

**COACHELLA VALLEY MOUNTAINS CONSERVANCY  
REGULAR MEETING  
73-710 Fred Waring Drive, Suite 115  
Palm Desert, California  
March 14, 2011 - 3:00 p.m.**

**MINUTES**

**MEMBERS PRESENT:**

Buford Crites, State Assembly Appointee – *Vice-Chairman*  
Paul Riesman, California State Parks  
John Donnelly, Wildlife Conservation Board  
Karen Finn, California Department of Finance  
Kristy Franklin, City of La Quinta  
Jim Foote, U.S. Forest Service (non-voting)  
Rick Hutcheson, City of Palm Springs  
John Kalish, Bureau of Land Management  
Patrick Kemp, Natural Resources Agency  
William Kroonen, City of Palm Desert  
Richard Milanovich, Agua Caliente Band of Cahuilla Indians  
Al Muth, University of California  
Larry Spicer, City of Indian Wells  
Ellen Lloyd Trover, Senate Rules Committee Appointee – *Chairwoman*

**MEMBERS ABSENT:**

Karl Baker, City of Desert Hot Springs  
John J. Benoit, Riverside County Supervisor, District IV  
Eddy Konno, California Department of Fish and Game  
Karin Messaros, National Park Service  
Gordon Moller, City of Rancho Mirage  
Joan Taylor, Governor's Appointee  
Sam Toles, City of Cathedral City

**STAFF PRESENT:**

Bill Havert, Executive Director  
Kerrie Godfrey, Staff Services Analyst

**OTHERS PRESENT:**

Katie O'Connor, Friends of the Desert Mountains, Desert Conservation Coordinator

**VACANT POSITIONS:**

Vacant, Staff Environmental Scientist

**1.0 Call to Order & Introductions**

Chair Trover declared a quorum with 13 members present at 3:05 pm.

**2.0 Approval of Minutes of January 10, 2011 meeting**

Chair Trover asked if there were any additions or changes to the January 10, 2011 Minutes. It was suggested that since the Minutes were not available for viewing until today, the vote to approve them would be deferred to the May 2011 meeting.

**3.0 Public Comments on Items Not on the Agenda**

Chair Trover asked if there were any comments on any items not on the agenda. There were none.

#### 4.0 **Action Items - public hearing**

- 4.1 Resolution 2011-05 approving a local assistance grant to the Friends of the Desert Mountains for the acquisition of approximately 114.42 acres in the Snow Creek portion of the San Jacinto/San Bernardino Mountains Wildlife Movement Corridor area.

Bill Havert noted that the acreage information provided on agenda was incorrect. Instead of 114.42 it should read 107.03 as there was a change in which set of parcels the owners wanted to sell. He added that the items were covered in the agenda staff report and directed the Board to the exhibit displayed in the presentation. He asked if anyone had any questions on the information provided in the staff report.

Larry Spicer noted that several of the parcels are served by Snowcreek Rd and he assumes that access is reflected in the appraised value, as parcels with frontage are valued so much higher than the other parcels.

Bill responded that Larry's assumption is correct.

Chair Trover asked if there were any other questions. She noted that she sees no other questions and asked for a motion to approve Resolution 2011-05. A motion was made and seconded (Crites/Muth) to adopt the resolution. The motion passed by the unanimous vote of the 13 members present.

- 4.2 Resolution 2011-06 approving a local assistance grant to the Friends of the Desert Mountains for the acquisition of approximately 40 acres in the Edom Hill area and approximately 359 acres in the Thermal Canyon area.

Bill Havert noted that once again the item was covered in the staff report and the accompanying exhibits so if there were any questions he would be happy to answer them.

Larry Spicer noted that he does not see the appraised value in the staff report. He sees that the resolution has a not to exceed price, but in contrast to the first item, do we have an appraised value?

Bill Havert Responded, we do and the appraised values reflect the amount in the resolution. But to spell them out, the Edom Hill parcels are each 20 acres and have been appraised for \$175K each so the total price of \$350K was offered for both parcels. In Thermal Canyon, one parcel was appraised for \$80K and the second was appraised for \$160K and the third was appraised for \$60K.

Larry Spicer says he believes the amount requested in the resolution is higher than the total appraised value.

Bill responded that is correct because the resolution amount includes the approximate transaction and closing costs for each transaction in addition to the purchase price.

John Donnelly noted that we indicated in the write up that Conservancy grants to CNLM provided matching funds for Section 6 Cooperative Endangered Species Conservation Fund grants and as a supplement to Coachella Valley Fringe-toed Lizard Habitat Conservation Plan mitigation fee funds. He was under the impression that we were potentially going to use a portion of section 6 funds.

Bill responded not on these acquisitions, and asked if there was a reference to that in the staff report?

John Donnelly indicated that the staff report ad mentioned that the funds were exhausted and he just wanted to confirm that.

