

JOINT MEETING OF CVAG EXECUTIVE COMMITTEE
TECHNICAL ADVISORY COMMITTEE (TAC)
ENERGY AND ENVIRONMENTAL RESOURCES COMMITTEE (E&E)
COACHELLA VALLEY CONSERVATION COMMISSION (CVCC)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: UCR, PALM DESERT GRADUATE
CENTER AUDITORIUM
75-080 Frank Sinatra Drive
Palm Desert, CA 92260

DATE AND TIME: Monday, September 10, 2007
6:03 p.m. to 9:35 p.m.

REPORTED BY: JUDITH W. GILLESPIE, CSR, RPR
(No. 3710)

JOB NO. 66635JG

1 A P P E A R A N C E S

2 MEMBERS PRESENT: REPRESENTING

3 CVAG EXECUTIVE COMMITTEE:

4 KATHY DE ROSA, MAYOR CITY OF CATHEDRAL CITY
EDUARDO GARCIA, MAYOR CITY OF COACHELLA
5 (CVAG VICE CHAIR)

6 ALEX BIAS, MAYOR CITY OF DESERT HOT SPRINGS
MARY ROCHE, MAYOR PRO TEM CITY OF INDIAN WELLS
7 BEN GODFREY, MAYOR CITY OF INDI O
DON ADOLPH, MAYOR CITY OF LA QUINTA
DICK KELLY, MAYOR CITY OF PALM DESERT
8 RON ODEN, MAYOR CITY OF PALM SPRINGS
RICHARD W. KITE, COUNCIL- CITY OF RANCHO MIRAGE
9 MEMBER, (CVAG CHAIR)

10 SUPERVISOR MARI ON ASHLEY RIVERSIDE 5TH DISTRICT
SUPERVISOR ROY WILSON RIVERSIDE 4TH DISTRICT

11 TECHNICAL ADVISORY COMMITTEE:

12	DONALD BRADLEY	CITY OF CATHEDRAL CITY
	STEVE BROWN	CITY OF COACHELLA
13	STEVEN MENDOZA	CITY OF DESERT HOT SPRINGS
	GREG JOHNSON	CITY OF INDIAN WELLS
14	GLENN SOUTHARD	CITY OF INDI O
	CARLOS ORTEGA	CITY OF PALM DESERT
15	DAVID READY	CITY OF PALM SPRINGS
	PATRICK PRATT (CHAIR)	CITY OF RANCHO MIRAGE
16	DAN MARTINEZ	COUNTY OF RIVERSIDE

17 ENERGY & ENVIRONMENTAL RESOURCES COMMITTEE:

18	BUD ENGLAND, MAYOR PRO TEM	CITY OF CATHEDRAL CITY
	EDUARDO GARCIA, MAYOR	CITY OF COACHELLA
19	HANK HOHENSTEIN, COUNCIL-	CITY OF DESERT HOT SPRINGS
	MEMBER	
20	MARY ROCHE, MAYOR PRO TEM	CITY OF INDIAN WELLS
	BEN GODFREY, MAYOR	CITY OF INDI O
21	(E&E CHAIR)	
	CINDY FINERTY, COUNCIL-	CITY OF PALM DESERT
22	MEMBER	
	GORDON MOLLER, COUNCIL-	CITY OF RANCHO MIRAGE
23	MEMBER	
	ROY WILSON, SUPERVISOR	COUNTY OF RIVERSIDE

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1 COACHELLA VALLEY CONSERVATION COMMISSION:

2	KATHY DE ROSA, MAYOR	CITY OF CATHEDRAL CITY
	(CVCC VICE CHAIR)	
3	EDUARDO GARCIA, MAYOR	CITY OF COACHELLA
	MARY ROCHE, MAYOR PRO TEM	CITY OF INDIAN WELLS
4	BEN GODFREY, MAYOR	CITY OF INDI O
	CINDY FINERTY, COUNCIL-	CITY OF PALM DESERT
5	MEMBER	
	CHRIS MILLS, COUNCILMEMBER	CITY OF PALM SPRINGS
6	RICHARD W. KITE, COUNCIL-	CITY OF RANCHO MIRAGE
	MEMBER, (CVCC CHAIR)	
7	MARION ASHLEY, SUPERVISOR	COUNTY OF RIVERSIDE
	TERRY HENDERSON (ALTERNATE)	COUNTY OF RIVERSIDE
8	STEVEN HERNANDEZ (ALTERNATE)	COUNTY OF RIVERSIDE
	CORKY LARSON, BD. MEMBER	COACHELLA VALLEY WATER
9		DISTRICT
	STELLA MENDOZA, BD. MEMBER	IMPERIAL IRRIGATION
10		DISTRICT

11 CVAG STAFF:

12	JOHN WOHLMUTH	EXECUTIVE DIRECTOR
	KATIE BARROWS	DIRECTOR OF ENVIRONMENTAL
13		RESOURCES
	JIM SULLIVAN, AICP	GIS PROGRAM DIRECTOR
14	MICHELLE OUELLETTE	LEGAL COUNSEL

