species and geographic scope covered and increase the required mitigation fee to $800 per acre. Although no Section 10(a) permits were issued for the Interim HCP, it is the Tribe's intent that payment of fees related to project approvals satisfy any and all mitigation requirements related to protection of the Coachella Valley fringe-toed lizard. As discussed in more detail in Chapter 4, the provisions of the Interim HCP as amended are incorporated into this Plan. Upon approval by the Tribe and permitting by the USFWS, this Tribal HCP will supercede the Interim HCP.

2.2 EXISTING CONSERVATION EFFORTS ON PUBLIC LANDS

One of the goals of the Tribal HCP, reflecting the Tribe's traditional approach to land and resource management, is to coordinate Tribal conservation programs and land use practices with other conservation efforts occurring in the Coachella Valley. This section, therefore, provides an overview of the conservation and land management efforts currently in effect on lands within and surrounding the Action Area. These existing conservation areas are described in terms of their geographic location and are summarized in Table 2-1.

Table 2-1
Regional Conservation Efforts

Title	Organization	Location	Area (acres)	Covered Species* Potentially Occurring
Santa Rosa and San Jacinto Mountains National Monument	BLM and USFS	Santa Rosa and San Jacinto Mountains, including Reservation lands	272,000	PBS, LBV, SWF, YBC, YW, ST, GV, MYLF, DT, SYB, BO, LT, PSPM, PSGS
San Bernardino National Forest: San Jacinto Wilderness	USFS	San Jacinto Mountains west of the Reservation	32,850	PBS, GV, DT, BO
Mount San Jacinto State Park	California Department of Parks and Recreation	San Jacinto Mountains west of the Reservation	13,502	PBS, GV
Santa Rosa Mountains Wildlife Management Area (including Carrizo Canyon Ecological Reserve and Hidden Palms Ecological Reserve)	CDFG	Santa Rosa Mountains including Reservation lands	87,760	PBS, DT, SYB, BO, PSPM, PSGS
Santa Rosa Mountains State Game Refuge	CDFG	Santa Rosa Mountains south of Palm Desert	24,880	PBS, GV, DT, SYB
Santa Rosa Wilderness	BLM	10 miles south of the Reservation	20,160	PBS, GV, DT
Magnesia Canyon Ecological Reserve	CDFG	Santa Rosa Mountains south of Rancho Mirage	114	PBS, DT, BO, PSPM
Boyd Deep Canyon Desert Research Center	UC Riverside	San Jacinto Mountains east of the Reservation	16,301	PBS, DT, BO, LT, PSPM, PSGS
Coachella Valley Preserve System (Coachella Valley Preserve, Edom Hill/Willow Hole Reserve, Whitewater Floodplain Reserve)	Multiple Agencies†	Valley floor northeast of the Reservation	16,674	SYB, PSPM, BO, CT, LT, CVMV, CVFTL, FTHL, PSGS, CGSC, CVJC
Joshua Tree National Park	NPS	Northeast of the Reservation	793,600	GV, DT, BO

*Species: PBS=Peninsular bighorn sheep, LBV=Least Bell's vireo, SWF=Southwestern willow flycatcher, ST=Summer tanager, YBC=Yellow-breasted chat, YW=Yellow warbler, GV=Gray vireo, MYLF=Mountain yellow-legged frog, DT=Desert tortoise, SYB=Southern yellow bat, TRMV=Triple-ribbed milk-vetch, PSPM=Palm Springs pocket mouse, CT=Crissal thrasher, LT=Le Conte's thrasher, BO=Burrowing owl, CVMV=Coachella Valley milk-vetch, CVFTL=Coachella Valley fringe-toed lizard, FTHL=Coachella Valley flat-tailed horned lizard, PSGS=Palm Springs ground squirrel, CGSC=Coachella Valley giant sand-treader cricket, CVJC=Coachella Valley Jerusalem cricket, LSBMG=Little San Bernardino Mountains gilia.

†Multiple agencies include USFWS, BLM, CDFG, California Department of Parks and Recreation, Coachella Valley Water District, and Center for Natural Lands Management.

