

**COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
May 12, 2008 - 3:00 p.m.**

MINUTES

MEMBERS PRESENT:

Karl Baker, City of Desert Hot Springs
Buford Crites, State Assembly Appointee
Kathy Dice, California State Parks
Jim Foote, U.S. Forest Service
John Kalish, Bureau of Land Management
Patrick Kemp, Resources Agency
Tom Kirk, City of La Quinta
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
Fred Klass, Department of Finance (on telephone for Anne Sheehan)
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
Richard Milanovich, Agua Caliente Band of Cahuilla Indians
Curt Sauer, National Park Service

STAFF PRESENT:

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

OTHERS PRESENT:

None

VACANT POSITIONS:

None

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 or Closed Session Item. Fred Klass, from the Department of Finance and Patrick Kemp from the Resources Agency were present on the telephone.

2.0 Approval of Minutes of March 10, 2008

Chairman Marchand asked if there were any additions or changes to the Minutes. A motion was made and seconded (Trover/Moller) to approve the minutes. The motion passed by unanimous vote.

3.0 Public Comments on Items Not of the Agenda

No public comments were made.

4.0 Closed Session – One matter was scheduled.

The applicant has requested continuation of item 5.3, (Wind Non-Obstruction Easement by the Center for Natural Lands Management to BP Alternative Energy), eliminating the need for the closed session. There were no objections so the item and the closed session were continued to a future date.

5.0 Public Hearing Items

5.1 Resolution 2008-08 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of up to 4,263 acres in the Thermal Canyon area.

Bill Havert presented a series of maps to the Board to identify the location of the Thermal Canyon project area. He explained that Thermal Canyon forms a significant wildlife movement corridor and habitat linkage between the Wilderness and the National Park. The corridor is suitable for large mammals, as well as for small animals, including desert tortoise. The Thermal Canyon project area includes portions of three Multiple Species Habitat Conservation Plan Conservation Areas: Joshua Tree National Park, Desert Tortoise and Linkage, and Mecca Hills/Orocopia Mountains. Because of the quality of the habitat and the high, wide bridges over Thermal Canyon on I-10, the Thermal Canyon wash and adjacent areas provides one of the best linkages between these areas. Further east, the next best area is Pinkham Wash, which is under a single ownership (Glorious Land Company) that is seeking to develop the area in what is known as the Paradise Valley proposal. Farther east, there are neither bridge nor culvert structures facilitating movement under I-10 of anywhere near the size of Thermal Canyon.

The Friends have appraised the parcels and have recently made initial contact with the landowners to assess the potential for willing sellers. Within the first week of letters going to landowners, the owners of four parcels have offered to sell at appraised value, and one other owner is considering selling.

Values in the area range from \$200/acre to \$2,000/acre depending primarily on parcel size and location features such as access and distance from the freeway. The total value of all parcels is \$3,293.717. The proposed grant is for a not to exceed amount of \$750,000, which is anticipated to be sufficient to cover potential acquisitions through December 31, 2008.

Joan Taylor thought she may have a conflict because she is a Friends' Board Member. The Chairman asked Laurie Pearlman from DOJ if she thought this was a conflict. Laurie answered that the Conservancy has previously looked into this issue and found that unless there is a financial gain to be had there is no conflict.

Karl Baker asked for clarification; is the Conservancy planning to acquire property little by little over a period of time which may take a number of years dependent on willing sellers? Bill answered, yes.

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 2008-08. A motion was made and seconded (Crites/Muth) to adopt Resolution 2008-08. The motion passed with the following members voting yes: K. Baker, B. Crites, J. Kalish, P. Kemp, T. Kirk, F. Klass, E. Konno, C. Mills, G. Moller, A. Muth, L. Spicer, J. Taylor, E. Trover, R. Wilson and P. Marchand.