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 JOANNA STUECKLE EXECUTIVE ASSISTANT
 KIM NICOL DEPARTMENT OF FISH & GAME REP
 THERESE O'ROURKE US FISH & WILDLIFE SERVICE REP

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I N D E X

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3	1. CALL TO ORDER	5
4	Council member Richard W. Kite	
5	CVAG CHAIR	
6	2. PLEDGE OF ALLEGIANCE	6
7	3. ROLL CALL	6
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18	COACHELLA VALLEY FRINGE-TOED LIZARD PERMIT TO ALLOW	
19	COMPLETION OF THE COACHELLA VALLEY MULTIPLE SPECIES	
20	HABITAT CONSERVATION PLAN, INCLUDING MEASURES FOR	
21	CONTINUED CONSERVATION OF THE COACHELLA VALLEY	
22	FRINGE-TOED LIZARD	
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1 Palm Desert, CA Monday, September 10, 2007

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P-R-O-C-E-E-D-I-N-G-S

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CHAIRMAN KITE: Good evening, everyone,
and welcome to the Palm Desert Campus of UCR.

8

I'm Richard Kite. I'm the chairman of the
Coachella Valley Association of Governments Executive
Committee and also chairman of the Coachella Valley
Conservation Commission. Tonight's meeting is a joint
meeting of the CVAG's Executive Committee, Technical
Advisory Committee, which we will call TAC, Energy and
Environment Resource Committee, which is called E&E,
and the Coachella Valley Conservation Committee, which
is called CVCC.

17

At this time I would like to introduce two
other chairmen of those committees. On my right is
Patrick Pratt, the City Manager of the City of Rancho
Mirage, and he is the chairman of the Technical
Advisory Committee. And next to Pat is Ben Godfrey,
and he is the chairman of the Energy and Environmental

23 Resources Committee.

24 At this time I would like to have John
25 Wohlmut h lead us in the pledge to our flag.

5

1 (Pledge of allegiance.)

2 CHAIRMAN KITE: Thank you, John. At
3 this time I'd like to begin the roll call, so Joanna,
4 would you please start with the Executive Committee:

5 (Ms. Stueckle called roll with attendant
6 responses:

7 Cathedral City: Present.

8 Coachella: Present.

9 Desert Hot Springs: Present.

10 Indian Wells: Here.

11 Indio: Here.

12 La Quinta: Here.

13 Palm Desert: Here.

14 Palm Springs: Here.

15 Rancho Mirage: Here.

16 Riverside County Fourth District: Here.

17 Riverside County Fifth District: Here.)

18 MS. STUECKLE: We have a quorum.

19 CHAIRMAN KITE: Thank you.

20 Ben, if would you like to take over for
21 E&E.

22 MAYOR GODFREY: Joanna, if you would
23 take the roll call, please.

24 (Ms. Stueckle called roll with attendant
25 responses:

6

1 Cathedral City: Present.
2 Coachella: Here.
3 Desert Hot Springs: Here.
4 Indian Wells: Here.
5 Indio: Here.
6 La Quinta: Here.
7 Palm Desert: Here.
8 Palm Springs: Here.
9 Rancho Mirage: Here.
10 Riverside County: Here.)
11 MS. STUECKLE: We have a quorum.
12 CHAIRMAN KITE: Pat, would you do the
13 roll call for the TAC.
14 MR. PRATT: Joanna, would you call roll,
15 please.
16 (Ms. Stueckle called roll with attendant
17 responses:
18 Cathedral City: Here.
19 Coachella: Here.
20 Desert Hot Springs: Here.
21 Indian Wells: Here.
22 Indio: Present.
23 La Quinta: Here.
24 Palm Desert: Here.
25 Palm Springs: Yes.

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1 Rancho Mirage: Present.
2 Riverside County: Here.)

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MS. STUECKLE: We have a quorum.

CHAIRMAN KITE: Would you please now call roll for the Coachella Valley Conservation Committee.

(Ms. Stueckle called roll with attendant responses:

Cathedral City: Here.

Coachella: Here.

Indian Wells: Here.

Indio: Here.

La Quinta: Here.

Palm Desert: Here.

Palm Springs: Here.

Rancho Mirage: Here.

Riverside County Fourth District: Here.

Riverside County Fifth District: Here.

Coachella Valley Water District: Here.

Imperial Irrigation District: Here.)

MS. STUECKLE: We have a quorum.

CHAIRMAN KITE: Now I would like to move on to Item No. 4 on the agenda. Just a brief note: The agenda will be slightly out of order in that the public hearing will be open after staff gives their

8

1 presentation on the Multiple Species Plan, which is
2 Item No. 9. That will allow both the TAC and the E&E
3 members to hear the public comment before making their
4 recommendation to the Executive Committee.

