

**COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
March 10, 2008 - 3:00 p.m.**

M I N U T E S

MEMBERS PRESENT:

Karl Baker, City of Desert Hot Springs
Kathy Dice, California State Parks
Jim Foote, U.S. Forest Service (non-voting)
Rick Hutcheson, City of Palm Springs (alternate)
John Kalish, Bureau of Land Management
Patrick Kemp, Resources Agency
Tom Kirk, City of La Quinta
Paul Marchand, City of Cathedral City – *Chairman*
Richard Milanovich, Agua Caliente Band of Cahuilla Indians
Gordon Moller, City of Rancho Mirage
Anne Sheehan, Department of Finance (on telephone)
Larry Spicer, City of Indian Wells
Joan Taylor, Governor's Appointee
Ellen Lloyd Trover, Senate Rules Committee Appointee
Roy Wilson, Riverside County Supervisor, District IV

MEMBERS ABSENT:

John Donnelly, Wildlife Conservation Board
Jim Ferguson, City of Palm Desert
Eddy Konno, California Department of Fish and Game
Al Muth, University of California
Curt Sauer, National Park Service

OTHERS PRESENT:

Staff

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

Other

Buford Crites, Private Citizen

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 3:02 p.m. and he declared a quorum present. Kathy Dice arrived late and was not present to vote on the minutes for the January meeting, Item 5.4 or the closed session. Anne Sheehan, from the Department of Finance was present on the telephone. Chairman Marchand introduced Rick Hutcheson, alternate member, from the City of Palm Springs.

2.0 Approval of Minutes of January 14, 2008

Chairman Marchand asked if there were any additions or changes to the minutes. A motion was made and seconded (Trover/Kirk) to approve the minutes. The motion passed with the following members voting yes: K. Baker, J. Kalish, P. Kemp, T. Kirk, A. Sheehan, J. Taylor, E. Trover, R. Wilson, and P. Marchand, The following members abstained: R. Milanovich, R. Hutcheson, G. Moller, and L. Spicer.

3.0 Public Comments on Items Not of the Agenda

No public comments were made.

4.0 Closed Session – One matter was scheduled.

The Chairman asked for a motion to move into closed session at 3:08 pm. A motion was made and seconded (Baker/Wilson). The Board discussed the Attorney General's report pertaining to potential litigation on whether there is a legal prohibition against proceeding with Grant #50 to the Friends of the Desert Mountains. Chairman Marchand asked for a motion to be made to move back into the regular session. A motion was made and seconded (Wilson/Moller) and the regular meeting resumed at 3:17 pm.

5.0 Public Hearing Items

Chairman Marchand requested that the Board advance item 5.4 to the beginning of the public hearing to accommodate Mr. Crites as he has a scheduling conflict and would like to speak about the subject. A motion was made and seconded (Milanovich/Baker) to advance item 5.4. The motion was adopted by a unanimous vote.

5.4 Resolution 2008-06 approving construction and potential granting of a trail easement on property acquired by the Friends of the Desert Mountains with a local assistance grant from the Conservancy. [Note: this item was taken out of order per request.]

Geary Hund explained that the Friends of the Desert Mountains recently closed escrow on four parcels known as Andreas Hills as part of a larger acquisition of two separate groups of parcels in the Santa Rosa and San Jacinto Mountains National Monument collectively known as the RJB property.

The Friends is proposing a trails project on the Andreas Hills property which would consist of the development of a trailhead, the repair and maintenance of an existing dirt road to the trailhead site, the designation of an existing trail segment as the "Frank Bogert Trail", and the construction of a portion of a new trail segment to connect to an existing trail off-site, also to be named for Frank Bogert. The existing trail is covered as a trail open all year under the Coachella Valley Multiple Species Habitat Conservation Plan (MSHCP) and the proposed new trail segment was reviewed in the Plan as a possible future perimeter trail. As such, construction of the new trail segment in the near-term would require a minor amendment to the MSHCP and the concurrence of the wildlife agencies. The larger part of the proposed new trail segment is on adjacent Bureau of Land Management (BLM) property.

Geary presented several pictures and maps of the proposed trail area and explained the proposed plan of action by the Friends as follows:

(1) Construction activities, including construction of a new trail segment, improvements to an existing dirt road to provide access to and create a trailhead facility (including a parking area), and possibly minor improvements to an existing dirt road that would serve as part of the trail.