5.2 Resolution 2008-09 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of 100 acres in the Edom Hill area.

Bill Explained that the Friends of the Desert Mountains (Friends) has requested a grant not to exceed \$1,355,000 for the acquisition of four contiguous parcels comprising 100 acres in the Edom Hill Conservation Area. The property is located approximately 0.5 miles west of the Jacques property, which the Conservancy has been assisting to acquire through local assistance grants to the Center for Natural Lands Management (CNLM). Bill explained that there is still one more phase that is planned to be acquired by CNLM. Paul asked if this acquisition is in the City of Cathedral City and Bill answered no. Bill showed the Board a series of maps to identify the location of the property. He explained that there is some demolition and clean up that would be a part of the acquisition of this property to get it back to a usable state. The owner has agreed to sell the property to the Friends for the appraised value which includes the clean-up costs. The clean-up would be accomplished before close of escrow and essentially would consist of removal of old structures and foundations and debris. In past years, the Conservancy has also assisted with the acquisition of the Friends' land to the south and the northeast of the subject property, and in past years the Conservancy has also acquired and taken title to various properties in the area. Other conservation landowners in the area are the Bureau of Land Management, CNLM, and the Coachella Valley Association of Governments. The map also shows that considerable progress has been made in meeting the Multiple Species Habitat Conservation Plan (MSHCP) Conservation Objectives for the Edom Hill Conservation Area. Of the 3,060 acres required to be conserved in this Conservation Area, approximately 1,800 acres or 59% has been conserved to date. Bill asked if there were any questions.

Al Muth asked if this property is close to the Wind Energy Project. Bill answered that it is on the other side of Varner Rd and not close to this acquisition area.

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 2008-09. A motion was made and seconded (Baker/Kirk) to adopt Resolution 2008-09. The motion passed with the following members voting yes: K. Baker, B. Crites, J. Kalish, P. Kemp, T. Kirk, F. Klass, E. Konno, C. Mills, G. Moller, A. Muth, L. Spicer, J. Taylor, E. Trover, R. Wilson and P. Marchand.

5.3 Resolution 2008-10 approving granting of a Wind Non-Obstruction Easement by the Center for Natural Lands Management to BP Alternative Energy (BP), through its subsidiary "Edom Hills Project 1, LLC", on property acquired with a local assistance grant from the Conservancy.

The Board continued public hearing item 5.3 to a future date to be determined.

5.4 Resolution 2008-11 approving a policy regarding local assistance grants as it pertains to fair market value of the property.

Chairman Marchand requested that the Board continue public hearing item 5.4 to a future date to allow the Sacramento Board Members the chance to physically attend the policy discussion. There were no objections so the item was continued to a future date to be determined.

5.5 Appointment of a representative to the Coachella Valley Conservation Commission Trails Management Subcommittee.

The Multiple Species Habitat Conservation Plan calls for the establishment of a Trails Management Subcommittee to annually review and evaluate the Public Use and Trails Plan for the Santa Rosa and San Jacinto Mountains Conservation Area. Information to be considered yearly will include data gathered through monitoring activities and relevant information from other sources. The Subcommittee will report to both the Reserve Management Oversight Committee (RMOC) and the Monument Advisory Committee (MAC) regarding implementation of and recommended modifications to the Public Use and Trails Plan. The RMOC or MAC may also request the Subcommittee to address other issues as needed.

Chairman Marchand asked for nominations for appointment of a representative to the RMOC. Karl Baker volunteered and then retracted his nomination when Geary Hund was nominated. Chairman Marchand asked for additional nominations and there was none. Nominations were closed. The Chairman asked for a motion to elect Geary Hund by acclamation to the CVCC Trails Subcommittee. A motion was made and seconded (Baker/Spicer) to elect Geary Hund. The motion was adopted by all members saying "Aye" in a unanimous vote.

6.0 Discussion/Information items

6.1 Overview of past Conservancy projects.

Bill summarized through an oral presentation the past Conservancy projects. The information had been requested by several Board Members at the March meeting.

7.0 Reports

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 (Moller/Baker) 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 the July 14, 2008 meeting.

A motion was made and seconded (Taylor/Baker) to adjourn. The meeting was adjourned without objection at 3:35 p.m.