5 Are there any other revisions or additions
6 to the agenda?

7 MR. WOHLMUTH: No additions, no
8 revisions.
9 CHAIRMAN KITE: Do I have a motion to
10 accept the agenda, please?
11 UNIDENTIFIED SPEAKER: So moved.
12 UNIDENTIFIED SPEAKER: Second.
13 CHAIRMAN KITE: All in favor? (Aye).
14 Opposed? Motion carries.
15 Now I would like to move on to public
16 comments. Now I would like to take some comments on
17 those items that are not included in the agenda
18 tonight, that's Item 8 or 9, if there is anybody who
19 would like to speak on those items. I don't think we
20 have received any public comment cards, have we?
21 MR. WOHLMUTH: No.
22 CHAIRMAN KITE: So we will dispense with
23 the public comments. For those of you who would like
24 to speak on Items 8 or 9, there are cards in the back.
25 If you would please complete those cards and then

9

1 bring them up to the front, and we will certainly call
2 on you during the public comment period.
3 Item No. 6 is Executive Committee and our
4 executive director comments and committee member
5 comments. Anybody from the committee have any
6 comments tonight? John, do you have any comments?
7 DIRECTOR WOHLMUTH: Several questions
8 were asked why it's necessary to combine all of these
9 meetings into one meeting and one hearing. And I will
10 explain that.

11 CVAG Executive Committee, based on a
12 recommendation by the CVCC, directed CVAG to hold a
13 joint meeting with both CVAG and its committees and
14 the CVCC. Why was that necessary?

15 Two issues: One, at the time in late July
16 the Executive Committee was pursuing the extension of
17 the Fringe-toed Lizard Permit. That permit was to
18 expire on September 1st. The MOU that we had with
19 Fish and Game would have expired on September 1st.
20 The Executive Committee and CVCC wanted to show good
21 faith to the Department of Fish and Game that they
22 were serious about the extension of the Fringe-toed
23 Lizard Permit and accelerate or have whatever process
24 necessary to complete the multiple species planning
25 process.

10

1 Secondly, if you don't know, the CVAG
2 Executive Committee usually takes action on items
3 after they have been to E&E, Energy and Environmental
4 Resources, and TAC. This joint meeting allows Energy
5 and Environmental Resources to hear the comments, TAC,
6 the City managers to hear the comments, and make a
7 recommendation to the CVAG Executive Committee. So
8 this process allows CVAG to maintain the processes we
9 have to make a decision with all of the input of our
10 elected officials and our professional staff. And
11 this public hearing allows us to maintain that process
12 at CVAG.

13 CHAIRMAN KITE: Thanks, John. Okay.
14 Item No. 7 has to do with correspondence. John, would

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15 you like to comment on the correspondence we have
16 received?

17 DIRECTOR WOHLMUTH: We did have a
18 comment period. That comment period is -- has been
19 open. We responded to the comments over the last
20 couple of months. We have received some additional
21 comments based on our responses to comments. At the
22 end of the public hearing, we will inform the
23 Executive Committee and the CVCC and its committees
24 to -- whether or not these comments were significant
25 and you can approve the plan. Other than that, no

11

1 additional comments.

2 CHAIRMAN KITE: Thank you. We will now
3 move on to Item No. 8, and Item No. 8 is the
4 Memorandum of Understanding to extend the Coachella
5 Valley Fringe-toed Lizard Permit.

6 And at this time I would like to have Katie
7 Barrows, the Director of Environmental Resources,
8 present the staff report.

9 MS. BARROWS: Thank you, Mr. Chair,
10 members of the committee. I apologize for just a
11 moment. If we can get the folks who are seated
12 with -- Mayor Adolph is going to do some things like
13 that. Thank you very much. I appreciate it.

14 Thank you very much. What I would like to
15 do this evening is to briefly summarize for you the
16 MOU that has been worked out with the California
17 Department of Fish and Game.

18 And before I do that, I want to express

19 appreciation for the agency partners working with us.
20 Kim Nicol with the Department of Fish and Game and
21 Therese O'Rourke with the US Fish and Wildlife Service
22 and actually to Supervisors Ashley and Wilson and our
23 chair, who helped us to bring this MOU forward.
24 Essentially what we have done is to put
25 together an MOU to extend the Fringe-toed Lizard

12

1 Permit. And I want to give you a short history of
2 that. As you know, in 2001 we asked for an MOU which
3 allowed the Fringe-toed Lizard Permit with a
4 Consistency Determination to be in effect pending the
5 completion of the Coachella Multiple Species Plan. We
6 call it a Lizard Permit, and the Department of Fish
7 and Game calls it a Consistency Determination, for
8 clarification.

9 That MOU was set to expire and did expire
10 on August 31st of 2007. And as a result of the
11 efforts that have been ongoing for quite a number of
12 years and the recognition of the good faith efforts
13 that have been put forth by all parties, we worked
14 together to try to come up with what is now the
15 agreement before you.

16 As part of that agreement, it was our goal
17 to add additional conservation measures that would
18 assure the ongoing conservation of the Fringe-toed
19 Lizard while we were working on the Multiple Species
20 Plan, and of course, to maintain the Fringe-toed
21 Lizard Permit in place so we could continue to operate
22 as we had done for 20 years with the existing

24 So what has resulted and part of the
25 significance of this evening's meeting is we have set
13

1 some benchmarks. And one of those is that at this
2 evening's meeting, we will consider both the MOU
3 before you as well as the Multiple Species Plan. If
4 that goes forward as a result of this evening's
5 meeting, we will have subsequent requests for all of
6 the local permittees to also consider both the
7 Multiple Species Plan and the MOU. And you have until
8 October 31st for those actions to take place.

