

COACHELLA VALLEY MOUNTAINS CONSERVANCY

REGULAR MEETING

73-710 Fred Waring Drive, Suite 115

Palm Desert, California

May 12, 2014 - 3:04 p.m.

APPROVED MINUTES

MEMBERS PRESENT:

John J. Benoit, Riverside County Supervisor, District IV
Jean Benson, City of Palm Desert
Buford Crites, State Assembly Appointee – (*Chairman*)
Jim Foote, U.S. Forest Service (Non-voting Member)
Kristy Franklin, City of La Quinta
Richard Hutcheson, City of Palm Springs
John Kalish, Bureau of Land Management
Patrick Kemp, Natural Resources Agency
Eddy Konno, California Department of Fish and Wildlife
Karin Messaros, National Park Service
Larry Olinger, Agua Caliente Band of Cahuilla Indians
Eraina Ortega, California State Department of Finance
Joan Taylor, Governor's Appointee
Ellen Lloyd Trover, Senate Rules Committee Appointee
Ted Weill, City of Rancho Mirage – (*Vice-Chairman*)

MEMBERS ABSENT:

Kathy DeRosa, City of Cathedral City
Kathy Dice, California State Parks
John Donnelly, Wildlife Conservation Board
Scott Matas, City of Desert Hot Springs
Allan Muth, University of California
Mary Roche, City of Indian Wells

STAFF PRESENT:

Jim Karpiak, Executive Director
Kerrie Godfrey, Associate Director/AGPA
Diana Rosas, Staff Services Analyst

OTHERS PRESENT:

Katie Barrows, Coachella Valley Conservation Commission
Ben Benoit, member of the public
Britt Wilson, City of Rancho Mirage

1.0 Call to Order & Introductions

Chairman Crites declared a quorum with 11 voting members present at 3:04 p.m.

Patrick Kemp and Eraina Ortega called into the meeting a minute after the roll call was done. Karin Messaros arrived at 3:08 p.m., thus bringing the quorum to 14 voting members present.

2.0 Approval of Minutes of March 10, 2014 meeting

Chairman Crites asked if there were any additions or corrections to the minutes; there being none, Chairman Crites moved to approve the minutes as distributed with three abstentions by Kristy Franklin, Richard Hutcheson and Eddy Konno.

3.0 Public Comments on Items Not on the Agenda

There were no comments on items not on the agenda.

4.0 Closed Session

Commenced closed session at 3:08 p.m. and discussed the pending litigation, Sierra Club v. Coachella Valley Conservation Commission, CVCC Commission, Mission Springs Water District, City of Desert Hot Springs, United States Fish and Wildlife Service, California Department of Fish and Wildlife, Coachella Valley Association of Governments, Coachella Valley Mountains Conservancy, et al., Riverside Co. Sup. Ct. No. PSC 1402024. Adjourned closed session at 3:11 p.m.

5.0 Action Items – Public Hearing

Chairman Crites noted that by the Executive Directors request items 5.4 and 5.5 would be heard first and he added that the two items would be handled as one item unless there were any objections. There were no objections so Jim Karpiak continued with the discussion of items 5.4 and 5.5.

5.4 Adoption of Resolution 2014-09 making responsible agency findings pursuant to the California Environmental Quality Act for the Coachella Valley Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan / Natural Community Conservation Plan, as revised by the Major Amendment; approving the Coachella Valley Multiple Species Habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan / Natural Community Conservation Plan, as revised by the Major Amendment; and approving the Implementing Agreement.

AND

5.5 Adoption of Resolution 2014-10 establishing procedures and requirements for implementation of the Coachella Valley Multiple Species habitat Conservation Plan and the Coachella Valley Multiple Species Habitat Conservation Plan / Natural Community Conservation Plan, as revised by the Major Amendment.

Jim introduced Katie Barrows from the Coachella Valley Conservation Commission (CVCC) to give a short presentation on the Major Amendment.

Katie explained that the purpose of the amendment is to include the City of Desert Hot Springs (City) and the Mission Springs Water District (MSWD) to the Multiple Species Habitat Conservation Plan (Plan). She stated that a requirement of the Plan before concluding the amendment is to have approval of all permittees; hence the reason for the items on this agenda. She noted that the amendment includes the same requirements for the City as it did in 2006 when the City opted not to participate in the Plan. She pointed out that certain lands within the Conservation Area are subject to development restrictions and the lands outside of the Conservation Area are available for development with a fee payment which brings the ability for the City and MSWD to take advantage of the Plan in regards to the Take for endangered species.

She also pointed out that in 2010, only a City annexation area was added to the Plan, and this amendment adds the rest of the City. The added territory includes 770 acres of additional conservation land. She said a significant issue in this area is protecting the habitat corridor between the mountainous area and the sand dunes as well as protecting the sand transport system. A great deal of privately owned land has already been acquired since 2008 in this particular area that credits toward the Plan. One recent major acquisition is the Palmwood property that is located outside of the City limits, for which the Conservancy was a major acquisition funding source.

