

**COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
May 09, 2011 - 3:00 p.m.**

M I N U T E S

MEMBERS PRESENT:

Buford Crites, State Assembly Appointee – *Vice-Chairman*
Jim Foote, U.S. Forest Service (non-voting)
Kristy Franklin, City of La Quinta
John Kalish, Bureau of Land Management
Patrick Kemp, Natural Resources Agency
Eddy Konno, California Department of Fish and Game
William Kroonen, City of Palm Desert
Karin Messaros, National Park Service
Richard Milanovich, Agua Caliente Band of Cahuilla Indians
Chris Mills, City of Palm Springs
Al Muth, University of California
Paul Riesman, California State Parks
Pedro Reyes, Department of Finance
Larry Spicer, City of Indian Wells
Joan Taylor, Governor’s Appointee
Sam Toles, City of Cathedral City
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
John Donnelly, Wildlife Conservation Board

STAFF PRESENT:

Bill Havert, Executive Director

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 15 members present at 3:05 pm. Karen Messaros and Gordon Moller arrived during closed session and were not available to vote on the minutes.

2.0 Approval of Minutes of January 10, 2011 and the March 14, 2011 meetings

Chair Trover asked if there were any additions or changes to the January 10, 2011 or the March 14, 2011 Minutes. Ellen Trover requested to change the word from seller to buyer on page 4, paragraph 3, line 4. A motion was made and seconded (Crites/Franklin) to approve the Minutes as amended. The motion was adopted by 11 members saying “Aye” in a unanimous vote with the exception of Pedro Reyes, Eddy

Konno, Karen Messaros, Gordon Moller, Joan Taylor, and Sam Toles who abstained from the vote.

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 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 search for a new Executive Director as a result of the anticipated retirement of the current Executive Director.

Adjourned to Closed Session at 3:10 PM

Closed Session adjourned at 3:40 PM

5.0 Action Items - public hearing

5.1 Recommendation from the Search Committee to offer the position of Executive Director to the top ranked candidate and to recommend the salary for the position.

Chair Trover explained that it was the recommendation of the Search Committee to offer the position of Executive Director to Kevin McKernan.

Larry Spicer moved that the Board accept the Search Committee's recommendation.

Chair Trover noted that the State's salary range for this position is \$6898 - \$7494 per month. She further noted that a mid range salary for this position would be \$7194 per month. She believes this would be a reasonable salary and starting point to offer the new Executive Director.

Chair Trover asked Larry Spicer if he wanted to limit his motion only to the offer of the position or add the salary range to the motion.

Larry Spicer asked if the Board knows his current salary.

Chair Trover responded, no.

Larry Spicer responded that he did not have a feel for where to start his salary.

Chair Trover responded that she thought the same and asked if Patrick Kemp had any advice he could provide on the typical starting salary.

Patrick responded that he does not know what the new Executive Director is currently making but, believes the motion is open to whatever salary the Board can determine to pay him. If the Board is going to decide to hire him, let's hire him, the Board is

required to pay him within the range. Patrick recommended that the Board move forward with hiring him and let the Search Committee decide on the starting salary.

Chair Trover asked if Larry Spicer would be comfortable with this recommendation.

Larry Spicer responded that he would like to amend his motion to have the Search Committee make the offer within the range according to their judgment.

Pedro Reyes added that he thought the Search Committee should negotiate with him and possibly start in the middle and decide where to go from there. If the Board sets the amount, then the Search Committee has no latitude to negotiate.

Larry Spicer responded that he moves that the Search Committee make an offer within the range. Kristy Franklin seconded the amended motion.

Chair Trover asked if there were any other discussion on the item. Since there was none she asked for a motion to hire Kevin McKernan as the new Executive Director for the Conservancy and for the Search Committee to make a salary offer within the State's salary range. A motion was made and seconded (Spicer/Franklin) to adopt the motion. The motion passed by the unanimous vote of the 17 members present.

5.2 Determination that the acquisition from willing sellers of the remaining private lands on the alluvial fans of the Santa Rosa Mountains southerly and easterly of Martinez Canyon is a priority for the Conservancy for the use of currently available Proposition 84 funds. (See Attachment 3.)