2.2.1 Santa Rosa and San Jacinto Mountains

2.2.1.1 Santa Rosa and San Jacinto Mountains National Monument

The Santa Rosa and San Jacinto Mountains National Monument (National Monument), created by legislation (HR 3676) signed into law on October 24, 2000, encompasses more than 272,000 acres in the Santa Rosa and San Jacinto Mountains. The Monument is unique among all other National Monuments

for its diversity of land ownership pattern and management approach. Included in the legislation are instructions for the management of the National Monument, including the directive that the BLM and USFS work cooperatively to co-manage the National Monument. Specifically, the law requires that "[n]ot later than 3 years after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall complete a management plan for the conservation and protection of the National Monument." The legislation also provides that "nothing in the establishment of the National Monument shall affect any property rights of any Indian Reservation, any individually held trust lands, or any other Indian allotments."

In contemplation of creation of the National Monument, the Tribe and BLM entered into a Cooperative Agreement in 1999 to facilitate coordination and cooperation in the management of federal lands within the then-proposed National Monument that are also in and around the Reservation. This Agreement provides the mechanism to coordinate land use planning, budget priorities, cooperative allocation of resources, and development of long-term resource management and programmatic goals between the signatories.

The Cooperative Agreement also provided the foundation for a separate Memorandum of Understanding entered into between the Tribe and BLM in 1999 to facilitate acquisition and exchange of both federal and non-trust lands in and around the Reservation. Any exchange will be based on the monetary value of the lands, rather than on an acre-for-acre basis. As a result, the precise lands to be exchanged have not yet been determined. The application of this Tribal HCP to potential exchange lands before and after any exchange is described in section 1.4.

Lands contemplated for transfer from the Tribe to the BLM include approximately 1,470 acres located to the southeast, adjacent to the Reservation (Figure 3). These lands include Township 5 South, Range 5 East, Sections 7, 19, and a portion of 20. Up to a total of approximately 5,799 acres of BLM lands within the exterior boundaries of the Reservation could be transferred to the Tribe over the life of the Plan. BLM lands proposed for inclusion in the first transaction include Township 5 South, Range 4 East, Sections 5, 16, 21, 27, 29, and 32, along with portions of two sections in Township 4 South, Range 4 East, Sections 17 and 18. If necessary to balance the monetary value of the lands to be exchanged, Township 5 South, Range 4 East, Section 36 also could be transferred from the BLM to the Tribe as part of the first exchange. BLM lands that currently are not proposed for inclusion in the first transaction include Township 4 South, Range 4 East, Section 16 and a portion of Section 36. The BLM lands that could at some point be transferred to the Tribe are referred to in this document as BLM Exchange Areas.

For Tribal HCP analysis purposes only, it is assumed that the 1,470 acres held by the Tribe will be exchanged for the maximum 5,799 acres held by the BLM during the life of the Plan. The CDCA Plan Amendment for the Coachella Valley (BLM 2002) specifically commits BLM to conserving at least 99 percent of vegetation community types on the lands it administers in the MSHCP Reserve System. Thus, under existing ownership, potential impacts could occur on a maximum of 58 acres (1 percent) of the

5,799 acres of BLM Lands. The 1,470 acres proposed for exchange from the Tribe to the BLM are designated for 85 percent conservation under the terms of the Tribal HCP, thus allowing potential development on 221 acres (15 percent). As a condition of the exchange, the Tribe would reserve 221 acres of development potential on a maximum of 5,799 acres of land (4 percent). The BLM would acquire 1,470 acres, of which 99 percent would be conserved, allowing for a maximum of 15 acres of disturbance. Thus, the net result of the exchange is that the total development potential would be reduced 43 acres, from 279 acres before the exchange to 236 acres after the exchange. Conversely, the amount of land conserved would increase from 6,990 to 7,033 acres (refer to Table 2-2).