9 So once the actions are completed this
10 evening, we will be working with all the member
11 jurisdictions, with the Coachella Valley Water
12 District, the Imperial Irrigation District and all the
13 other permittees to have the Multiple Species Plan and
14 the MOU considered.

15 Once that occurs, our Consistency
16 Determination will be extended to March 15th. And it
17 is our determination to work with all enthusiasm to
18 complete the plan as quickly as possible. And that
19 gives us a little bit of this evening.

20 Just briefly to summarize for you some of
21 the conditions of the MOU, in addition to those bench
22 marks and those time lines, we have an effort to
23 protect some additional habitat. And CVCC and CVAG
24 have agreed to acquire 100 acres of additional lands,
25 purchased with funds to be identified from both Lizard
14

1 fees and other potential sources. We feel very
2 comfortable we can meet that requirement.

3 We have also pledged to complete an audit
4 of the Fringe-toed Lizard fees to date, and that is
5 something we have to do anyway as we move toward the
6 implementation of the Multiple Species Plan. The
7 Fringe-toed Lizard Permit will be absorbed by that
8 Plan, and we need to have that audit anyway. We also
9 are going to continue to pay the Fringe-toed Lizard
10 fee, and that's something that has been in place
11 already.

12 We will also be working with wildlife
13 agencies on an implementation manual specifically
14 related to Fringe-toed Lizard conservation issues, and
15 also a rough step analysis and providing them with
16 monthly updates on our progress towards those
17 conservation goals.

18 One other element is that public projects
19 will also be required to pay the Fringe-toed Lizard
20 fee. And in many ways these steps kind of warm us up
21 and bring us forward towards implementation of the
22 Multiple Species Plan. And then we have a rather long
23 list in your package of measures that are in the
24 Multiple Species Plan that relate to the Fringe-toed
25 Lizard Conservation, and it's part of the MOU that

15

1 those be implemented.

2 So that gives you a quick summary of the
3 Memorandum of Understanding. And the motion before

4 you is to consider that the recommendation from staff
5 is approval of that MOU.

6 I wanted to make sure that all of you know
7 why the Fringe-toed Lizard is so named. There is a
8 wonderful picture of fringes on its toes right here.
9 These are the fringed toes of the Fringe-toed Lizard.
10 That's what it's all about.

11 So that is the staff recommendation. We
12 have three CVAG committees and the CVCC interview to
13 consider that recommendation individually.

14 CHAIRMAN KITE: Thank you, Katie. How
15 much fringe does a Fringe-toed Lizard have? Okay.

16 At this time I will open it up to questions
17 from any of the committees. Katie -- does anybody
18 from E&E, TAC, or Coachella Valley Conservation
19 Commission or Executive Committee have any questions
20 of Katie Barrows?

21 Seeing none, we will now move on to public
22 comments. I do not have any cards of anybody
23 requesting to speak on this issue. Anybody who would
24 like to who did not fill out a card? Okay. We will
25 close the public comments.

16

1 MR. KIRK: Move approval.

2 MS. FINERTY: Second

3 SUPERVISOR WILSON: Second.

4 CHAIRMAN KITE: Ben, would you like to
5 call for a roll call for the E&E?

6 MAYOR GODFREY: I would ask for a roll
7 call for the E&E.

8 CHAIRMAN KITE: Was there a second?

9 MR. ALEX: We filled out cards. We
10 wanted to make comments.

11 CHAIRMAN KITE: Did you want to make a
12 comment on the Fringe-toed Lizard or on the Multiple
13 Species Plan?

14 MR. ALEX: On both.

15 CHAIRMAN KITE: Okay. Would you like to
16 come up to the microphone, then? Sorry. We didn't
17 have your card, or I guess we did not see you wanted
18 to speak.

19 MR. ALEX: I have a green card.

20 MS. DOBREV: I'm in the same boat as he
21 is.

22 CHAIRMAN KITE: If you would give your
23 name and address and if you can keep your comments to
24 about three minutes.

25 MR. ALEX: Committee Chairmen -- I guess
17

1 it's three of you -- and the rest of the committee.
2 My name is Jack Alex, A-I-e-x. I'm a retired judge
3 and a practicing attorney, trial attorney. My wife
4 and I own 40 acres on Gene Autry Drive.

5 I've walked that acreage three times, once
6 in the morning with a couple of science friends of
7 mine, once in the afternoon, and once in the early
8 evening. And I have never seen one of these
9 Fringe-toed Lizards. What would appear to me is we
10 have owned that property for approximately 25 years,
11 paid a substantial fee for it. Had no plans to sell.

