

**COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
July 09, 2007 - 3:00 p.m.
M I N U T E S**

MEMBERS PRESENT:

Kathy Dice, California State Parks
John Donnelly, Wildlife Conservation Board (on telephone)
Jim Foote, U.S. Forest Service (non-voting)
John Kalish, Bureau of Land Management
Patrick Kemp, California Resources Agency (on telephone)
Eddy Konno, California Department of Fish and Game
Paul Marchand, City of Cathedral City – *Chairman*
Chris Mills, City of Palm Springs – *Vice Chairman*
Gordon Moller, City of Rancho Mirage
Al Muth, University of California
Anne Sheehan, Department of Finance (on telephone)
Larry Spicer, City of Indian Wells
Ellen Lloyd Trover, Senate Rules Committee Appointee

MEMBERS ABSENT:

Jim Ferguson, City of Palm Desert
Hank Hohenstein, City of Desert Hot Springs
Tom Kirk, City of La Quinta
Richard Milanovich, Agua Caliente Band of Cahuilla Indians
Curt Sauer, National Park Service
Joan Taylor, Governor's Appointee
Roy Wilson, Riverside County Supervisor, District IV

OTHERS PRESENT:

Staff

Bill Havert, Executive Director
Geary Hund, Associate Director
Kerrie Marshall, Staff Services Analyst
Laurie Pearlman, Attorney General's Office

Other

Eurene Coleman, Thousand Palms Resident
Paul Coleman, Thousand Palms Resident
Barbara Doyle, Thousand Palms Resident
Mary Justice, Thousand Oaks Resident
Annette Kesson, Five Star Adventures, Inc.
Adrienne Lee, Thousand Palms Resident
Ryan Salmans, Five Star Adventures, Inc.

VACANT POSITIONS:

Assembly Appointee

1.0 Call to Order/Introduction of Guests

This meeting of the Coachella Valley Mountains Conservancy (Conservancy) was called to order by Chairman Marchand at 3:01 p.m. John Donnelly and John Kalish arrived to the meeting late and were not present to vote on the minutes for the June 2007 meeting. Anne Sheehan, from the Department of Finance, Patrick Kemp from the Resources Agency and John Donnelly from the Wildlife Conservation Board (arrived at 3:06 p.m.) were present on the telephone.

2.0 Approval of Minutes of June 11, 2007

Chairman Marchand asked if there were any additions or changes to the minutes. There were no changes to the minutes and Chairman Marchand asked for unanimous consent on this item. A motion was made and seconded (Spicer/Muth) and the motion was adopted by all members saying "Aye" in a unanimous vote except for C. Mills and G. Moller who abstained because they were not present at the last meeting.

3.0 Public Comments

Chairman Marchand entertained a motion to amend Agenda Item 3.0 to read "**Public Comments on Items Not on the Agenda**". He explained that in previous meetings it has been the policy to address items not on the Agenda during this time. Items that are on the Agenda are opened for public comment at the time of the discussion item. A motion was made and seconded (Trover/Mills) and the motion was adopted by all members saying "Aye" in a unanimous vote.

Chairman Marchand called on Mary Justice, a member of the public from Thousand Oaks, CA. Mary submitted a letter to the Board requesting a complete copy of the recording and power point presentation given at the March 12, 2007 CVMC Board Meeting. She explained that she tried to get a copy of a similar presentation during a CVAG meeting on April 12, 2007 and again on April 30, 2007. She felt that all of her previous requests have been ignored. She noted that she received a CD with the help of Senator Battin's office and it was missing two slides that showed all the current and potential conservation land in the Coachella Valley. She explained that she thought there were inconsistencies in the Multiple Species Habitat Conservation Plan acreage numbers and that it appears to her that between 80-85% of the area inside the Plan will be conserved after the Plan is adopted. She characterized that level of conservation as "taking land away" from 4,400 private property owners.

4.0 Election of Chair and Vice-Chair

Chairman Marchand declared the positions of Chairman and Vice Chairman vacant and asked for nominations. Paul Marchand nominated Chris Mills for re-election as Vice Chairman. A motion was made and seconded (Kemp/Donnelly) to close nominations. A motion was made and seconded (Moller/Spicer) to elect Chris Mills for the position of Vice Chairman. The motion was passed and adopted by all members saying "Aye" in a unanimous vote.

Gordon Moller nominated Paul Marchand for re-election as Chairman. A motion was made and seconded (Moller/Spicer) to close nominations. A motion was made and seconded (Muth/Trover) to elect Paul Marchand for the position of Chairman. The motion was passed and adopted by all members saying "Aye" in a unanimous vote.

5.0 Public Hearing Items

5.1 Resolution 2007-05 approving a grant to the Center for Natural Lands Management to assist with the acquisition of 320 acres in the Edom Hill area.