Table 2-2
Summary of BLM Land Exchange Effects on Impacts/Conservation

Current Land Ownership	Before Exchange		After Exchange	
	Impact	Conservation	Impact	Conservation
Tribal	221	1,249	15	1,455
BLM	58	5,741	221	5,578
Total	**279**	**6,990**	**236**	**7,033**

Covered Activities occurring within the BLM Exchange Areas once they are transferred to the Tribe would be subject to all permit conditions, design and mitigation standards, and conservation measures of this Plan, as outlined in sections 4.8 and 4.9. To ensure that the BLM Exchange Areas are appropriately treated after any future exchange to the Tribe, the specific conservation requirements for these lands are illustrated on Figure 34. Some particularly sensitive lands (i.e., Peninsular bighorn sheep lambing areas) are identified as 100 percent conservation. Other Covered Species with potential to occur within the 100 percent conservation areas include least Bell's vireo, southwestern willow flycatcher, summer tanager, yellow-breasted chat, yellow warbler, and desert tortoise.

As all of the Tribal Lands to be transferred to the BLM are within Sonoran mixed woody and succulent scrub, this community is expected to receive the greatest benefit from the potential exchange. Impacts to chaparral, black oak forest and Peninsular juniper woodland, could increase slightly over what would be authorized in the absence of the land exchange. The greatest potential increase in impacts is anticipated to be approximately 65 acres of interior live oak chaparral, which represents a less than two percent change over what would otherwise be authorized. Differences in biological values to the various habitats affected by the exchange are not substantial. None of these habitats are unique or would support a unique suite of species beyond what occurs elsewhere within the Plan Area. The Tribe has committed to disturbing no more riparian habitat than would be allowed under current ownership (3 acres). Any potential impacts to desert fan palm oasis woodland and southern sycamore-alder riparian forest would need to be avoided to the Maximum Extent Practicable and mitigated through creation/restoration at a minimum 1:1 ratio to ensure no net loss of habitat functions and values for Covered Species.

Because all of the Tribal Lands identified for potential transfer to the BLM are within Peninsular bighorn sheep habitat, it is anticipated that conservation of habitat for this species would increase by a minimum of 27 acres (with an increase of 80 acres considered more likely[2]) following the exchange. Conservation of desert tortoise habitat would increase by a minimum of 11 acres (with an increase of 129 acres considered more likely). This increase in conservation also may benefit other upland species including the gray vireo.

As a result of the considerations described above, the potential land exchange would result in a net increase in conservation of biological functions and values, including functions and values for Covered Species, through an increase in acres conserved, preservation of the highest priority habitat areas, and assurances of long-term management of the exchanged lands. Thus, a minor amendment not subject to USFWS concurrence (as described in section 4.17.2.1) is anticipated, should the land exchange occur as discussed. Detailed analysis of the environmental impacts of any exchange would be undertaken by the BLM in accordance with the requirements of NEPA prior to authorization of the exchange.

Elevation within the National Monument varies from a few feet below mean sea level in the Coachella Valley to 10,802 feet AMSL at the peak of San Jacinto Mountain. Biological and cultural resources are abundant within the National Monument. More than 500 plant and animal species make their home within its boundaries. Species known or with potential to occur include Peninsular bighorn sheep, least Bell's vireo, southwestern willow flycatcher, yellow-breasted chat, yellow warbler, summer tanager, gray vireo, mountain yellow-legged frog, desert tortoise, southern yellow bat, burrowing owl, Le Conte's thrasher, Palm Springs pocket mouse, and Palm Springs ground squirrel. Cultural resources found within the National Monument contain various archaeological sites, including ancient villages and trails as well as sites still considered sacred by the Cahuilla people.

2.2.1.2 San Bernardino National Forest: San Jacinto Wilderness

The San Bernardino National Forest is located to the south and west of the Reservation. The USFS manages lands within the Forest in accordance with the San Bernardino National Forest Land and Resources Management Plan, prepared pursuant to the Forest and Rangeland Renewable Resources Planning Act as amended by the National Forest Management Act. The Forest includes two designated wilderness areas: the San Jacinto Wilderness described here, and the Santa Rosa Wilderness described in section 2.2.1.6.