Bill referred the Board to the agenda map and pointed out recent Conservancy acquisitions and other partner acquisitions in this area. He explained that previously the Conservancy has provided funds in partnership with the Wildlife Conservation Board, U.S. Fish and Wildlife Service, Bureau of Land Management, Resources Legacy Fund Foundation, and Friends of the Desert Mountains to acquire more than 6,700 acres in this area, leaving approximately 2,900 acres remaining to acquire to complete the protection of this remarkable area.

He noted that the areas indicated in green on the map are the only areas left to acquire and the significance and conservation values of this area are described in the staff report.

He explained that there is an opportunity that has emerged to acquire land of high conservation value on the alluvial fans in sections, 16, 22 and 26. The landowner solicited bids for the property but, it happened so fast that there was no way the Conservancy or a group like the Friends of the Desert Mountains (FODM) could respond to the bid solicitation. The Trust for Public Lands (TPL) was interested and responded to the solicitation, so they are attempting to acquire the lands through the solicitation process from the current owner and are not interested in holding on to it for the long term; so they would like to quickly turn around and sell the land to FODM. In turn FODM would require a local assistance grant from the Conservancy to acquire this land from TPL.

While the Conservancy certainly cannot make a commitment that it would be able to make a grant for the acquisition of properties in this area, it would be encouraging to both landowners in the area and non-profit conservation organizations attempting to work with them to know that this is an area of high priority for the Conservancy and

that the Conservancy has funds available that could be used to acquire land in this area through local assistance grants.

The action proposed would not commit the Conservancy to any acquisition, but it would confirm the Conservancy's strong interest in this area and interest in using available bond funds for an appropriate grant-funded acquisition; i.e., one at market value based on an approved appraisal. The Conservancy currently has approximately \$6.62 million in bond funds available for acquisitions. This is the amount of cash allocated to the Conservancy from previous bond sales for projects already approved by the Department of Finance and the State Treasurer's Office; thus the Conservancy has the wherewithal to fund acquisitions in this area, and to affirm that acquisitions in this area are a high priority for use of those funds.

Paul Riesman mentioned that the Board should be aware of a proposed project that is planned in that area called Travertine Point and that if this project were approved, there would be further development in the area. He noted his concern about the various protected species in this area. He also noted that this is the old Lake Cahuilla Shoreline and is very important to conserve.

Bill Havert added a follow-up to Paul's information; when the National Monument was created the Boundary was in a different location and in 2009 Senator Boxer and Congressman Mary Bono Mack introduced a Public Lands Act that expanded the Monument Boundary in this area. So the new Boundary of the National Monument is adjacent to the lands that have currently become available. The long term goal is to extend the Monument Boundary out to the existing agricultural lands to encompass all the remaining land along the Lake Cahuilla Shoreline.

Eddy Konno asked if the section in front of Martinez Canyon is a priority area but not a part of the pending priority acquisition.

Bill Havert responded, "Correct."

Bill Kroonen noted that there are pretty good reasons for taking this action, but being very new to the Conservancy Board, asked if there are any known reasons against taking this action.

Chair Trover responded that she thinks the only reason would be that the amount of money is finite and since this is a priority it may cause the Board to have to pass on another project. However, she does not know what the something else would be. So there is no immediate need. She asked if this was Bill Havert's understanding.

Bill Havert responded that she is correct and there is not anything else in the ranking of acquisition opportunities that he would view as ranking higher.

Bill Kroonen noted that this information was very helpful.

Kristy Franklin asked how many acres are in this project.

Bill Havert responded that the portion that is subject to the bid package is a little over 1300 acres.

Kristy Franklin asked if there is a price.

Bill Havert noted that the price is being negotiated but, he has a general idea of the land values in the area since we just closed escrow on the LOH property which is very similar topography. LOH appraised at \$1900 an acre and was approved by DGS. He would anticipate a comparable value for this land. If FODM were to come to the Conservancy for a local assistance grant it would have to be appraised, and that would determine the amount of the funds granted by the Conservancy.

Larry Spicer noted that Bill mentioned something about a bid package that was offered; to just anybody or to conservation groups only?

Bill responded; to anyone.

Larry Spicer; so anyone could come in and buy it up?

Bill responded, "Correct."

