

5.0 THE COLLABORATIVE PLANNING PROCESS

Throughout this planning process, the BLM has strived to create as open a planning process as possible, such that opportunities for public input are not limited to the minimum requirements set forth by the BLM planning regulations and the National Environmental Policy Act of 1969 (NEPA). This planning process has also been deliberately designed to engage and involve local government, state agencies, other federal agencies, and Indian tribes to a very high level.

5.1 Public Participation

The Draft Coachella Valley CDCA Plan Amendment, Draft Santa Rosa and San Jacinto Mountains Trails Management Plan, and Draft Environmental Impact Statement (EIS) were made available for a 90-day public review period from June 7, 2002 through September 5, 2002. The document's availability was made known to the public through publication of two Federal Register notices (one by BLM on May 31, 2002, Vol.67, No.105, p. 38145, and one by the Environmental Protection Agency on June 7, 2002 Vol. 67, No. 110, pp. 39383-39384; Appendix A), a news release mailed out to over 600 individuals/entities, two news articles published in the local newspaper, and publication of the document at BLM's internet site.

Three public meetings were held to receive and record (via court reporter) comments on the Draft Plans and Draft EIS at the following dates and locations:

Monday, July 22, 2002
6:00 p.m. to 6:50 p.m.
City of Palm Desert Council Chambers
73-510 Fred Waring Drive
Palm Desert, California

Tuesday, July 23, 2002
2:00 p.m. to 2:35 p.m.
Palm Springs Desert Museum Lecture Hall
101 Museum Drive
Palm Springs, California

Thursday, July 25, 2002
6:00 p.m. to 6:35 p.m.
Imperial Irrigation District Board Room
81-600 Avenue 58
La Quinta, California

The public was notified of the meetings through a news release, two news articles in the local press and the BLM California website.

On numerous occasions, in addition to the above noted public meetings, BLM provided overviews on the DEIS to individuals, interest groups, local governments, BLM's California Desert District Advisory Council, BLM and USDA Forest Services' Monument Advisory Committee for the Santa Rosa and San Jacinto Mountains National Monument, and tribal councils. In addition, BLM notified the public that alternative route designation proposals identified in the DEIS were available for public review on 7.5-minute quadrangles.

Public comments submitted during the 90-day public comment period came from a variety of sources and are included in their entirety in Appendix F. The BLM received 23 comment letters, electronic mail messages or facsimiles. The transcripts from public hearings held on July 22, 23 and 25, 2002 for this Plan Amendment are included. Pertinent transcript pages from the Desert District Advisory Council meeting held on June 29, 2002, and the Monument Advisory Committee meeting held on July 30, 2002 are also included.

Over 200 comments were extracted from the various letters, electronic mail messages, and public meeting transcripts. These comments are presented in Appendix F as "public concern" statements." Staff evaluated the public concern statements and prepared written responses, also presented in Appendix F. Based on the public comments received, BLM made various changes to the Draft Plan Amendment and Draft EIS, which are reflected in the Proposed Plan Amendment and Final EIS. These changes are identified in the responses to comments.

Taylor Grazing Act Consultation and Coordination. The Bureau of Land Management initiated final consultation and coordination in compliance with the Taylor Grazing Act on September 6, 2002 with the permittee on Whitewater Canyon Allotment based upon the alternatives released in the Draft Environmental Impact Statement and the public comment received. During consultation the permittee identified five issues to be addressed or considered:

1. Effects on private property owners with intermingled lands;
2. Effects on the California Department of Fish and Game Private Lands Management Program Agreement within the allotment;
3. Effects on biological values and riparian areas;
4. Lack of recovery response at reduced levels of grazing in 1998; and
5. History of cooperation with BLM.

The Proposed Plan has been modified in response to public comment, and to input received during consultation and coordination with the permittee.

The Proposed Coachella Valley CDCA Plan Amendment and Final EIS is available for a 30-day protest period, beginning the date the Environmental Protection Agency publishes notice in the Federal Register. Adversely affected entities and persons who previously participated in the planning process may file protests to the Director in accordance with Title 43 Code of Federal Regulations Part 1610.5-2. Land use plan decisions are not appealable to the Interior Board of Land Appeals, and are not subject

to regulations at 43 CFR Part 4.4. Upon resolution of any protests, the BLM Director then renders a final decision on the protest. The Proposed Coachella Valley CDCA Plan Amendment becomes effective when the California BLM State Director signs the Record of Decision for the CDCA Plan Amendment. Prior to initiation of the protest period, copies of the Proposed Plan Amendment/Final EIS were sent to all persons who had previously requested copies or submitted comments on the Draft Plan Amendment/Draft EIS (Appendix A).