Bill explained that he had a PowerPoint presentation that had additional information if the Board were interested. Larry Spicer thought it would be a good idea since there are members of the public present that may be interested in seeing the information. Bill started the presentation while explaining that the Center for Natural Lands Management (CNLM) is a non-profit organization which entered into an agreement to acquire 560 acres in the Edom Hill area immediately adjacent to an existing Area of Critical Environmental Concern (ACEC) that is managed by BLM and is part of the original Fringe-Toed Lizard Preserve System. He pointed out the parcel on the map and explained that the parcel contains Coachella Valley fringe-toed lizard and Coachella Valley milkvetch habitat and it is also a sand source and transport area feeding the Willow Hole portion of the Edom Hill-Willow Hole Preserve/ACEC and it is part of the proposed Edom Hill Conservation Area in the Coachella Valley Multiple Species Habitat Conservation Plan.

Paul Marchand asked if the parcel is located in the unincorporated area. Bill answered yes. He noted that phase one of the acquisition was completed last fall and this acquisition is phase two of the acquisition consisting of 320 acres. He stated that the Federal Government has provided a Section 6 Endangered Species Fund Grant to the Wildlife Conservation Board (WCB) towards this acquisition that requires matching funds. The proposal from the Conservancy staff is to use Proposition 84 Funds to provide this match. He noted that if WCB approves this acquisition he anticipates WCB would also grant CNLM the funds and they would own and manage the property. Phases three and four will be completed in the future by CNLM. Chairman Marchand asked if this acquisition has a willing buyer and seller. Bill answered yes and the land is already under contract.

Larry Spicer asked if Staff had reviewed the CNLM Resolution and Purchase Agreement to ensure that all the interests of the seller are transferred and sold to the buyer. Bill Havert answered that he has reviewed the documents and everything will be transferred.

John Donnelly requested to change the seventh paragraph in Resolution 2007-05 to reflect the following: "WCB will consider whether to participate in the acquisition" rather than "WCB is expected to participate in the acquisition" because WCB is still evaluating the project. Larry Spicer requested to change "WCB" to Wildlife Conservation Board. The Chairman asked for a motion to approve the changes of Resolution 2007-05. A motion was made and seconded (Moller/Muth) to change the resolution to read "Wildlife Conservation Board will consider whether to participate in the acquisition" and the motion was adopted by unanimous vote. Chairman Marchand asked if there were any public comments on the item and there were none. A motion was made and seconded (Spicer/Sheehan) to adopt the revised Resolution. The motion was adopted by unanimous vote.

5.2 Resolution 2007-06 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of up to 916.75 acres in the Stubbe Canyon wash area.

Bill presented some images showing important acquisition areas in the MSHCP. He identified previous connectivity areas that have been acquired and explained that the current acquisition parcels are located in a key part of a wildlife movement corridor between the Peninsular ranges (the San Jacinto and Santa Rosa Mountains) and the Transverse ranges (San Bernardino and San Gabriel Mountains). He noted that in a 2000 report, *Missing Linkages: Restoring Connectivity to the California Landscape*, this wildlife corridor was identified as among the most critical for protection in southern California. Bill presented

pictures of the area that included I-10 underpasses and explained that the completion of the proposed acquisitions, combined with the previously acquired Lazar property, will create a continuous band of protected public land in the corridor connecting the Santa Rosa and San Jacinto Mountains National Monument to the San Geronio Wilderness area. He noted that this parcel is an important sand transport area for the Snowcreek and Whitewater Flood Plain areas.

Bill added that six landowners have agreed to sell and three other landowners have indicated they are considering the offer. It is anticipated that a number of other property owners will also respond to the offer. The funds would be made available for disbursement by the Conservancy to the Friends for approximately four months as additional sellers decided they were willing to sell. He noted that any funds not disbursed to the Friends by November 2, 2007 would be available for other local assistance grants by the Conservancy as of the November Governing Board meeting. If the owners of significant acreage are indicating a willingness to sell at that time, a new grant could be considered at the November meeting.

John Donnelly asked if there is a wildlife corridor that crosses I-10. Bill answered yes; there are two large and very open underpasses. He noted that it was determined through spatial analyses by Southcoast Wildlands to be a very good connection between the mountain ranges and one of the highest priorities for land acquisition. This analysis also happens to overlap the areas identified in the MSHCP.

Gordon Moller asked for clarification on the status of the other 36 property owners. Bill answered that it is typical to send out letters to all the landowners and have some respond right away and others not. The Friends are in the process of following up by calling the property owners and will probably send another letter in about a month. He added that the Friends may not get all the property owners to sell this time but, past experience indicates, that agreements often come in over a prolonged period of time.

At 3:30 p.m., Chairman Marchand requested a break in the meeting because the Members in Sacramento had to change phones. At 3:33 p.m., Chairman Marchand called the meeting back to order.

Ellen Trover requested to change the date in the last paragraph #3 of Resolution 2007-06 from November 2, 2007 to November 5, 2007 so that the item can easily be addressed at the scheduled November meeting in the event that an amendment needed to be considered to grant a time extension for the expenditure of the funds. Chairman Marchand requested to spell out abbreviations when they are used for the first time such as the acronyms APN and CEQA. The Chairman asked for a motion to approve the changes to Resolution 2007-06. A motion was made and seconded (Trover/Muth) to change the Resolution to read "November 5, 2007" and spell out abbreviations the first time they are used. The motion was adopted by unanimous vote. Chairman Marchand asked if there were public comments and there were none. A motion was made and seconded (Muth/Mills) to adopt the revised Resolution. The motion was adopted by unanimous vote.