Larry Spicer noted that Bill had mentioned that there was not much time to submit bids, so he assumes there is a risk the price may go up on this land; it may be more per acre because of the circumstances of the offering.

Joan Taylor noted that we are simply identifying the parcels as a high priority.

Chair Trover responded that this is to establish a priority; it does not bind the Conservancy to purchase any parcel.

Joan Taylor offered a motion that these parcels are a high priority for the Conservancy and should be considered for acquisition if the opportunity presents itself.

Al Muth seconded the motion.

Bill Havert noted that the staff recommendation also states that the Conservancy does have Proposition 84 funds sufficient to acquire this property.

Chair Trover asked if there were any other discussion on the item. Since there was none, she asked for a motion to approve Staff recommendation

An amended motion was made and seconded (Taylor/Muth) to adopt the Staff recommendation.

The amended motion: "The Coachella Valley Mountains Conservancy affirms that the alluvial fans of the Santa Rosa Mountains constitute a high priority for conservation and that the Conservancy has Proposition 84 bond funds available for use in acquiring or making local assistance grant funds available for the purchase of lands that meet the requirements of Proposition 84 and state policies and guidelines." A motion was made and seconded (Taylor/Muth) to adopt the motion. The motion passed by the unanimous vote of the 17 members present.

5.3 Authorization to submit a proposal to the Coachella Valley Conservation Commission to provide Acquisitions Manager services and to enter into a contract with the Commission if the proposal is accepted. (See Attachment 4.)

Bill explained the background on the contract is provided on the staff report in the agenda packet and he would be happy to answer any questions.

Chair Trover asked if there were any other discussion on the item. Since there was none she asked for a motion for the Governing Board to authorize submittal of the proposal and authorize entering into a contract with the CVCC. A motion was made and seconded (Crites/Muth) to adopt the motion. The motion passed by the unanimous vote of 14 members with 3 abstentions.

Chair Trover noted that she was going to move the presentation discussion item 7.1 before the reports section and requested John Kalish to start his presentation on the proposed Wind Energy project in the Snow Creek area (see attached presentation).

6.0 Reports

6.1 Written Reports. Chair Trover asked if there were any additional discussion. Bill provided the status of the Conservancy grant projects approved at the January and March meetings.

6.2 Board Member comments and reports from Conservancy member agencies. Chair Trover asked if there were any discussion. There was none.

7.0 Presentation/Discussion (See Attachment 1)

7.1 John Kalish gave a presentation and discussion about the proposed Wind Energy project in the Snow Creek area. Al Muth, Larry Spicer and Ellen Trover all had concerns about the lands the Conservancy has granted funds to acquire previously that surround the property intended for the wind energy projects. Bill noted one other item that came to our attention is the potential for turbine fires; apparently from time to time they have had fires from friction of the turbines. If such a fire were to reach the National Forest Lands, it could result in a catastrophic wild fire. Ellen Trover requested that BLM give the Board another presentation after the EIR is completed. Bill noted that the Board does not need to take any action today but could consider if the Conservancy would submit comments for input into the scoping process when the Notice of Preparation comes out for the EIR/EIS. Commenting on the scoping process is not taking a position on the project; it is simply commenting on issues that may exist with the project.

Kristy Franklin asked if the City of La Quinta wanted to write a letter what would the process be.

Bill responded that he suspects when the NOE comes out there will be contact information.

John Kalish noted that he suspects BLM would do a combined EIR/EIS process with the County.

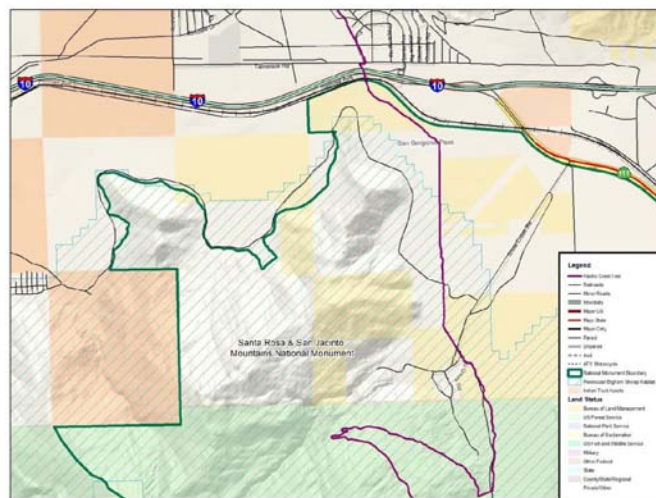
8.0 Adjourn to the July 11, 2011 meeting

A motion was made and seconded (Crites/Franklin) to adjourn the meeting. The meeting was adjourned without objection at 4:55 p.m.