A news release announcing the availability of the Proposed Plan Amendment and Final EIS with instructions of how to obtain a copy was mailed to over 600 individuals, private interest groups and governmental agencies. This document is also available for public viewing at the following Internet site: www.ca.blm.gov/palmsprings/.

Public Scoping. Informal scoping and information gathering for the Coachella Valley Multiple Species Habitat Conservation Plan and CDCA Plan Amendment began in 1996 when nine Coachella Valley cities, Riverside County, State agencies, the BLM and other Federal agencies signed a memorandum of understanding initiating a planning process that would balance biodiversity conservation with community and economic stability.

A Notice of Intent (NOI) to prepare a California Desert Conservation Area Plan Amendment, a trails management plan in association with the Coachella Valley Multiple Species Habitat Conservation Plan, and an environmental impact statement was published in the *Federal Register* June 28, 2000 (pages 39920-39922). Public scoping meetings were held on July 10, 11, and 12, 2000 in the cities of Cathedral City, Rancho Mirage and La Quinta.

Since then, there have been numerous public meetings to discuss development of the Coachella Valley CDCA Plan Amendment, including monthly public meetings held the fourth Thursday of every month at either the local BLM office or the Coachella Valley Association of Government's conference room from 9:00 a.m. to 12 noon. These monthly public meetings, called the Policy Action Group meetings, are being conducted as part of the overall Coachella Valley Multiple Species Habitat Conservation Plan planning effort, to which BLM is a partner. Representatives of local jurisdictions, Native American Tribes, State and Federal government agencies, private interest groups and private citizens regularly attend the Policy Action Group meetings.

An addendum to the original notice of intent was published in the *Federal Register* on April 12, 2002 (pages 18022-18023), which presented draft planning criteria for public review and formally closed the public scoping period 30-days hence, on Monday, May 13, 2002.

California Desert District Advisory Council. On June 29, 2002, the BLM's California Desert District Advisory Council was briefed on the current status of the Draft CDCA Plan Amendment for the Coachella Valley. The meeting occurred from 8:00 a.m. to 3:00 p.m. at the Barstow College Gymnasium in Barstow, California. Although the Advisory Council made no resolutions specific to the Coachella Valley Plan, discussion

about it did occur. Applicable pages from the court reporter's transcript are included in Appendix F. Responses to comments by Council members are included.

Mr. Roy Denner, council member representing recreation interests, furnished a separate California Desert District Advisory Council meeting report to BLM. This report is also included in Appendix F; comments applicable to the Coachella Valley Plan are addressed.

Santa Rosa and San Jacinto Mountains National Monument Advisory Committee. On July 30, 2002, Mr. Ed Kibbey, Adhoc Group Chair for four sub-groups of the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee prepared a memorandum for submission to the Monument Advisory Committee regarding recommendations on the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan. On August 3, 2002, the Santa Rosa and San Jacinto Mountains National Monument Advisory Committee addressed the recommendations suggested in the memorandum. The Advisory Committee meeting occurred from 9:00 a.m. to 3:00 p.m. at the Palm Desert City Council Chambers in Palm Desert, California.

Although the memorandum primarily addresses recommendations about the trails management plan, responses to which will be forthcoming (see "Public Comments Analysis" in Appendix F), one item is pertinent to route designation decisions made through this CDCA Plan Amendment for Dunn Road. A motion to change the recommendation in the memorandum such that Dunn Road would not be open beyond the Forest Service land in Section 20, T6S R5E, was passed. The July 30 memorandum and applicable pages from the court reporter's transcript of the August 3 meeting are included in Appendix F. Response to the motion is also included.

Santa Rosa and San Jacinto Mountains Trails Management Plan. In its June 2002 publication and release of the Draft CDCA Plan Amendment for the Coachella Valley and Draft Environmental Impact Statement for public review and comment, BLM included the Draft Santa Rosa and San Jacinto Mountains Trails Management Plan to benchmark progress made to date through consultation with local jurisdiction and wildlife agencies. The draft document indicated that the trails management plan is being prepared as an element of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), and BLM decisions for the trails management plan would be issued upon completion of the CVMSHCP. Many of the public included comments about this trails management plan along with their comments on the CDCA Plan Amendment. Comments on the trails management plan are not addressed in this document. Instead, these comments will be analyzed and used to refine the alternatives to appear in the draft CVMSHCP. Response to these comments will be included with the draft CVMSHCP, and the public will have another opportunity to submit comments.

