

**COACHELLA VALLEY MOUNTAINS CONSERVANCY
REGULAR MEETING
73-710 Fred Waring Drive, Suite 115
Palm Desert, California
November 5, 2007- 3:00 p.m.**

DRAFT M I N U T E S

MEMBERS PRESENT:

Tracey Albrecht, for John Kalish, Bureau of Land Management
Kathy Dice, California State Parks
John Donnelly, Wildlife Conservation Board (on telephone)
Jim Ferguson, City of Palm Desert
Hank Hohenstein, City of Desert Hot Springs
Patrick Kemp, California Resources Agency (on telephone)
Fred Klass, for Anne Sheehan, Department of Finance (on telephone)
Eddy Konno, California Department of Fish and Game
Richard Milanovich, Agua Caliente Band of Cahuilla Indians
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
Larry Spicer, City of Indian Wells
Ellen Lloyd Trover, Senate Rules Committee Appointee
Roy Wilson, Riverside County Supervisor, District IV

MEMBERS ABSENT:

Jim Foote, U.S. Forest Service (non-voting)
Tom Kirk, City of La Quinta
Curt Sauer, National Park Service
Joan Taylor, Governor's Appointee

OTHERS PRESENT:

Staff

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

Other

Paul Coleman, Thousand Palms Resident
Jim Sullivan, Coachella Valley Association of Governments

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. Kathy Dice arrived late and was not present to vote on the minutes for the September meeting or Items 4.1 - 4.3. Fred Klass, from the Department of Finance, Patrick Kemp from the Resources Agency and John Donnelly from the Wildlife Conservation Board were present on the telephone.

2.0 Approval of Minutes of September 10, 2007

Chairman Marchand asked if there were any additions or changes to the minutes. Al Muth requested that the clerk amend the voice tally on item 4.2 because he voted to abstain on this item. A motion was made and seconded (Mills/Muth) to approve the minutes as amended. The motion passed with the following members voting yes: J. Ferguson, P. Kemp, E. Konno, F. Klass, R. Milanovich, C. Mills, G. Moller, A. Muth, L. Spicer, E. Trover, R. Wilson, and P. Marchand. The following members abstained: T. Albrecht, J. Donnelly, and H. Hohenstein.

Bill noted that the Attorney General sent the Conservancy a letter stating that Board Members can choose to vote on the minutes, after reviewing them, if they were not present at the last meeting.

3.0 Public Comments on Items Not of the Agenda

No public comments were made.

4.0 Public Hearing Items

4.1 Resolution 2007-10 approving the final Coachella Valley Multiple Species Habitat Conservation Plan, Final EIR/EIS, and Implementing Agreement.

Bill explained that the Conservancy is a Permittee under the Coachella Valley Multiple Species Habitat Conservation Plan/Natural Community Conservation Plan (Plan), and as such, must approve the Plan and the Implementing Agreement and the Final EIR/EIS as a responsible agency. He noted that the CVAG Executive Committee approved the Plan on September 10, 2007, and certified the Final EIR/EIS. He mentioned that the Board should be very familiar with the Plan as it has already been presented to each of their respective cities. He asked if there were any questions and there were none.

Chairman Marchand opened the item for public comment. No public comments were made.

A motion was made and seconded (Wilson/Mills) to adopt Resolution 2007-10. The motion passed with the following members voting yes: T. Albrecht, J. Donnelly, P. Kemp, E. Konno, F. Klass, C. Mills, G. Moller, A. Muth, L. Spicer, E. Trover, R. Wilson, and P. Marchand. The following members abstained: J. Ferguson, H. Hohenstein and R. Milanovich.

4.2 Resolution 2007-11 approving an interagency agreement with Wildlife Conservation Board for Conservancy to provide funds toward a WCB acquisition.

Bill explained that this item is an interagency agreement between the Conservancy and the Wildlife Conservation Board (WCB). WCB is in the process of acquiring approximately 100 acres from a willing seller in Section 5, Township 7 South, Range 7 East in the Santa Rosa and San Jacinto Mountains Conservation Area, in the City of La Quinta. Bill referred the Board to the map in the agenda packet and explained the location of the acquisition. Based on an appraisal, WCB agreed several months ago to acquire the property for \$3,240,000. Bill explained that the original funding plan was that WCB would use federal Section 6 Cooperative Endangered Species fund grant money from previous years and its own funds to acquire approximately 50 acres. Travertine would acquire the remaining acres as part of its mitigation requirement pursuant to a Section 7 Incidental Take permit consultation with U.S. Fish and Wildlife Service. After WCB opened escrow on the acquisition, Travertine decided not to participate; leaving a shortfall to complete the acquisition and WCB had to find new funding sources to make up that shortfall. Bill noted that a major portion of this can come from a new federal Section 6 grant. The grant requires a 25% match, which cannot be

mitigation funds. The City of La Quinta agreed to contribute a portion toward the 25% match. Bill explained that an additional \$404,394 is needed to complete the acquisition. The proposal is for CVMC to provide the remaining funds from Proposition 84 funds through an Interagency Agreement. Bill asked if the Board had any questions about the proposal.

Hank Hohenstein asked for clarification of the blue areas identified on the map. Bill explained that the blue areas identify the 100 acres that WCB has in escrow, and for which the proposed funds are needed.

Chairman Marchand opened the item for public comment. No public comments were made.

A motion was made and seconded (Trover/Hohenstein) to adopt Resolution 2007-11. The motion passed with the following members voting yes: T. Albrecht, J. Donnelly, J. Ferguson, H. Hohenstein, P. Kemp, E. Konno, F. Klass, R. Milanovich, C. Mills, G. Moller, A. Muth, L. Spicer, E. Trover, R. Wilson, and P. Marchand.