Bill Havert clarified that the Fringe Toed Lizard Funds are exhausted, but there is another Section 6 grant that is currently active, but it does not include funds for any of these acquisitions.

Chair Trover asked if there were any other questions for staff. Since there were no other questions she asked for a motion to approve Resolution 2011-06. A motion was made and seconded (Crites/Muth) to adopt the resolution. The motion passed by the unanimous vote of the 13 members present.

## **5.0 Reports**

5.1 Written Reports. Chair Trover asked if there were any additional discussion.

Bill asked to provide a brief update. He explained that the transactions referenced in the written report are those that were before the Board in January and the report provides the status as of about 10 days ago. Since then Stearns Bank, Crutch, and Bird/ Reitkirk have closed escrow. Wilkinson, Smith and Astleford are still pending.

Buford Crites wanted to give special congratulations to staff on the Pine Mountain and Pinyon View acquisitions; noting that all of us should be very proud of the efforts that went into these acquisitions.

Bill Havert added that the Friends are getting ready to release a media piece on these two acquisitions and the role of the Conservancy will be duly noted.

5.2 Board Member comments and reports from Conservancy member agencies. Chair Trover asked if there were any discussion.

Al Muth noted that there is an ongoing issue of Wind Energy development in Snow Creek and this will have an enormous impact on the wildlife movement corridor and the lands that we spent an enormous amount of money acquiring over the past several years. He noted that the BLM representatives can brief the Board further on what the project entails and where it is located. While the proposed project is primarily on private land, some BLM land is affected and it is adjacent to the lands that we already acquired.

Bill added that for the benefit of everyone in the room, and for the ones in Sacramento, he directed everyone to look at the map that was in the agenda packet for the Snowcreek acquisition and explained the location of this project in more detail.

John Kalish from BLM provided some background on the applications that have been submitted for the project. This project proposal has been ongoing for about 5 years and has gone through the review process with the County. Because BLM is also involved, the project is now ready for analysis under a joint EIR/EIS process. The EIR/EIS will not only address the impact of the project itself but, amendments that may be necessary to the general plan as well as the project. The proposal involves two options:

- 1) Fifty two 2.5 megawatt wind turbines on private lands that encompass the Fringal's Finger area.
- 2) Or, Forty eight 3.5 megawatt wind turbines that run about 430 ft tall and are very substantial wind turbines.

All of the wind turbines as proposed would be placed on private lands. The facilities would involve access roads as well as power and communication lines and would affect BLM lands; hence, the reason for the right of way applications that have been submitted to BLM.

BLM went through an internal debate about how to proceed with the right of way applications and the two options. One option was to enter into a joint EIR/EIS process with Riverside County to analyze the project; the other option would be to allow the County process to move forward through the EIR process and upon conclusion BLM could tier off of that process to analyze its portion of the project and facilities. IBLM came to the conclusion that it would be

best to wait to fully analyze the project through a joint EIR/EIS with Riverside County. BLM is in a very preliminary process with the County and are trying to outline how we would go about doing the joint review.

John Kalish then went to the map to describe the location of the project and noted that the wind turbines would go up the actual spine of the ridge at Fringal's Finger and right along the BLM property line. He also noted that the Pacific Crest Trail (PCT) goes through this area.

Jim Foote added that there have been a couple of requests for a setback, predominantly along the alignment and right of way of the PCT as well as one of the setbacks on the uppermost turbine areas. Those will be looked at as well.

John noted that often the setback could be as much as 3 times the height of the turbine for safety when wind turbines have failed.

Bill Havert asked to what elevation up the ridgeline do the wind turbines go?

Jim Foote responded that those that it is clear up to the forest boundary.

Al Muth noted that a discussion about this issue had occurred at the National Monument Advisory Committee meeting and he recalled the upper elevation was about 4000 ft on that ridge. He noted that it is a significant elevation and if you are approaching Palm Springs this will be your greeting as it is the entrance to the Coachella Valley.

Bill Havert asked Al if he wanted to request that this be placed on the agenda at the next meeting with an additional presentation and discussion by the Board.

Al Muth responded, yes, please.

Chair Trover said she would also be interested in seeing a presentation.

Larry Spicer noted that one concern he has is about Palm Springs International Airport and this area's being a radar controlled area and with the turbines there would there be the potential to create echoes that would be disruptive to the navigation systems.

Buford Crites added that this would be something the EIR/EIS should consider.

Jim Foote added that when BLM enters into this agreement with the County to do the EIR/EIS, the first thing we would do is publish a Notice of Intent (NOI). The function of the NOI is to identify issues to address and certainly this would be one of them. One of the driving forces in BLM's decision to enter into this agreement is that BLM thinks that the most viable assessment will come from a joint EIR/EIS given that BLM's process for evaluating the visual impacts is very strong, whereas the EIR visual analysis process is vague.

Chair Trover asked if there was a timeline for the NOI to be issued.