12 We didn't need the money, but to leave it to our
13 children or grandchildren.

14 Approximately a year and a half or two
15 years ago, we received three unsolicited offers for
16 the 40 acres, one for \$800,000 cash, one for \$1
17 million payable as it was developed. And then we
18 hired a realtor up here, and he came up with an offer
19 for \$1,250,000.

20 I feel from experience in court and seeing
21 people want to redevelop property, that many times the
22 people that own the property are short-changed. I
23 don't want to see that happen in our case. It would
24 not be fair to us. There are other -- my wife and I
25 are very concerned with conservation. We are lifetime

18

1 members of the Sierra Club. We have climbed every
2 mountain in California. I have climbed Mt. Whitney
3 six times. We have been down the Amazon in a dug-out
4 canoe. We have adopted wolves. We are into
5 conservation.

6 But it would appear to me that what you are
7 trying to do, although you say you are not trying to
8 take our property away from us and that we are still
9 going to own the property, we are not going to be able
10 to develop it and use it as we had planned when we
11 purchased it. And what you are really doing is taking
12 the property away from the people who own it at the
13 present time, unless you are really, truly -- which I
14 have a hard time believing -- adequately going to
15 compensate us for our property.

16 And I think I probably used my three
17 minutes. I have one minute remaining. And every
18 year, approximately 1,000 different creatures, 1,000
19 different creatures go extinct in the world. And
20 sooner or later -- I know it's going to be hard for
21 you to believe -- but in 150 years, 100 years, 200
22 years, the Fringe-toed Lizard is going to go extinct
23 also. And I don't believe -- and maybe I'm
24 mistaken -- that the Fringe-toed Lizard has some great
25 benefit to mankind. And I don't think that's true. I
19

1 think you've got to weigh what you are doing to the
2 property owners with what you are doing as far as the
3 Fringe-toed Lizard is concerned. Thank you for
4 listening to me.

5 (Applause from the audience.)

6 Thirty seconds remaining. And the 30
7 seconds is, my wife and I are trial attorneys. We are
8 retired. We've got all the time in the world to try a
9 trial. And that's where we'll go. We will try the
10 trial and all the rest of these people will get free
11 attorneys.

12 (Applause from the audience.)

13 CHAIRMAN KITE: Thank you.

14 MS. BRINKIS: I don't go that far. Let
15 me tell you, I'm very, very, concerned.

16 CHAIRMAN KITE: Give your name and
17 address.

18 MS. BRINKIS: Ni da Brinkis, and I'm a
19 practicing attorney also.

20 Let me tell you, I drove here on the 10
21 Freeway. There are established houses on what you
22 call your area, the area you are trying to protect.

23 My first question to you is: Are those
24 people that have already sold and built and gotten
25 profits, are they going to contribute to all of us?

20

1 Or are those freebies which the rest of us will have
2 to subsidize? That's my first question to you.

3 The second question I have for you is:
4 Have you made an economic analysis of this? And I beg
5 you, please consider that as well. It is wonderful
6 what you are trying to do. I'd love to save
7 everybody, every butterfly that ever lived. But let
8 me tell you, have you really thought through
9 economically about the people who have invested, who
10 have their life savings maybe invested? And when I
11 walk down to the Planning Department in Palm Springs,
12 because that's where the property is, it's really
13 funny. Our property is really on the fringes of the
14 Fringed Lizard area. It's the last piece of property
15 that's considered in the plan. It's right next to
16 the -- past the railroad tracks.

17 When I went to the Planning Department,
18 they said, No, we don't have anything like that. We
19 will come up with a plan. Just wait a while. I
20 bought the plan, \$175 worth of information. I read
21 it. And there is nothing that really tells me what
22 you are going to do with my property.

23 We are frontage property. We paid an extra

24 premium to be there up front. Is that something you
25 are going to consider in this conservation drive? The
21

1 Fringe-toed Lizard doesn't care whether it's frontage
2 or whether it's just a regular dune. And yet our
3 property had cost us more.

4 I ask you, if possible, please assign this
5 for further study until your planning moves bear
6 compensation to the land on which you plan this
7 conservation. Thank you very much.

8 (Applause from the audience.)

9 CHAIRMAN KITE: Thank you. Seeing no
10 further comments --

11 MS. LOWE: Excuse me, sir. May I make a
12 comment?

13 CHAIRMAN KITE: Did you fill out a green
14 card?

15 MS. LOWE: No, I did not.

16 UNIDENTIFIED SPEAKER: I did, and I've
17 got a comment.

18 MS. LOWE: I did not make one on this
19 particular item. I did on No. 9, but I would also
20 like to make a comment on No. 8.

21 DIRECTOR WOHLMUTH: I have the cards
22 here. Most of the cards either don't identify the
23 item or it says Multiple Species Plan. We are on the
24 Fringe-toed Lizard, Item 8. So if you want to speak
25 on the Fringe-toed Lizard MOU, there are no cards in
22

1 here saying Item 8, so if you would like to --

2 MS. LOWE: The reason I would like to
3 make a comment is because your staff member said
4 that --

5 CHAIRMAN KITE: Would you like to come
6 forward?

7 MS. LOWE: Thank you. Gentlemen and
8 Ladies, my name is Norma Lowe. I'm a property owner.
9 I also have (unintelligible) San Marco in Rancho
10 Mirage.