Cabazon Wind Energy, LLC

BLM Right-of-Way Application
Commercial WECS Permit No. 118

Location



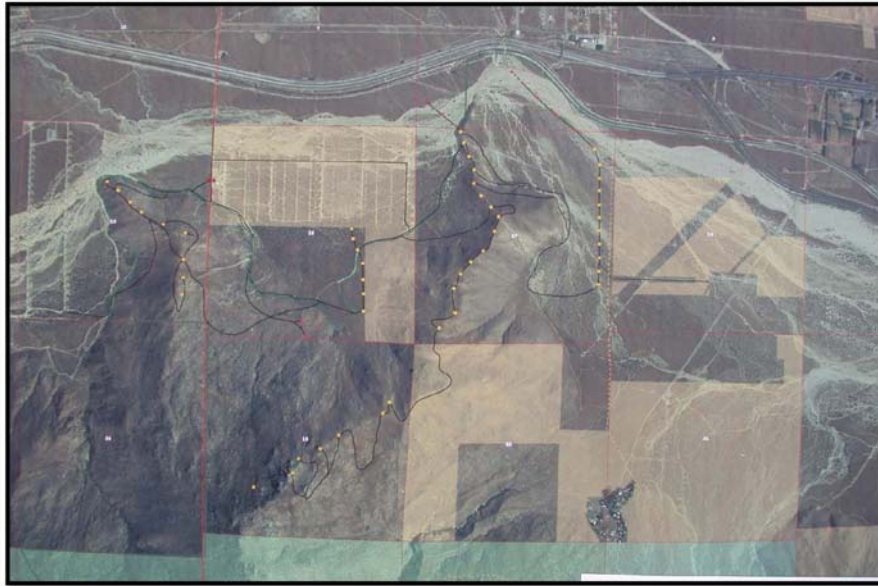
Site Characteristics

- Within boundary of Santa Rosa and San Jacinto Mountains National Monument (no turbines on BLM);
- Elevation Range between 1,260 and 4,000 feet;
- Slopes of 25% or greater;
- Adjacent to Cabazon Power Partners Wind Project (CA-13198) to west with 53 turbines.



Project:

- Private Lands (under lease):
 - Construct 52 - 3.0 MW Vestas Wind Turbines, each 410 feet tall, with 156 combined MW output; or
 - or 42 - 3.6 MW Seimans Wind Turbines, each 438 feet tall, with 151 combined MW output;
 - Ancillary facilities (roads, pads, electrical/communication lines, substation, & met towers);
 - Approximately 174 acres of permanent disturbance.
- BLM Lands: BLM Right-of-Way Application Received 2/24/11 (CACA-052567)
 - Upgrading 6,000 feet of roads in Sec. 16 & 18
 - 835 feet of new cut/fill road in Sec. 20.
 - Underground electrical and communication lines



Proposed County Zoning Changes

- Proposes changing the zoning designations of from Rural Residential (R-R) to Wind Energy Resource Zone;
- Proposes to reduce safety setbacks for eight to ten of the wind turbines from 451 feet to 0 feet;
- General Plan Amendment No. 837 proposes:
 - 1) WCVAP 2.3, remove the prohibition south of Highway 111 by deleting reference to “south of Highway 111”; and
 - 2) WCVAP 2.5, change “Prohibit the location of wind turbines within the Santa Rosa and San Jacinto Mountains National Monument”, “to public lands”.

Issues

- Visual
- Wildlife Corridor
- PCT
- Essential Bighorn Sheep Habitat
- MSHCP take issue



Next Steps

- BLM to meet with County
 - MOU for development of EIR/EIS for project
- Timetable
 - TBD



The End