[2] The minimum conservation increase reflects the maximum allowable disturbance that would be allowed in accordance with the Tribal HCP. It is relatively unlikely that the full amount of future disturbance would occur. Even if the full allowable acreage were to be developed, it is unlikely that the maximum amount of theoretical impact to each modeled habitat type would actually occur. As there is no area that appears to exhibit substantial development potential, it is more likely that any future impacts would occur in small increments, spread evenly (3.8 percent) throughout the various modeled habitats. Such a development pattern would result in the 'more likely' increase in conservation).

The 32,850-acre San Jacinto Wilderness is located in the San Jacinto Mountains to the west of the Reservation and is managed by USFS. The USFS manages public lands in national forests and grasslands for multiple uses and benefits and for the sustained yield of renewable resources, such as water, forage, wildlife, wood, and recreation. The San Jacinto Wilderness is split into two units, one north and one south of Mount San Jacinto State Park. The northern unit is made up largely of the escarpment of San Jacinto Peak, some of the steepest and most rugged terrain in the nation. The southern unit includes the rugged headwaters of Andreas and Murray canyons and other desert canyons emanating from the ridgeline of the San Jacinto Mountains that feed into the Reservation. The ridgeline is known as the Desert Divide. The Pacific Crest Trail follows the ridgeline through much of the Wilderness, eventually descending in the Snow Creek area to cross under Interstate Highway 10 (I-10) to the San Bernardino Mountains.

2.2.1.3 Mount San Jacinto State Park

Managed by the California Department of Parks and Recreation, the Mount San Jacinto State Park lies in the high elevations of the San Jacinto Mountains west of the Reservation. Both north and south of the Park is the federal San Jacinto Wilderness managed by the USFS. The Park includes the high peaks of the San Jacinto Mountains, including 10,804-foot San Jacinto Peak. The northern escarpment plunges nearly two miles in steep cliffs and ridges to the San Gorgonio Pass below. Natural communities found within the Park include westside ponderosa pine forest, southern California subalpine forest, Sierran mixed coniferous forest, black oak forest, interior live oak chaparral, and southern sycamore-alder riparian woodland. The Peninsular bighorn sheep may occasionally utilize the lower portions of the Park. There also is potential for the gray vireo to occur in the Park. The Park is among the most frequently visited wilderness areas in the nation because of its accessibility by the Palm Springs Aerial Tram and via hiking trails from the Idyllwild area.

2.2.1.4 Santa Rosa Mountains Wildlife Management Area

The Santa Rosa Mountains Wildlife Habitat Management Plan was adopted in 1980 by the CDFG and BLM to set management guidelines to preserve wildlife resources and their habitats in the Santa Rosa Mountains. At the time of the Habitat Management Plan's adoption, the area included approximately 77,760 acres of BLM land, 25,600 acres of CDFG land, 9,600 acres of USFS land, 5,504 acres of University of California Natural Reserve System land, 1,920 acres of the Reservation, and 75,520 acres of private land. In the ensuing years, an estimated 10,000 acres of the private lands within this area have been acquired by state or federal agencies. The Habitat Management Plan focuses on protection of habitat for the Peninsular bighorn sheep with the intent of providing for public use in a manner tailored to ensure minimal permanent impacts to the sheep and/or its habitat. Other species with the potential to occur in the Wildlife Management Area include desert tortoise, southern yellow bat, burrowing owl, Palm Springs pocket mouse, and Palm Springs

ground squirrel. CDFG operates two ecological reserves within the Wildlife Management Area: Carrizo Canyon and Hidden Palms.

2.2.1.4(a) Carrizo Canyon Ecological Reserve

This CDFG Ecological Reserve is located in the Santa Rosa Mountains adjacent to Highway 74 just south of the Reservation within the Santa Rosa Mountains Wildlife Management Area. It consists of approximately 1,040 acres, all in state ownership. It was established by the California Fish and Game Commission following the listing of the Peninsular bighorn sheep as a rare species in 1972. The primary purpose of the Reserve is to protect vital Peninsular bighorn sheep water sources and a lambing area. Other species with the potential to occur in this Reserve include the desert tortoise, southern yellow bat, burrowing owl, Palm Springs pocket mouse, and Palm Springs ground squirrel.