11 I wanted to point out to the property
12 owners and to the members of these committees that
13 during the staff presentation, it was stated that this
14 Lizard MOU would be absorbed into the Multiple Species
15 Plan. I was unaware of that prior to this meeting.

16 In addition, so that the property owners
17 are aware, when this is absorbed in the Multiple
18 Species Plan, then it's unclear to me whether or not
19 those properties which do not have any Lizard factors
20 on their properties associated with them right now
21 will then suddenly be now charged additional fees
22 because of the absorption of the MOU as part of the
23 Multiple Species Plan.

24 So I will defer my further comments
25 regarding the Multiple Species Plan until we get to

23

1 Item 9. But it appears to me since this august body
2 has chosen to combine these two that, in fact, these
3 two items will be combined, and as the attorneys have

4 mentioned, it will be to the detriment to the property
5 owner. Thank you.

6 (Applause from the audience.)

7 CHAIRMAN KITE: I have a gentleman back
8 here. You have a card?

9 MR. LENBECK: Yes.

10 CHAIRMAN KITE: Would you like to speak?

11 MR. LENDER: Yes.

12 CHAIRMAN KITE: On this item?

13 MR. LENDER: Yes.

14 CHAIRMAN KITE: If there is anybody else
15 in the audience that has a card, if you would bring
16 them forward up here to the lady over here on the
17 right-hand side.

18 MR. LENDER: My name is James Lender. I
19 live in Bermuda Dunes. This is my sister. She lives
20 in San Bernardino.

21 Hey, I purchased five acres of property I
22 guess it's been six months ago --

23 MS. LENDER: From one of the executives
24 on this list --

25 MR. LENDER: -- from one of the

24

1 executives on this list --

2 MS. LENDER: Before this was passed.

3 MR. LENDER: -- before this was passed.

4 MS. LENDER: Very unethical.

5 MR. LENDER: And it was non-Multiple

6 Species Act, and the property is up off of Rio Del

7 Sol, a little farther up on Sierra Del Sol. And it's

8 zoned MSC. And I didn't have any Multiple Species Act
9 prior to this. And I got this in the mail and we have
10 already gone through the process of starting to go
11 through the process of -- we are going to develop it.
12 And I got this, and it's affected us big time with
13 fees and stuff like that. And I kind of feel like I
14 kind of got snookered.

15 MS. LENDER: We understand the fees will
16 go up from \$600 to \$6,000 an acre. Is that correct?

17 CHAIRMAN KITE: Katie, would you like to
18 clarify that the --

19 MS. LENDER: For a lizard? That's
20 ridiculous.

21 MR. LENDER: We have been out there and
22 I tell you what. I was sort of like that, I have
23 never seen a lizard up there. We have been up there
24 numerous times. We already started in the process of
25 getting a well and getting started on this thing. And
25

1 now I get this thing -- it's pretty much. This is
2 somebody on your list, and I can tell you the name if
3 you want.

4 CHAIRMAN KITE: Do you want to meet
5 with -- what you really want to do is come down and
6 meet with CVAG and have them go through it.

7 MR. LENDER: Yeah. I paid a lot of
8 money for this property, and I expect something. I
9 kind of feel snookered.

10 CHAIRMAN KITE: Come down to CVAG, and
11 we will try to talk to you and answer questions.

12 MR. LENDER: I appreciate it. Thank you
13 very much.

14 CHAIRMAN KITE: Do you want to speak on
15 Item No. 8?

16 MS. DOBREV: Mr. Chairman, members of
17 the board, my name is Theresa Dobrev, and I don't want
18 to bother you with the same repertoire.

19 Whatever the judge said, I am in the same
20 position. I have 14 descendants. I am a disabled
21 retired school teacher from the Coachella Valley
22 School District in Desert Sands. It was very
23 difficult on my meager retirement, with no Social
24 Security because teachers get no Social Security, to
25 save enough money to purchase the parcels that I have,
26

1 the parcels that are in question.

2 I purchased them. Immediately my taxes
3 went up. When I bought them, I said I can afford to
4 pay these taxes. After they went up one time -- this
5 is the second time. I have owned the property only
6 for 18 months. And the taxes are going up again.

7 I want every single one of you to please
8 reconsider. This is not something that you can just
9 go eenie-meenie-mo and put your signature on it. This
10 is a very serious matter because my family and my
11 grandkids are depending on this inheritance. Please
12 take this matter into consideration.

13 The American way has always been let's take
14 more and then if we don't need it, well, we have it.
15 Please hear these people. We took the time to be

16 here. And one thing that I really want everyone to
17 know is that I got -- I received the card. They don't
18 even send us a decent letter. Just a little card
19 indicating that the meeting was today. I got that at
20 10 o'clock this morning. There was no time for me to
21 review anything.