5.2 Coordination with Local Jurisdictions

The development of this CDCA Plan Amendment was conducted in coordination with the cities of the Coachella Valley, Riverside County, the Coachella Valley Association of

Governments, the Coachella Valley Mountains Conservancy, and the Agua Caliente Band of Cahuilla Indians (who are also preparing a Habitat Conservation Plan).

Traditionally, plans for federal, state and local jurisdictions to address the conflicts between urbanization and protection of the Coachella Valley environment would have been addressed separately. The jurisdiction-by-jurisdiction and project-by-project approach can result in fragmented habitat and increased costs in delivering on community needs.

In September 1994, the Coachella Valley Association of Governments, representing the County of Riverside and the nine incorporated cities of the region, took the lead in developing a landscape-level conservation plan. The goal of the plan is to preserve habitat adequate to ensure long-term survival of the valley's unique habitat and natural communities. The plan area covers about 1.2 million acres, of which BLM administers about 337,000 acres, or 28 percent. About 42 percent of the lands within the Coachella Valley are in private ownership, with the remaining lands under the jurisdiction of the Bureau of Land Management (BLM), National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), the California Department of Fish and Game (CDF&G), the U.S. Forest Service and various native American tribes such as the Agua Caliente Band of Indians.

In 1996, BLM signed a Memorandum of Understanding (MOU) for preparation of the Plan together with six state, federal and county agencies and nine cities. A community-wide workshop on conservation planning was held in November 1996 to introduce the multi-species habitat conservation-planning concept to the Coachella Valley. Numerous public meetings and workshops have been held since then, gathering public input towards development of the CVMSHCP and CDCA Plan Amendment.

As a federal partner and participant in the locally managed Habitat Conservation (HCP) and Natural Communities Conservation (NCCP) planning process, BLM agreed to the following conservation planning goals of the Plan, which are:

- Represent native ecosystem types or natural communities across their natural range of variation in a system of conserved areas.
- Maintain or restore viable populations of the species included in the Plan so that incidental take permits can be obtained for currently listed species and unlisted species can be covered in case they are listed in the future.
- Sustain ecological and evolutionary processes necessary to maintain the viability of the natural communities and habitats for the species included in the Plan.
- Manage the system adaptively to be responsive to short-term and long-term environmental change and to maintain the evolutionary potential of lineages.

The Coachella Valley Mountains Conservancy (CVMC) and Coachella Valley Association of Governments were responsible for preparation of the non-federal lands portion of the Plan, while BLM prepared its Plan Amendment to coincide with, and support, the overall planning effort. All the parties worked closely with a Science Advisory Committee (SAC) and BLM biologists participated directly in the SAC on

discussions that related to public land resources. A GIS Team consisting of a BLM GIS specialist, CVMC staff, and Riverside County GIS staff performed the Geographic Information System (GIS) work. The interagency planning process with local governments consisted of the twelve steps describe below.

- (1) Determine the species and natural communities to be included in the Plan.
- (2) Gather information on the species and natural communities.
- (3) Prepare accounts of individual species and natural communities.
- (4) Gather other pertinent information, such as topography, natural features, road network, jurisdiction boundaries, parcel configuration, current land uses and projected land uses.
- (5) Prepare a Natural Communities Map.
- (6) Analyze biological resource information to map species distribution.
- (7) Develop Site Identification Maps to delineate areas of highest biological resource value.
- (8) Delineate core habitat areas, ecological process areas, and linkages and wildlife movement corridors.
- (9) Develop conservation alternatives.
- (10) Develop and apply criteria for evaluating the conservation alternatives.
- (11) Scientific Review Panel and Agency Response to the Conservation Alternatives, *and Development of a SAC Recommendation*.
- (12) Development of a Preferred Alternative.

BLM has met numerous times with local jurisdictions, including Riverside County and Coachella Valley cities, to discern their interests and needs. Sometimes meetings were within the framework of the regularly scheduled monthly planning meetings; sometimes they were meetings with an individual city or centered on a group of jurisdictions with common interest in an individual issue.

5.3 Consultation and Coordination with Tribal Governments

The Federal Land Policy and Management Act of 1976 requires the Bureau of Land Management to coordinate with Indian Tribes on land use planning. Consultation on a government-to-government basis with Indian Tribes is also directed by the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966 (as amended), and Executive Order 13007.