John Kalish responded that it is dependent on when BLM enters into the agreement with the County.

Larry Spicer asked if the Conservancy has any other role in this other than satisfying our own individual interests.

Bill Havert said he would have to respond in a couple of different ways: one is the Conservancy has provided approximately \$7 million dollars in grants to fund acquisitions in this area in the past. So, we have invested considerable amounts of State funds to conserve the resource values in this area. It is up to the Board to decide the significance and the terms of any response from the Conservancy to the NOI or the process as it moves forward. Also, he would note that the Friends have made offers to the owners of this property and the offers have not

been accepted and this is something to take note that if there is an opportunity, it would be of great interest to go ahead and acquire this property.

Kristy Franklin asked how the energy from the turbine gets to the grid?

John Kalish answered that all of the projects have their own substations where the generated electricity is collected and connected with Southern California Edison (SCE) to move into the grid.

Kristy Franklin, there would be a substation for this project?

John Kalish, yes, a substation and a high line to get the current into the SCE lines and into the grid.

Larry Spicer noted that he would think the alignment to connect to the grid could be as important an environmental issue as the wind turbines themselves unless there is an existing substation for them to plug into.

Jim Foote identified one other issue for the presentation; he suggested that CVMC invite a member of CVAG as they have entered into an agreement with the proponent of this project relative to the impacts associated with the MSHCP and the "incidental take" issues associated with this.

Richard Milanovich noted that the tribe owns property in this vicinity (on the other side of Highway 111 outside the National Monument) and is in the early stages of considering placing 2 wind turbines on the property.

Larry Spicer noted that the Conservancy does not meet again until May 9. Does the calendar give us enough time to get an update on this issue before the wheels start turning?

John Kalish responded that he doubts that they would have a NOI published by then.

Chair Trover mentioned that we might need a special meeting in April to discuss the new Executive Director, so we may be able to have this presentation then.

Pat Kemp asked if this might be a local land issue rather than a State Conservancy issue.

Chair Trover responded that it is in a sensitive area so it is a Conservancy issue as well as the esthetic issue and land use issue.

Bill Havert added that the question for the Conservancy stems from the fact that we have expended a considerable amount of grant funds to conserve the adjacent resources and the area including the site proposed for wind energy. The area is also proposed for conservation under the NCCP which is a State plan and the State and the Conservancy are Permittees under this plan and part of the implementation of this plan. Those two things give a sense of importance to the project from a conservation stand point.

Pat Kemp asked if the Conservancy is considering taking a position on the development of the wind turbines or more of commenting on the EIR.

Bill Havert responded that he would suggest that initially the Conservancy should focus on providing input to the scope of the EIR/EIS. This is something we have done in the past when projects could impact lands that the Conservancy had expended grant funds to conserve. He noted that he doesn't believe that the Conservancy has ever gone further than that and taken a position on a project. This is something the Board would have to discuss.

Pat Kemp noted that he is fine with commenting on the EIR/EIS, we regularly do this but, taking positions on local land use issues can get very sticky from our point of view. Don't forget, we are a State Agency so it makes things a little different when we take positions on local land use issues.

Kristy Franklin wanted clarification about why CVAG is involved with this project.

Bill Havert asked Jim if it was really CVAG or CVCC.

Jim believes it is CVAG and noted that this project is within the Windy Point/Snowcreek Conservation Area and if windmills are proposed on these private lands they are subject to the MSHCP and allocated take for disturbance to this land.

Bill Havert suggested that BLM give their presentation at the next meeting and we will ask for a copy of the CVAG (or CVCC) agreement, assuming it is not confidential, and email it around to all the Board members.

Since there was no additional discussion, Chair Trover called for an omnibus motion to receive and file written report items 5.1. and 5.2. A motion was made and seconded (Crites/Franklin) to receive and file written reports 5.1 and 5.2. The motion was adopted by 13 members saying "Aye" in a unanimous vote.

**6.0 Closed Session – One matter was scheduled**

Pursuant to Government Code sections 11126 (a)(1), 11126 (e)(1) and 11126.3(a) the Board may hold a closed session to discuss and take possible action on personnel matters and or receive advice of counsel on pending or potential litigation. In addition, pursuant to Government Code section 11126 (c) 7 (A) the Board may meet in closed session with its negotiator prior to the purchase or sale of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase or sale. Confidential memoranda related to these issues may be considered during such closed session discussions. The matter that was scheduled for Closed Session was a personnel matter pertaining to the effects of the current vacancy in the Staff Environmental Scientist position and the search for a new Executive Director as a result of the anticipated retirement of the current Executive Director.

Adjourned to closed session at 3:40 PM  
Closed Session Adjourned at 3:55 PM

**7.0 Adjourn to the May 9, 2011 meeting.**

A motion was made and seconded (Crites/Franklin) to adjourn the meeting. The meeting was adjourned without objection at 3:55 p.m.