22 When I got here, they had already run out
23 of the agendas. No agendas were available to me until
24 a kind lady gave me hers. So these things need to be
25 taken into consideration because it is through great
27

1 effort that I'm here. I am disabled. And I want my
2 children to be able to get this land.

3 Now we are talking about lizards, and I can
4 tell you one thing. I live in Cathedral City and in
5 my property I have seen many, many lizards, and I'm
6 not talking about a dozen of them. But this is the
7 white lizard, and I don't really know if that is what
8 you are talking about because, like I say, we were not
9 informed. And this is kind of unfair. And I say this
10 to every single one of you with all the respect that
11 our elected officials deserve because some of you are
12 my friends. Thank you.

13 (Applause from the audience.)

14 CHAIRMAN KITE: Thank you. I do not see
15 any other individuals that would like to speak on this
16 item. Did you turn in a card?

17 MR. WU: I turned in a card, but I did
18 not see the lizard.

19 CHAIRMAN KITE: Would you like to speak

20 on this item and also No. 9?

21 MR. WU: Yes, I do.

22 I'm George Wu. I'm an electrical engineer,
23 in construction all my life.

24 First of all, this -- I wrote a letter to
25 the Coachella Valley Association of Governments. I'm
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1 co-owner of Parcel No. 660-300-007. This is a 23-acre
2 vacant land on Gene Autry Trail. I know our adjacent
3 property owner is ready to pour over \$1 billion into
4 their property very soon. \$1 billion.

5 Looking at the present development projects
6 along Gene Autry Trail, I know this area will become
7 one of the most financially productive areas in
8 Coachella Valley. There are so many new shopping
9 centers being constructed along Gene Autry Trail. The
10 present Landau runs north and south. And the north
11 end will turn west, eventually will run to meet Gene
12 Autry Trail. I understand this western street portion
13 of Landau may change its name from Landau to Elvis
14 Presley Lane.

15 I am very personally excited about this
16 change of name from Landau to Elvis Presley Lane, and
17 I have 2,200 feet frontage on this future Elvis
18 Presley Lane. We are in the planning process to build
19 a rock and roll music center. Along the Elvis Presley
20 Lane we are planning to use our 2,200 feet frontage to
21 build world famous restaurant, making this area a
22 must-visit refreshment center. It will bring prestige
23 to Coachella Valley.

24 I sincerely request the honorable leaders
25 of Coachella Valley Association of Governments not to 29

1 condemn such valuable property into Multiple Species
2 Plan and for protection of Fringe-toed Lizard. There
3 is not one species of rare insects or creatures worth
4 saving living in this area. All these species died
5 during Noah's flood 4,500 years ago. If they did not
6 die then, they would have died about seven years ago
7 when this area along Gene Autry Trail was flooded with
8 rainwater three feet deep. I was there personally
9 during that week two times. There are no Fringe-toed
10 Lizards in this area.

11 There is no existing species in this region
12 that's worth saving. This is going to be one of the
13 most productive lands for us all to enjoy. It will
14 increase the financial strength of Coachella Valley
15 tremendously in the very near future.

16 Respectfully yours, George Wu.

17 (Applause from the audience.)

18 CHAIRMAN KITE: Thank you, Mr. Wu.

19 Have we handled all of the comments on Item
20 No. 8 at this point? Okay. We will close the public
21 comments at this time. And the first commission we'll
22 go to will be E&E.

23 MS. LARSON: Mr. Chairman.

24 CHAIRMAN KITE: Corky Larson?

25 MS. LARSON: I wonder if staff could

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1 answer. There are some general misunderstandings on
2 what this means. For example, whether the Fringe-toed
3 Lizard fees -- I think staff should answer some of the
4 questions.

5 CHAIRMAN KITE: Thank you. Katie?
6 Katie Barrows over here at the microphone. Do you
7 want to answer some of those questions?

8 MS. BARROWS: Just to clarify. When the
9 Fringe-toed Lizard MOU was approved last year at CVAG,
10 it was extended to August 31. At that time the
11 Fringe-toed Lizard fee of \$600 was increased to a fee
12 to provide for acquisition of lands of approximately
13 \$2700 per acre. So that has been in place for the
14 last year as part of our MOU and agreement regarding
15 the Fringe-Toed Lizard Permit.

16 It is correct that at a point when the
17 Multiple Species Plan is approved, the Fringe-toed
18 Lizard Permit which has been in place for 20 years
19 under a Habitat Conservation Plan approved in '86,
20 that will become part of the Multiple Species Plan
21 and the Fringe-toed Lizard will be covered by the
22 Multiple Species Plan, as are 26 other species. At
23 that time -- and I will provide that information in my
24 staff report on the Multiple Species Plan with regard
25 to the fee, but the Multiple Species Plan will be

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1 \$5730 per acre.

2 CHAIRMAN KITE: Do you have any comment?
3 Did everybody hear that in the back?

4 UNIDENTIFIED SPEAKER: No, we couldn't
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5 hear in the back.

6 CHAIRMAN KITE: Katie, could you repeat
7 that final figure?

8 MS. BARROWS: The current Fringe-toed
9 Lizard fee is approximately \$2700 per acre. And the
10 Multiple Species Plan fee will be \$5,730 per acre.
11 And I will provide some information of that in my
12 staff report. If you would like me to do that now --
13 the clarification is that fee would be for 27 species
14 covered under the Multiple Species Plan and the
15 Fringe-toed Lizard will be one of those species.