Government-to-government consultation was initiated by letter in November of 2000. This letter invited introduced the need for and intent of the planning process and invited Native American comment and participation in the planning process. The Agua Caliente Band of Cahuilla Indians, Augustine Band of Mission Indians, Cabazon Band of Mission Indians, Morongo Band of Mission Indians, Santa Rosa Band of Mission Indians, Torres-Martinez Band of Desert Cahuilla Indians, and Twenty-Nine Palms Band of Mission Indians were contacted. Follow-up discussions occurred with staff members of the Agua Caliente and Morongo Bands. The Agua Caliente Band of Cahuilla Indians is actively engaged in a similar land use planning process that parallels BLM's own efforts.

In March of 2002, as the planning document evolved and potential land management actions became more clearly defined, a second letter was sent to update tribes and to continue government-to-government consultation. This letter outlined potential effects to cultural resources and solicited comments related to cultural resources or areas of traditional cultural importance. This second letter was sent to the following Tribes: Agua Caliente Band of Cahuilla Indians, Augustine Band of Mission Indians, Cabazon Band of Mission Indians, Cahuilla Band of Indians, Colorado River Indian Tribes, Fort Mojave Indian Tribe, Los Coyotes Band of Indians, Morongo Band of Mission Indians, Ramona Band of Mission Indians, Santa Rosa Band of Mission Indians, Torres-Martinez Band of Desert Cahuilla Indians, and Twenty-Nine Palms Band of Mission Indians. Follow-up discussions were conducted with representatives of the Augustine, Morongo, and Fort Mojave groups. The Bureau of Land Management also requested a record search of the sacred lands files of the Native American Heritage Commission. Upon publication, a copy of the Draft and Final EIS was mailed directly to each of the Tribes.

Given their parallel planning effort and the inter-related nature of some decisions, BLM met regularly with the tribal council and staff of the Agua Caliente Band of Cahuilla Indians to coordinate planning alternatives, proposals and analysis. Specific areas of coordination included management of the Santa Rosa and San Jacinto Mountains National Monument, management of cultural resources, control of exotic plants (e.g. tamarisk), and the status of wild horses in Palm Canyon.

5.4 Consultation with State and Federal Agencies

BLM has informally consulted with the U.S. Fish and Wildlife Service and the California Department of Fish and Game, both as part of the interagency (CVAG) planning process and in direct meetings. Consultation has been ongoing since 1996 as the Draft CDCA Plan Amendment/ EIS was being developed in coordination with the Coachella Valley Multiple Species Habitat Conservation Plan. As an interim measure, BLM initiated formal consultation on January 31, 2001 on the current land use plan level decisions and measures affecting the planning area. The interim consultation included temporary management measures initiated pending completion of the plan amendment.

BLM initiated formal consultation with the U.S. Fish and Wildlife Service in August 2002 under Section 7 of the Endangered Species Act on the portions of the California Desert Conservation Area plan affecting the planning area in combination with the currently proposed plan amendment. The purpose of consultation is to insure that the combined effect of federal actions authorized under the land use plan is not likely to jeopardize the continued existence of any endangered or threatened species, or result in the adverse modification of critical habitat of such species. The formal consultation process will be completed upon issuance of a Biological Opinion by the USFWS, scheduled for December 2002.

BLM is also in consultation with the California State Historic Preservation Officer (SHPO) under the 1998 State Protocol Agreement between the California State Director of the Bureau of Land Management (BLM) and the California State Historic Preservation

Office. The protocol requires that the BLM invite SHPO participation in land use plans in order to provide opportunity to (1) identify issues that should be addressed in the proposed plan, and (2) comment on any proposed cultural resource use allocations. BLM also submits draft and final land use plans to SHPO for review and comment. An early notification and invitation to participate in identification of issues was submitted to the SHPO's office in September of 2001.

BLM also met with the State Historic Preservation Officer in Sacramento in February 2002 to facilitate consensus between the agencies on the approach taken to address cultural resources under the plan amendment. During the meeting, BLM briefed the SHPO staff on the planning effort and presented a proposal for completing field inventory in support of the planning effort. This proposal was submitted formally for SHPO review on March 25, 2002. Copies of the Draft and Final EIS were also submitted to SHPO upon publication.

5.5 Bighorn Sheep Information Gathering Efforts Relative to the Bighorn Sheep Strategy and Multi-jurisdictional Trails Management Plan

Numerous public working group meetings were held to help develop the trails management plan for the Santa Rosa and San Jacinto Mountains. Most of these meetings have also been held in partnership with the Coachella Valley Multiple Species Habitat Conservation Plan team, in order to provide the public "one-stop shopping" planning participation, and to support and reinforce the cross-jurisdiction approach to planning for the Coachella Valley.