2.2.1.4(b) Hidden Palms Ecological Reserve

This CDFG Ecological Reserve is located within the Santa Rosa Mountains Wildlife Management Area, adjacent to Highway 74 and east of the Reservation. It consists of approximately 160 acres, all of which are in state ownership. It was established by the California Fish and Game Commission in 1974 to protect the only confirmed habitat of the desert slender salamander (*Batrachoseps aridus*), a federally and state listed endangered species. Secondarily, the Reserve provides habitat for the Peninsular bighorn sheep as well as potential habitat for desert tortoise and southern yellow bat. The management objectives articulated for the Reserve include ensuring the long-term stability of water supply and water quality in Hidden Palms Canyon.

2.2.1.5 Santa Rosa Mountains State Game Refuge

The CDFG manages approximately 24,880 acres of other state lands in the Santa Rosa Mountains as part of the Santa Rosa Mountains State Game Refuge. The Game Refuge was established by the state legislature primarily for the protection of Peninsular bighorn sheep but also provides potential habitat for the gray vireo, desert tortoise, and southern yellow bat. It is illegal to take or possess any bird, mammal, or reptile or to be in possession of firearms, bow and arrows, or other weapons within the refuge.

2.2.1.6 San Bernardino National Forest: Santa Rosa Wilderness

The Santa Rosa Wilderness lies in the Santa Rosa Mountains approximately 10 miles southeast of the Reservation. The Wilderness is a total of 84,500 acres in size, with 20,160 acres managed by USFS and 64,340 acres managed by the BLM.

Biological resources include diverse natural communities such as creosote scrub, palm oasis woodland, Sonoran mixed woody and succulent scrub, Peninsular juniper woodland and scrub, juniper-pinyon

woodland, mixed conifer forest, Jeffrey pine forest, and numerous riparian/canyon areas. This area provides known or potential habitat for Peninsular bighorn sheep as well as gray vireo and desert tortoise. The Wilderness also includes the upper portion of the Deep Canyon watershed.

2.2.1.7 Coachella Valley Mountains Conservancy

The Coachella Valley Mountains Conservancy is a state agency whose mission is to acquire and protect mountainous lands surrounding the Coachella Valley to protect their natural and cultural resource values and to provide for the public's enjoyment of those lands in ways that are compatible with resource protection. The Conservancy owns 2,443 acres and has a conservation easement on an additional 1,138 acres. The majority of these lands are in the San Jacinto and Santa Rosa Mountains; the balance is in the Little San Bernardino Mountains and the Willow Hole area.

2.2.1.8 Magnesia Canyon Ecological Reserve

The CDFG Magnesia Canyon Ecological Reserve is located within the City of Rancho Mirage approximately five miles to the east of the Reservation and includes portions of Magnesia Springs Canyon. This Reserve is managed by CDFG primarily to ensure protection of a water source critical to Peninsular bighorn sheep in the hot summer months. A variety of other sensitive species also rely on this water source during the summer months. Recreational use of the area is regulated to avoid impacts to Peninsular bighorn sheep, and during the summer months, admission into the Magnesia Springs area is restricted to prevent disturbance of individuals accessing the water source.

2.2.1.9 Boyd Deep Canyon Desert Research Center

University of California, Riverside (UCR) conducts research at the Boyd Deep Canyon Desert Research Center located approximately seven miles to the east of the Reservation. The Boyd Deep Canyon Desert Research Center is a 16,301-acre reserve that is part of the University of California Natural Reserve System. Deep Canyon contains a major portion of an entire drainage system on the north side of the Santa Rosa plateau south of the cities of Palm Desert and Indian Wells. Biological resources include riparian woodland, desert dry wash woodland, Sonoran mixed woody and succulent scrub, pinyon-juniper forest, and known or potential habitat for Peninsular bighorn sheep, desert tortoise, burrowing owl, Le Conte's thrasher, Palm Springs pocket mouse, and Palm Springs ground squirrel.