The length of trail to be constructed is approximately 1000'. Trailhead improvements could include minor improvements to approximately 200' of an existing dirt road and minor excavation and grading for the actual trailhead facility, which would include a parking area intended to accommodate 6 – 10 vehicles.

(2) Possible conveyance of an easement to another entity to ensure public access to the trail and, potentially, responsibility for trail and trailhead operation and maintenance.

The Friends is not seeking any funding from the Conservancy for either construction or maintenance. In its consideration of the grant to the Friends for the acquisition of the RJB property, the Conservancy recognized its recreational values including the existing trails on the Andreas Hills parcels; however, construction of a trailhead and a portion of a new trail were not contemplated in the original grant agreement. Further, the Grant Agreement provides that no interest in the property can be conveyed without Conservancy approval. Staff supports the Friends' proposal to construct the trail and trailhead, and supports the conveyance of an easement to an appropriate entity with one caveat. Geary asked if there were any questions. Gordon Moller asked whether there would be adequate parking. Geary answered that the Friends have plans to excavate additional space for parking.

Larry Spicer asked about the potential problem with BLM because of the easement. Bill answered that BLM's initial response is that as long as the easement is non-exclusive, it would not preclude BLM's acquisition but, they are researching this.

Chairman Marchand opened the item for public comment. Buford Crites, private citizen, spoke on behalf the Friends and the project.

Chairman Marchand asked for any additional discussion on the item and there was none. He asked for a motion to approve Resolution 2008-06. A motion was made and seconded (Hutcheson/Spicer) to adopt the resolution. The motion passed with the following members voting yes: K. Baker, J. Kalish, P. Kemp, T. Kirk, R. Milanovich, R. Hutcheson, G. Moller, A. Sheehan, L. Spicer, E. Trover, R. Wilson and P. Marchand. The following members abstained: J. Taylor.

5.1 Resolution 2008-03 approving a grant to the Center for Natural Lands Management to assist with the acquisition of 80 acres in the Edom Hill area.

Bill explained to the Board that this project may look familiar because they have previously approved a grant to The Center for Natural Lands Management (CNLM) for \$418,000 for Phase 2 of this project. The current acquisition is Phase 3 of the project and CNLM has requested a grant for up to \$675,000 towards the acquisition of 80 acres in the Edom Hill area north of Interstate 10. Bill referred the Board to the agenda map and explained that considerable conservation acquisition has already occurred in this area.

Paul interjected by asking if this land was in the City of Cathedral City. Bill answered no and continued to explain the importance of the property as it contains both Coachella Valley fringe-toed lizard and Coachella Valley milkvetch habitat and is also part of the sand transport system and is proposed for acquisition as part of the MSHCP.

Joan Taylor asked where the landfill was in respect to the property and Bill showed her the landfill location south of the property by using the map in the agenda packet.

Bill noted that this grant would assist with the acquisition of Phase 3 and it is likely that the total amount that CVMC will need to provide will be less than the \$675,000 requested. There

are other funding sources available and staff is actively seeking to secure these funds however, the other potential funding sources require approvals that have not occurred yet. He explained that there is \$72,000 Section 6 grant money left over from Phase 2. It is anticipated that WCB will consider a grant of those funds to CNLM at its May meeting. Bill recommended that the Board approve the Resolution as written since the availability of these funds is not assured at this time and the property is important to conserve. CNLM is requesting approval of up to the maximum amount that could be needed to complete this purchase, not including transaction costs, which CNLM will pay.

Larry Spicer asked if the maximum figure of \$675,000 is equivalent to the appraised value of the property. Bill answered yes and described the appraisal process for the entire project.

Chairman Marchand opened the item for public comment. No public comments were made. He then asked if there was any discussion on the item and there was none. He asked for a motion to approve Resolution 2008-03. A motion was made and seconded (Kirk/Hutcheson) to adopt the resolution. The motion passed with the following members voting yes: K. Baker, K. Dice, J. Kalish, P. Kemp, T. Kirk, R. Milanovich, R. Hutcheson, G. Moller, A. Sheehan, L. Spicer, J. Taylor, E. Trover, R. Wilson and P. Marchand. The following members abstained: None

5.2 Resolution 2008-04 approving an extension of the grant timeline and reducing the funding amount for Grant 045 to the Friends of the Desert Mountains to assist with the acquisition of land in the Stubbe Canyon area, linking the Santa Rosa and San Jacinto Mountains National Monument in the San Jacinto Mountains with the San Gorgonio Wilderness in the San Bernardino Mountains.