5.3 Resolution 2007-07 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of up to 30 acres in the Joshua Hills area between the Indio Hills and Joshua Tree National Park.

Bill explained that the parcels are located within the larger 8,881 acre Cathton property, acquired by a multiple-entity partnership including the Friends in 2004 and funded in part by a Conservancy grant. Acquisition of the 30 acres will help maintain the integrity of the Cathton property by securing part of the access road to the State Park property, protecting its visual

resources, and preserving important natural resource values. He explained that State Parks is planning to build a wilderness campground on the property next to the acquisition area and preserving the access road (off Dillon Rd.) is important to the future development and use of recreational facilities. The owner of five of the parcels has agreed to sell them to the Friends. The Friends is in negotiations with the owner of the sixth parcel so the grant would include the amount to purchase all six parcels and the Conservancy will only disperse funds for the parcels that are acquired. Bill presented maps and photos of the acquisition area.

Chris Mills asked Bill to identify the ownership indicated in dark green on Map #2. Bill answered that it indicated the remaining private parcels (most of the parcels are 5-10 acres).

Gordon Moller asked if it was an ongoing process to contact the owners. Bill answered yes; the Friends have contacted all the owners in an aggressive effort to acquire all the available property at one time or another.

John Donnelly asked about some of the parcels to the immediate east of the acquisition area and whether or not the Friends will have to grant permission to access the property. Bill clarified that there is an access road that was built by Metropolitan Water District in the 1930's to access the aqueduct and thought that the title report would address this question.

Chairman Marchand asked if there were public comments and there were none. The Chairman asked for a motion to approve Resolution 2007-07. A motion was made and seconded (Mills/Moller) to adopt the Resolution. The motion was adopted with the following members voting yes: J. Donnelly, J. Kalish, P. Kemp, E. Konno, C. Mills, G. Moller, A. Muth, A. Sheehan, L. Spicer, E. Trover, and P. Marchand. The following member abstained: K. Dice.

Eurene Coleman, a resident of Thousand Palms, requested to ask a question. Chairman Marchand thought it would be more appropriate to address these questions to CVMC Staff outside the Board meeting but Larry Spicer asked if the Board would agree to allow the question as long as it did not turn into a dialogue. The Board agreed to accept the question as public testimony.

Eurene Coleman asked if this is the same land that was owned by the Joshua Hills Development Company and does the Conservancy plan to turn this land into a corridor to Joshua Tree National Park? Bill Havert answered yes, the Joshua Hills Development was proposed on the approximately 9000 acres and was purchased a couple of years ago for conservation. She asked if the Indio Hills and Sky Valley communities are fine with what the Conservancy is doing. Bill answered that he could not speak for them.

Mary Justice, Thousand Palms landowner, commented that page 20 of the agenda states that this is a sand source and sand transport area for the Coachella Valley Fringe-Toed Lizard Preserve and Desert Tortoise habitat. She thought that the land in the pictures which were shown did not look like sand source and looked like a beautiful picture of wild flowers and grass. Bill answered that the flowers came from an exceptionally rainy year. He presented one of the pictures that he'd previously shown and pointed out the washes that run through the area stating that the sand source would be the Little San Bernardino Mountains and that the properties were important from a sand transport standpoint, because in a large flood event, the sand from various washes will collect and flow down Thousand Palms Canyon and empty out into the Coachella Valley Preserve. Mary described a report that stated it would take a 100-500 year event to loosen up the sand enough for it to deposit and such an event would be triggered by an earthquake and would be a very unlikely possibility. Chairman Marchand closed the public comment period on this item.

5.4 Resolution 2007-08 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 80 acres in the Santa Rosa Mountains.

Bill explained that the owners of this parcels are still debating if they want to sell the property. He noted that there are several members of the family involved and they are all on vacation at this point in time. Bill suggested that the appropriate action would be to table the item until the next meeting. Chairman Marchand recommended that the item be continued to the next meeting. Chairman Marchand asked for a motion to continue Resolution 2007-08 to the next meeting. A motion was made and seconded (Trover/Mills) to continue the Resolution. The motion was adopted by unanimous vote. Chairman Marchand asked if there were public comments and there were none.

6.0 Closed Session Items

No closed session items were scheduled.

7.0 Discussion/Information item

None

8.0 Written Reports

8.1 Fiscal and Administration

8.2 Acquisitions and Funding

8.3 Update on actions by CVAG or other entities regarding Off Highway Vehicle issues.

8.4 Attorney General's Report

Chairman Marchand called for an omnibus motion to receive and file written reports items 8.1-8.3. A motion was made and seconded (Moller/Muth) to receive and file written reports 8.1-8.3. The motion was adopted by all members saying "Aye" in a unanimous vote.

The Attorney General had nothing to report.

9.0 Adjourn to Regular Meeting on September 10, 2007.

Chairman Marchand adjourned the meeting without objection at 4:00 p.m.