2.2.2 Valley Floor Conservation Areas

2.2.2.1 Coachella Valley Preserve System

The Coachella Valley Preserve System was established by the Coachella Valley Fringe-toed Lizard HCP (The Nature Conservancy 1985) and consists of three preserves: the Coachella Valley Preserve, the Edom Hill/Willow Hole Reserve, and the Whitewater Floodplain Reserve.

2.2.2.1(a) Coachella Valley Preserve

The Coachella Valley Preserve is situated in the western Coachella Valley in and immediately south of the central portion of the Indio Hills, within the Tribe's off-Reservation Target Acquisition Area. It consists of 13,030 acres of lands managed by the BLM, USFWS, CDFG, California Department of Parks and Recreation, and Center for Natural Lands Management. In addition to the Coachella Valley fringe-toed lizard, this preserve provides Core Habitat for the Coachella Valley milk-vetch, Coachella giant sand-treader cricket (*Macrobaenetes valgum*), flat-tailed horned lizard (*Phrynosoma mcalli*), Palm Springs ground squirrel, and Palm Springs pocket mouse. Le Conte's thrashers and burrowing owls also occur, and potential habitat exists for southern yellow bat and crissal thrasher.

2.2.2.1(b) Edom Hill/Willow Hole Reserve

The Edom Hill/Willow Hole Reserve (a large portion of which is a BLM Area of Critical Environmental Concern [ACEC] of the same name) is located at the west end of Indio Hills adjacent to the northeast corner of the Reservation, within the Tribe's off-Reservation Target Acquisition Area. It is 2,469 acres in size, including approximately 2,163 acres of BLM land (including the 1,766-acre ACEC), 90 acres of Coachella Valley Mountains Conservancy land, and 216 acres of private land.

The Edom Hill/Willow Hole ACEC was established by the BLM because of its sensitive biological resources and consists of two distinct areas, Edom Hill and Willow Hole, which are two to three miles apart. Biological resources include mesquite hummocks, a fan palm oasis, and known/potential habitat for the Coachella Valley fringe-toed lizard, Coachella Valley milk-vetch, Palm Springs ground squirrel, Palm Springs pocket mouse, burrowing owl, crissal thrasher, Le Conte's thrasher, and the Coachella Valley giant sand-treader cricket.

2.2.2.1(c) Whitewater Floodplain Reserve

At 1,175 acres, the Whitewater Floodplain Reserve is the smallest of the three preserves making up the Coachella Valley Preserve System. Approximately 98 percent is owned by the Coachella Valley Water District. The Whitewater Floodplain Reserve is within the Tribe's off-Reservation Target Acquisition

Area and is bounded by Indian Avenue to the west, the Southern Pacific railroad to the north, Palm Drive to the east, and the edge of the Whitewater river channel to the south. The Whitewater Floodplain Reserve is entirely managed by the BLM and The Nature Conservancy with oversight from USFWS to compensate for habitat loss resulting from development of percolation ponds built on BLM land by the Coachella Valley Water District in the Whitewater River floodplain.

This reserve is managed to protect and enhance the habitat of the endangered Coachella Valley fringe-toed lizard. Other species that are known or likely to occur in the reserve include the Palm Springs ground squirrel, Palm Springs pocket mouse, flat-tailed horned lizard, burrowing owl, Coachella Valley Jerusalem cricket (*Stenopelmatus cahuilaensis*), and Coachella Valley milk-vetch. Primary management actions are control of exotic species and limiting public access to compatible scientific, educational, and recreational uses.

2.2.2.2 Joshua Tree National Park

The NPS manages Joshua Tree National Park, which is located approximately eight miles northeast of the Reservation and spans the transition between the Mojave and Colorado deserts of Southern California. Proclaimed a National Monument in 1936 and a Biosphere Reserve in 1984, the 1,240-square-mile area was designated a National Park in 1994. The higher, moister, and slightly cooler Mojave Desert is the habitat of the Joshua tree (*Yucca brevifolia*), and Joshua tree forests occur in the western half of the park. In addition, five fan palm oases dot the park. NPS was created to promote and regulate the use of National Parks. The purpose of the National Park system is to conserve scenery, natural and historic objects, and wildlife, as well as to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

The Park contains diverse natural communities such as Mojave mixed woody scrub, blackbrush scrub, Mojavean pinyon and juniper woodland, desert dry wash woodland, and desert fan palm oasis woodland. The area provides known or potential habitat for gray vireo, desert tortoise, and burrowing owl.