Bill explained that the Board previously approved funding for up to \$5,900,000 for this grant at its July 2007 meeting. The original grant approval made funds available for disbursement by the Conservancy to the Friends through November 5, 2007 so as not to tie up a large amount of grant funds for a lengthy period. The Friends were also subsequently successful in obtaining a grant from a private foundation as a partial match to Conservancy funds. That grant provides 25% of the purchase price for each parcel acquired up to a maximum total of \$500,000 for all parcels acquired. At its November 2007 meeting, the Governing Board amended the original grant to extend the timeline to the March 2008 Conservancy meeting because additional parcels continued to become available for acquisition.

Bill provided a status report on the remaining properties and noted that it is the nature of this type of acquisition effort that some additional landowners are likely to contact the Friends in the coming months to express a willingness to sell based on the appraised value. It does not appear likely, however, that any of the large parcels will become available for purchase in the near-term as all of those owners have explicitly stated they do not wish to sell at this time. Bill recommended that the Governing Board extend the term of the grant through the end of this fiscal year, but reduce the total amount of remaining committed grant funds to \$150,000. This would be sufficient to purchase a total of four additional 5-acre parcels at an average appraised value of \$50,000 per parcel, and taking into account the 25% match from the foundation grant. Should the owner of one of the larger, more costly parcels change his/her mind and indicate a desire to sell, a separate grant application could be submitted. Bill explained that this will be an ongoing effort to widen the missing linkages corridor and asked if there were any questions.

Karl Baker asked if any of the adjacent land was Indian land. Bill explained the location of the Morongo Indian Reservation in respect to the property. Karl asked if the two larger parcels on the map were Indian land and Bill answered, no. Karl noted that BLM has a trailhead at the Northern end of this property that may be impeded by private residences. Bill answered that

he does not believe it is impeded but that portions of the trail route it may not be esthetically pleasing. He also indicated that the acquisitions, if successful, would allow realignment of the trail to improve the user's experience. Geary Hund added that he has been on the trail and verified that the trail is accessible to the public.

Karl Baker noted that he thought there may be a mobile home on the land. Bill answered that the trail is just below the mobile home and is not impeded by the residence.

Chairman Marchand opened the item for public comment. No public comments were made. He then asked if there was any additional discussion on the item and there was none. He asked for a motion to approve Resolution 2008-04. A motion was made and seconded (Wilson/Trover) to adopt the resolution. The motion passed with the following members voting yes: K. Baker, K. Dice, J. Kalish, P. Kemp, T. Kirk, R. Milanovich, R. Hutcheson, G. Moller, A. Sheehan, L. Spicer, E. Trover, R. Wilson and P. Marchand. The following members abstained: J. Taylor

5.3 Resolution 2008-05 approving an extension of the grant timeline and reducing the funding amount for Grant 048 to the Friends of the Desert Mountains to assist with the acquisition of land in Section 30, between the Indio Hills and Joshua Tree National Park.

Bill explained that this item is similar to item 5.2 because the Board previously approved a grant to the Friends of the Desert Mountains (Friends) pursuant to Resolution 2007-013 for up to \$1,025,000 at its November 2007 meeting. And like the previous item, in the ensuing months, the Friends have received \$99,400 of those grant funds to acquire approximately 20 acres. One additional 5 acre parcel is currently in escrow. The original grant approval made funds available for disbursement by the Conservancy to the Friends through March 10, 2008 so as not to tie up a large amount of grant funds for a lengthy period. In order to allow for the parcel in escrow to be acquired and for some additional parcels to be acquired in the next few months, it is recommended that the Governing Board extend the term of the grant through the end of this fiscal year, but reduce the total amount of committed grant funds to \$150,000. This would be sufficient to purchase a total of six additional 5-acre parcels (including the one currently in escrow) at an average value of \$25,000 per parcel.

Bill noted that the properties 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 parcels in Section 30 helps 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. The Cathton property was acquired to: (1) protect Essential Ecological Processes for the maintenance of the dune systems on the existing Coachella Valley Fringe-toed Lizard Preserve and the hydrological regime for the native fan palm oases and the seeps on the Preserve; (2) conserve a wildlife movement corridor between the Preserve and Joshua Tree National Park; (3) protect habitat for the threatened desert tortoise and for other species conserved under the MSHCP, including Palm Springs pocket mouse and Le Conte's thrasher; and (4) provide a State Park Desert Camping facility site.