In response to the Endangered Species Act listing of the bighorn sheep in the Peninsular Ranges, and in recognition that the potential for conflicts between trail uses and bighorn sheep habitat use could be controversial, BLM sponsored a facilitated public workshop called "Trails, Bighorn Sheep & You" at the Living Desert in Palm Desert on the evening of June 24, 1999. As an outcome of the workshop, the Coachella Valley Mountains Conservancy and BLM then facilitated a series of open meetings commonly known as the Bighorn Sheep and Trails Working Group.

Thirteen Working Group meetings were held between August 19, 1999 and November 8, 2001 with attendance from trail user groups, local jurisdictions, California Department of Fish and Game, U.S. Fish and Wildlife Service, U.S. Forest Service, Coachella Valley Association of Governments, the Agua Caliente Band of Cahuilla Indians and various interest groups including the Sierra Club and the Building Industry Association. Meetings were held in the evening to make it easier for the public to attend. The purpose was to explore alternatives that could meet the goals of supporting recovery of sheep populations and providing reasonable opportunities for recreation.

Early in the facilitated process, BLM also sponsored a televised forum at Palm Springs City Hall, which included presentations on bighorn sheep biology and the opportunity for the public to ask questions of the biologists present. Sub-groups of the working group also formed to look at new trails, especially peripheral trails in the Santa Rosa Mountains, and brought ideas and proposals back to BLM. Many of these efforts also

included field visits.

BLM, in cooperation with Coachella Valley Association of Governments and Coachella Valley Mountains Conservancy, also strongly emphasized trails issues at the scoping meeting held on July 11, 2000 at Cathedral City Council Chambers.

Together with the public participation, BLM conducted a focused effort to gather input from sheep biologists, many of who could not attend the working group meetings. The intent was to define, to the degree possible, which biological concepts were supported by peer reviewed studies, by “gray” literature (e.g., analysis and argumentation in journals), by widely shared, expert opinion, or by an untested hypothesis or opinion. This then could be matched to available facts regarding sheep populations within the planning area.

In addition to being represented by a biologist or manager at Recovery Team meetings where trails alternatives under discussion were periodically presented, BLM also held a joint meeting with the Recovery Team at University of California at Davis September 28-29, 2000 to review the status of the bighorn sheep science as it related to trail use. Sheep biologists beyond those who were on the Recovery Team were also invited to the meeting and several attended. A draft literature review related to sheep and trails was reviewed and edited.

BLM then held individual meetings or discussions with sheep biologists in the peer-reviewed literature that could not attend the meeting but wanted to contribute their ideas concerning bighorn sheep and trails. An additional draft of the “Status of the Science” was made available to all those who contributed during the editing process (via internet) as a check on the accuracy of the literature citations and representations. The final “Status of the Science” document was then placed on BLM’s web page for public review and use and continues to be available at <http://www.ca.blm.gov/palmsprings/whcbighorn.html>.

The combined result of these working group and science review processes was a set of four alternatives, which BLM then refined with each of the jurisdictions having a management or consultation role relative to the Trails Management Plan. While BLM’s role in the Trails Management Plan primarily relates to public lands, land ownership and jurisdiction in the Santa Rosa and San Jacinto Mountains require a shared commitment from the cities adjacent to the mountains, Riverside County, State agencies and the Forest Service if the trails are to be managed as a system.

Peer Review of Bighorn Sheep Strategy and Trails Management Plan. Acknowledging that there are gaps in the scientific literature describing the impacts of recreation on bighorn sheep, BLM contacted a broad group of biologists and land managers to review the Bighorn Sheep Strategy and the Trails Management Plan. A copy of the Draft EIS, with a cover letter requesting a strong review of the science used in the analysis as well as the range of alternatives for both the Peninsular Bighorn Sheep Strategy and the Draft Trails Management Plan, was mailed to forty-four bighorn sheep biologists and land managers in nine western states, including members of the Peninsular Ranges and

Sierra Nevada bighorn sheep recovery teams. Two written, three email, and twelve telephone responses were received. Twenty-five people contacted did not respond at all. One week before the close of the public comment period an email reminder was sent to the individuals who had not yet commented. One additional comment was received as a result of the reminder. Of the comments received, five biologists believed that recreation was having a population level effect on local sheep populations, fifteen believed that recreation did not affect sheep in their area, and twenty-three did not respond.

5.6 List of Preparers

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