Katie gave a timeline of the Major Amendment stating that the City and MSWD approved it at their April meeting, CVCC approved it in March as well as certified the EIR and are now working on getting the item on each of the permittees agenda. At the same time CVCC is working with the Wildlife agencies in order to get the amendment through their process and complete the amendment by fall 2014. Katie further explained that by approving these Resolutions the Conservancy is updating the action that the Board took when they originally joined the Plan in 2007. Resolution 2014-09 calls for a responsible agency findings that joins the Conservancy Boards action to the California Environmental Quality Act (CEQA) and verifies that the Conservancy followed CEQA regulations. Resolution 2014-10 identifies that the Conservancy will do what is necessary to implement the Plan as per the update from what was originally approved in 2007.

A motion was made and seconded (Weill/Benoit) to approve items 5.4 and 5.5. The motion was approved with thirteen votes in favor and one abstention (Taylor).

At this point Chairman Crites asked if there were any objections to moving forward with the agenda going back to consider items 5.1 and 5.2 as one item.

He pointed out that the two items proposed local grants to the Friend of the Desert Mountains. There being no objections the Board continued with the Agenda as proposed.

5.1 Adoption of Resolution 2014-06 approving a local assistance grant to the Friends of the Desert Mountains for acquisition of approximately 15 acres in the Indio Hills/Joshua Tree National Park Linkage Conservation Area.

Jim Karpiak presented a local assistance grant for the purchase of approximately 15 acres in the Indio Hills / Joshua Tree National Park Linkage Conservation Area to the Friends of the Desert Mountains (Friends) for \$30,000. He pointed out that the parcels are mostly surrounded by parcels that are already owned by the Friends, thus making it efficient for future monitoring, maintenance and potential transfer to the National Park and/or BLM. Additionally Jim pointed out that the parcels are in Desert Tortoise and Fringe-Toed Lizard habitat and recommended that the Board approve the grant Resolution. There were no questions or comments from any member of the Board.

5.2 Adoption of Resolution 2014-07 approving a local assistance grant to the Friends of the Desert Mountains for acquisition of approximately 107.14 acres in the Dos Palmas Conservation Area.

Jim Karpiak presented a local assistance grant for the purchase of approximately 107 acres in the Dos Palmas Conservation Area to the Friends of the Desert Mountains (Friends) for \$159,000. He pointed out that the parcels were either adjacent to or near BLM land, which made the acquisition efficient for potential future transfer. Additionally Jim pointed out the number of endangered species in the habitat of the parcels and recommended that the Board approve the grant Resolution. There were no questions or comments from any member of the Board.

A motion was made and seconded (Franklin/Hutcheson) to approve items 5.1 and 5.2. The motion passed by a unanimous roll call vote of the Board members present.

5.3 Adoption of Resolution 2014-08 requesting Legislation to expand the Conservancy Board to include representatives of the Cities of Coachella and Indio.

Jim Karpiak gave a brief update on his discussions with the Cities of Coachella and Indio as well as the eastern Indian Tribes of the Coachella Valley about joining the Conservancy Board. He reported giving presentations at both Coachella and Indio City Council meetings and that both Councils approved resolutions endorsing legislation to expand the Board. He stated that staff from each City showed enthusiasm and interest in joining and that he has also been in correspondence with Indio staff to potentially donate a parcel that they own for a

future trails project. The Cities understand that with acquisitions moving further east it is an opportunity for them to join at this time and Jim said he does not anticipate any issues with participation. He further explained that supporting legislation would add the two Cities and appoint a representative from each City to the Board.

Additionally, Jim reported that despite significant outreach efforts, he has yet to identify any interest joining the board on the part of East Valley tribes. Individual members of the 29 Palms, Augustine and the Cabazon Tribes stated that they are not interested at this time due to their other priorities but did suggest that Jim contact the Torres Martinez Tribe. Jim reported that he has had no response to written and telephone contacts to Torres Martinez officials, even after receiving assistance from the Native American Land Conservancy, the Governor's Office and the Resources Agency Tribal liaison. Jim intends to continue outreach but stated that at this point his recommendation is to move forward with legislation to add the two Cities to the Board. Should the Torres Martinez indicate an interest in a board seat while the legislation is pending, an amendment can be sought.

Resolution 2014-08 requests that the Governor and the Natural Resources Agency support legislation adding the City of Coachella and the City of Indio as well as authorizes staff to work with legislators as appropriate to get legislation introduced and enacted. Sample draft legislation was also included in the agenda packet.

Pat Kemp inquired as to the reasons for the exclusion of the Cities of Coachella and Indio in the original legislation. Chairman Crites responded that the City of Indio was originally a member of the Conservancy Board but later asked to be excluded and that the City of Coachella did not want to be included because at that time they did not believe that they had lands within their boundaries that would ever be of interest to the Conservancy. Subsequently, with the adoption of the Multiple Species Plan, areas near both Cities came under the Conservancy's jurisdiction. Jim Karpiak concurred and added that since the Conservancy is now actively making grants for acquisitions in the eastern area of the Coachella Valley, this is an appropriate time to expand the board.

A motion was made and seconded (Benoit/Franklin) to approve item 5.3. The motion was passed with twelve votes in favor and two abstentions (Kemp and Ortega).