Chairman Marchand opened the item for public comment. No public comments were made. He then asked if there was any additional discussion on the item and there was none. He asked for a motion to approve Resolution 2008-05. A motion was made and seconded (Baker/Moller) to adopt the resolution. The motion passed with the following members voting yes: K. Baker, K. Dice, J. Kalish, P. Kemp, T. Kirk, R. Milanovich, R. Hutcheson, G. Moller, A. Sheehan, L. Spicer, E. Trover, R. Wilson and P. Marchand. The following members abstained: J. Taylor

5.5 Resolution 2008-07 approving a contract with the Coachella Valley Conservation Commission for Acquisitions Manager services.

Bill explained that the Conservancy would be contracted by the Coachella Valley Conservation Commission (CVCC) for the Conservancy to function as the Acquisitions Manager in support of the MSHCP/NCCP. He noted that the Conservancy gets a portion of its operating budget from "Reimbursements" for services it provides under contract to other entities. Secondly, this acquisition contract is consistent with the Conservancy's mission to conserve the natural communities around the Coachella Valley. The Conservancy had contract negotiations with the CVCC Executive Director in early March and following further review with Attorneys for both parties the contract will be forwarded to the CVCC Executive Committee for consideration on the April agenda.

Bill noted that the terms would still be subject to modification by the CVCC when it considers approval of the contract. As a result, staff is proposing that the Governing Board approve the general terms of the contract with the CVCC and authorize the Executive Director to finalize the terms of the contract, which would most likely then go to the Department of General Services for review because of the amount.

Bill explained that the Conservancy would bill the CVCC on an hourly basis at the rates determined by the state, with a not to exceed amount of \$120,000 for the first year of the contract, and slightly higher maximums for subsequent years of the proposed three year contract. He suspects that the Conservancy will not need quite that much but there would be the opportunity to invoice that amount. Bill asked if there were any questions.

Larry Spicer asked when the contract would commence. Bill answered that the CVCC will include the contract on its April agenda instead of the March agenda because the contract negotiations took a little longer than expected. Assuming that CVCC approves the contract in April the effective date will depend on when the Permits are issued by CDFG and USFWS for the MSHCP. Until those permits are issued, the CVCC does not have an acquisition program to implement. It is conceivable that by the time the CVCC takes action on the contract in April the permits could be issued. If the CVMC Governing Board approves the contract today this would allow the contract to be implemented as soon as CVCC approval occurs and the Permits are issued by CDFG and USFWS.

Ellen Trover asked what staff resources (staff time, etc.) will be expended in this process. Bill answered that all three members of the CVMC staff will be involved with implementing this contract. In the past, when CVMC had contracts with CVAG for preparation of the MSHCP, we were still able to implement the State Bond funded acquisition program. Bill noted that he expects this will work much the same way and will not detract from CVMC's implementing its Bond Fund acquisition program because there are many common acquisition goals.

Paul Marchand asked if the essential material content of the contract has already been agreed to so the Board is not in danger of some major material term being put into the contract that perhaps was not contemplated today. Bill answered, yes.

Tom Kirk wanted to acknowledge how fantastic the CVMC staff is and he expects that this is the primary reason that CVCC is seeking acquisition help from the Conservancy.

Chairman Marchand opened the item for public comment. No public comments were made. He then asked for any additional discussion on the item and there was none. He asked for a

motion to approve Resolution 2008-07. A motion was made and seconded (Trover/Baker) to adopt the resolution. The motion passed with the following members voting yes: K. Baker, K. Dice, J. Kalish, P. Kemp, T. Kirk, R. Milanovich, R. Hutcheson, G. Moller, A. Sheehan, L. Spicer, J. Taylor, E. Trover, R. Wilson and P. Marchand. The following members abstained: None.

6.0 Discussion/Information items

6.1 Kerrie reminded the Board about the deadline for submission of Conflict of Interest forms.

7.0 Reports

Karl Baker asked if he could obtain a copy of the OHV report. Kerrie referred him to Aurora Kerr, OHV Taskforce Manager at CVAG. Chairman Marchand called for an omnibus motion to receive and file written reports items 7.1 thru 7.3. A motion was made and seconded (Trover/Wilson) to receive and file written reports 7.1 thru 7.3. The motion was adopted by all members saying "Aye" in a unanimous vote.

The Attorney General had nothing to report.

8.0 Adjourn to Regular Meeting on May 12, 2008.

A motion was made and seconded (Milanovich/Baker) to adjourn. The meeting was adjourned without objection at 4:08 p.m.