2.3 PRIVATE LANDS MANAGEMENT

Within and in addition to the public conservation areas mentioned previously, various private lands have been set aside for conservation and preservation. Private lands and conservation programs in the vicinity of the Plan Area are described below.

2.3.1 The Living Desert

Located in the City of Indian Wells and six miles east of the Reservation, The Living Desert is a zoological and botanical park that was established in 1970 as a non-profit education and conservation

center. Within its 1,200 acres, nearly 400 desert animals represent over 130 species, including coyote, Peninsular bighorn sheep, oryx, zebras, cheetahs, and meerkats. The Living Desert has set aside 1,000 acres of natural desert biotic communities for conservation (The Living Desert 2004).

2.3.2 The Bighorn Institute

The Bighorn Institute is a non-profit organization that was formed in 1982 to investigate the causes of bighorn sheep (particularly Peninsular bighorn sheep) declines. The Bighorn Institute is located in Riverside County, to the southeast of the Reservation. Its facilities, which include an office, laboratory, staff residence, and pens for a captive breeding herd of Peninsular bighorn sheep, are located on 297 acres of land at the base of the Santa Rosa Mountains.

2.4 COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN

In 2008, CVAG approved and adopted the Coachella Valley MSHCP and has received take authorization from the USFWS and CDFG, under both the Federal ESA and the California Natural Communities Conservation Planning Act. The Tribe was an active participant in the planning process, but chose not to have its lands included in the Coachella Valley MSHCP because the Tribe believes that only a Tribal HCP is broad enough to provide the foundation for both resources conservation and land use planning efforts in the Plan Area (see section 5.2.1 for additional discussion).

The area covered by the Coachella Valley MSHCP encompasses approximately 1.2 million acres in the Coachella Valley and the surrounding mountains. The document addresses 27 species, including 10 species that are listed as threatened or endangered under the ESA, and other sensitive species that could be listed in the future, absent the implementation of conservation measures. Additionally, the document addresses the conservation of 27 Natural Plant Communities that occur in the Coachella Valley and surrounding mountains.

There are certain Tribally owned parcels that are located outside the boundaries of the Reservation (shown in green stipple on Figure 2). Activities on Tribal Lands outside the Reservation would be subject only to the Tribal HCP, as long as those lands are owned by or held in trust for the Tribe. Should these lands be sold to a non-Indian third party, any project processing would instead be subject only to the provisions of the Coachella Valley MSHCP. If and when Tribal Lands outside of the Reservation are exchanged to the BLM, the BLM would be responsible for managing those lands in accordance with the requirements of the Northern and Eastern Colorado Desert Management Plan (BLM 2002) or subsequent approved amendments prepared in accordance with the Federal Land Policy and Management Act of 1976; lands acquired by the Tribe in the exchange would become subject to the provisions of this Tribal HCP. The provisions for updating this Tribal HCP in the event of such an exchange are described in

section 4.17.2.1. Under any scenario, each parcel within the Action Area would be subject to the provisions of either this Tribal HCP or the Coachella Valley MSHCP. Take authorization for any one parcel would only be granted once (i.e., through one plan and not through both). CVAG will be responsible for ensuring that all transfers of jurisdiction and associated conservation measures are handled appropriately during the transition process and for resolving any potential conflicts arising from the identified areas of overlap (Wohlmuth, pers. comm. 2006). Such actions would require inter-plan coordination and tracking of take to ensure that all plan requirements are maintained.

The identified off-Reservation Tribal Acquisition Areas are within the Plan Area of the Coachella Valley MSHCP. As described in section 1.4, no incidental take would be provided for any development activities on parcels within the off-Reservation Target Acquisition Areas acquired by the Tribe; incidental take authorization for management activities would be provided under the auspices of the Tribal HCP.

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