6.0 Reports

6.1 Written Reports from staff.
There was no discussion.

6.2 Executive Director Report

- Shadowrock project status – Jim Karpiak reported that the project is moving along and will be reviewed by the Wildlife Conservation Board (WCB) at their meeting on May 22. Assuming that the grant is

approved by the WCB the closing has been scheduled for June 20. He further reported that the City of Palm Springs was no longer purchasing the adjacent 23 acre parcel and that the Conservancy was only funding approximately \$800,000, of the originally approved \$3M, towards the habitat parcels due to the increased contribution amount from the Federal agencies. Efforts will continue to be made to purchase the 23 acre parcel as well as other private parcels in the Chino Cone.

- Native American Land Conservancy future projects – Jim Karpiak reported giving a presentation at the Native American Land Conservancy (NALC) Board meeting at the request of the NALC Executive Director. He explained that the NALC is a Southern California tribal land conservancy that seeks to acquire culturally important land that is outside of tribal reservations. The NALC purchased 2,500 acres near Needles in the Old Woman Mountains Preserve several years ago that they care for and is very important to their educational program. NALC is interested in applying for a grant to purchase land in the eastern part of the Coachella Valley jurisdiction. Additionally, NALC is interested in assisting the Conservancy and its partners with the monitoring and maintenance program in exchange for access to conserved lands for educational programs. Further staff discussions are planned.
- Update on trails planning project – Jim Karpiak reported exploring the entitlement and ownership issues on potentially opening up more trails in the northern Coachella Valley area. Jim has corresponded with the County of Riverside, BLM, and the City of Indio Planning Department as well as made site visits to portions of the proposed trails, and it appears that little or no construction would be required at most sites. The next step is to work on a review of the habitat issues to make sure that introducing pedestrian traffic to some of these areas is not going to be a problem and stated that his goal is to come back at the next meeting with a more flushed out plan to seek further direction from the Board.
- Board member training – Jim Karpiak reported having received a letter from the State asking for confirmation that Board members have taken the appropriate training (i.e. Ethics Training). New members are required to take the online-2 hour- State training which is different than the Local training. He informed the Board that whoever has not participated in the State training might be receiving a phone call from staff to arrange the training.
- Overview of expanded monitoring program – Jim Karpiak introduced Kerrie Godfrey to present the monitoring program.

Kerrie reported that the Conservancy owns about 4,500 acres and holds 1,200 acres of conservation easements throughout the Coachella Valley. She stated that the Conservancy has also granted funds on over 22,000 acres and has assisted CVCC in acquiring over 7,300 acres. She explained that with any conservation acquisition comes the responsibility of monitoring and managing the lands to ensure that they remain in a preserved state. Hence, the Conservancy has gathered data and created profiles on all of the properties it has acquired and used that information to determine where to start its monitoring reviews. The Willow Hole and Edom Hill parcels were considered to have the most high risk activity such as dumping and trespassing so that is where staff initiated their work at the beginning of the year.

Kerrie displayed before and after pictures of the monitoring sites, including Palmwood, for the Board's reference and explained how pictures along with data taken from the inspections is used by CVMC, CVCC, FODM and FOPSM for management of each property. The information is uploaded into an online database that was created by CVMC, CVCC and FODM in order to have one central location for partner agencies to have access to files that give a general description of the property. Working together not only implements the MOU between the agencies but also increases the management effectiveness as it allows one another to assist in reporting issues that each agency might need to take action on.

Statistical information taken from 2009 through April 2014 shows the removal of 33 tons of dumping, recycling of 40 tons of materials, removal and proper disposal of 40 tons of contaminated soil, which work generated over \$33,000 in revenue for local contractors. Among the CVMC, CVCC, FODM, and FOPSM, over 1,700 acres have been inspected; that number is only counting initial site inspections which occur before the close of escrow. Kerrie stated that she is currently working on setting up a monitoring plan to include the site inspections that transpire after the close of escrow and that require annual or biannual inspections.

She also noted that a requirement under Proposition 84 is for signs to be posted on each acquisition site acknowledging the funds. Therefore staff has initiated the sign program and should have signs posted on all acquired parcels within the next year or so. Additionally she informed that staff has created management forms to include in the property files for audit purposes. Kerrie welcomed any comments, suggestions and/or questions. John Benoit suggested that a QR code linking to the

Conservancy's website be added to the signs. No further discussion was made on the item.

Chairman Crites introduced visitor Ben Benoit and welcomed him to the meeting.

6.3 Chair's Report

- Annual Executive Director Evaluation at July meeting.

Chairman Crites asked if there were any objections to having the Chair and Vice-Chair perform the initial evaluation of the Executive Director and that at the next Board meeting the Chair and Vice-Chair would present the evaluation report in closed session. No comments, suggestions or objections were made, so the Board directed the Chairman to move forward as proposed.

6.4 Board Member comments and reports from Conservancy member agencies.

There were no comments or reports from any member or member agency.

7.0 **Adjourn to the July 14, 2014 meeting**

The meeting was adjourned without objection at 3:32 p.m.