4.3 Resolution 2007-12 approving an extension of the grant timeline, adding additional property, and reducing the funding amount for Grant 045 to the Friends of the Desert Mountains to assist with the acquisition of approximately 615.5 acres in the Stubbe Canyon area.

Bill explained that at its July 2007 meeting, the Governing Board approved a grant to the Friends of the Desert Mountains (Friends) for up to \$5,900,000 towards the acquisition of 62 parcels totaling approximately 916.75 acres in Sections 6 and 7, T3S, R3E and Section 32, T2S, R3E. Bill provided details about the acquisitions that the Friends have negotiated to date and explained that some offers are still outstanding and efforts are still in progress to contact landowners who have so far not responded. The Friends has also determined that it is worthwhile to approach another owner of 242.5 acres whose land was not included in the original grant proposal. Bill noted that it would be appropriate to amend the original grant by extending the term of the grant for approximately four months, through the date of the March 2008 Conservancy meeting. It was also noted that the Friends were subsequently successful in obtaining a grant from a private foundation as a partial match to Conservancy funds. Based on the value of the remaining properties, including those currently in escrow, and taking into account the other grant received by the Friends, the maximum projected total of Conservancy funds needed from this point forward would be \$4,608,200 to conserve a maximum total of 615.5 additional acres. Bill asked if there were any questions and there were none.

Chairman Marchand opened the item for public comment. No public comments were made.

A motion was made and seconded (Konno/Spicer) to adopt Resolution 2007-12. The motion passed with the following members voting yes: T. Albrecht, J. Donnelly, J. Ferguson, H. Hohenstein, P. Kemp, E. Konno, F. Klass, R. Milanovich, C. Mills, G. Moller, A. Muth, L. Spicer, E. Trover, R. Wilson, and P. Marchand.

4.4 Resolution 2007-13 approving a grant to the Friends of the Desert Mountains to assist with the acquisition of approximately 205 acres in the area between the Indio Hills and Joshua Tree National Park.

Bill explained that at its July meeting, the Governing Board approved Resolution 2007-07 providing local assistance Grant 046 to the Friends of the Desert Mountains (Friends) for up to \$150,000 to acquire up to six parcels totaling approximately 30 acres in Section 30, T3S, R7E in the Joshua Hills area between the Indio Hills and Joshua Tree National Park. Bill referred the Board to the map in the agenda. 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, protect Essential Ecological Processes for the maintenance of the dune systems on the existing Coachella Valley Fringe-toed Lizard (CVFTL) Preserve, conserve a wildlife movement corridor between the Preserve and Joshua Tree National Park, 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 provide a State Park Desert Camping facility site. This acquisition will maintain the esthetics and allow access to be controlled through the property.

All six parcels are currently in escrow with closing expected in November. Based on the success in acquiring these six parcels, the Friends intends to contact the other 31 landowners of approximately 205 acres (42 parcels) of inholdings in Section 30 to determine if there are additional willing sellers, and is applying for a grant from the Conservancy to fund the acquisitions if there are willing sellers. The total cost of all acquisitions would be a maximum of \$1,025,000. He asked if there were any questions.

Chris Mills asked if the parcels are classified as Fringe Toed Lizard Habitat. Bill answered that the parcels are not in the habitat itself but, they are part of the sand transport process for the CVFTL Preserve and are, therefore, important to the long-term viability of the habitat; and they are proposed for conservation under the CVMSHCP. Chris responded with whether the property would be considered like property for exchange within the CVMSHCP for the CVFTL and Bill answered no because the property is already within a Conservation Area. Eddy Konno added that the area is also considered Desert Tortoise Habitat.

Hank Hohenstein asked for clarification about some the identification markings on the map. Bill provided clarification.

Chairman Marchand opened the item for public comment. No public comments were made.

A motion was made and seconded (Moller/Hohenstein) to adopt Resolution 2007-13. The motion passed with the following members voting yes: T. Albrecht, J. Donnelly, J. Ferguson, H. Hohenstein, P. Kemp, E. Konno, F. Klass, R. Milanovich, C. Mills, G. Moller, A. Muth, L. Spicer, E. Trover, R. Wilson, and P. Marchand. The following members abstained: K. Dice.

4.5 Adoption of meeting schedule for 2008.

Chairman Marchand suggested the Board meet on November 3rd to alleviate any conflicts with the Veterans Day holiday. A motion was made and seconded (Kemp/Wilson) to approve the meeting schedule for 2008 as amended. The motion was passed the 2008 meeting schedule was adopted by unanimous vote.

5.0 Closed Session Items

The Board went into closed session @ 3:20 pm to discuss the scheduled matter pertaining to the lawsuit filed by Landmark Properties, US, Inc. v. Coachella Valley Association of Governments and the various Permittees, including the Conservancy, under the Coachella Valley Multiple Species Habitat Conservation Plan. Jim Ferguson and Richard Milanovich excused themselves from the closed session due to a conflict of interest. The Board adjourned the Closed Session portion of the meeting at and resumed the regular meeting at 3:26 PM.

6.0 Discussion/Information item

None

7.0 Written Reports

7.1 Fiscal and Administration

7.2 Acquisitions and Funding

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

7.4 Attorney General's Report

Chairman Marchand called for an omnibus motion to receive and file written reports items 7.1-7.4. A motion was made and seconded (Hohenstein/Muth) to receive and file written reports 7.1 - 7.4. 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 January 14, 2008.

A motion was made and seconded (Spicer/Hohenstein) to adjourn. The meeting was adjourned without objection at 3:37 p.m.