16 CHAIRMAN KITE: Okay. Thank you. We
17 will now go on to --

18 MS. DOBREV: I have a question.

19 CHAIRMAN KITE: I'm sorry. No questions
20 right now, but you can certainly make comments on the
21 Multiple Species Plan. Ben, would you like to take
22 over?

23 MAYOR GODFREY: Any further questions of
24 the E&E members?

25 Seeing none, is there a motion? May we

32

1 have the roll call vote?

2 (Ms. Stueckle called roll with attendant
3 responses:

4 Coachella: Yes.

5 Desert Hot Springs: Abstain. We are not
6 in the plan.

7 Indian Wells: Yes.

8 Indio: Yes.

9 La Quinta: Yes.
10 Palm Desert: Yes.
11 Palm Springs: Aye.
12 Rancho Mirage: Yes.
13 Riverside County. Aye.
14 MAYOR GODFREY: Thank you.
15 CHAIRMAN KITE: Pat, would you please
16 call on the TAC Committee?
17 MR. PRATT: I will ask any members of
18 the TAC if they have any questions or comments.
19 Motion?
20 MR. MARTINEZ: So moved.
21 MR. JOHNSON: Second (unintelligible).
22 UNIDENTIFIED SPEAKER: Microphone,
23 please.
24 UNIDENTIFIED SPEAKER: We can't hear you
25 at all.

33

1 MR. PRATT: There is a motion and a
2 second to recommend approval of the MOU to the
3 Executive Committee. And Joanna, would you please
4 call roll vote.
5 (Ms. Stueckle called roll with attendant
6 responses:
7 Cathedral City: Yes.
8 Coachella: Yes.
9 Desert Hot Springs: Abstain.
10 Indian Wells: Yes.
11 Indio: Yes.
12 La Quinta: Yes.

13 Palm Desert: Aye.

14 Palm Springs: Yes.

15 Rancho Mirage: Yes.

16 Riverside County: Yes.

17 Cabazon: Abstain.)

18 CHAIRMAN KITE: Thank you. At this time

19 I would like to ask the Executive Committee if you

20 have any questions or comments. If not, could I have

21 a motion, please?

22 SUPERVISOR WILSON: So moved.

23 MAYOR GODFREY: Second.

24 CHAIRMAN KITE: There is a motion and a

25 second. Would you please call the roll for Executive
34

1 Committee.

2 (Ms. Stueckle called roll with attendant

3 responses:

4 Cathedral City: Aye.

5 Coachella: Yes.

6 Desert Hot Springs: Yes.

7 Indian Wells: Yes.

8 Indio: Yes.

9 La Quinta: Yes.

10 Palm Desert: Yes.

11 Palm Springs: Yes.

12 Rancho Mirage: Yes.

13 Riverside County Fourth District: Yes.

14 Riverside County Fifth District: Yes.

15 Cabazon: Abstain.)

16 CHAIRMAN KITE: The motion carries.

17 I would now like to address the members of
18 the CVCC, the Coachella Valley Conservation
19 Commission, if you have any questions or comments.
20 Seeing none, I will entertain a motion.

21 MAYOR GODFREY: Vote approval.

22 SUPERVISOR ASHLEY: Second.

23 CHAIRMAN KITE: A motion and a second.

24 Please call roll.

25 (Ms. Stueckle called roll with attendant

35

1 responses:

2 Cathedral City: Aye.

3 Coachella: Yes.

4 Indian Wells: Yes.

5 Indio: Yes.

6 La Quinta: Yes.

7 Palm Desert: Yes.

8 Palm Springs: Aye.

9 Rancho Mirage: Yes.

10 Riverside County Fourth District: Yes.

11 Riverside County Fifth District: Yes.

12 CVWD: Yes.

13 IIR: Yes.)

14 CHAIRMAN KITE: Motion carries.

15 And now we move on to Item No. 9, which is
16 the habitat plan. And this item is to Consider
17 Certification of the Final Recirculated EIR and the
18 Approval of the Final Recirculated Coachella Valley
19 Multiple Species Habitat Conservation Plan.

20 And Katie Barrows will discuss the staff

21 report on the Multiple Species Plan. Katie.

22 MS. BARROWS: Thank you again.

23 I'm going to give you a brief staff report
24 with a little bit of background and update on --

25 MAYOR GODFREY: Katie, could you speak

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1 in the microphone?

2 MS. BARROWS: Is that better?

3 I will give you a brief staff report on the
4 Multiple Species Plan, and then actually Therese
5 O'Rourke from the US Fish and Wildlife Service is
6 going to briefly explain the National Environmental
7 Policy Act, the NEPA process. We as a local agency
8 are involved in the CEQA process. So we will go ahead
9 and go forward with the report on Multiple Species
10 Plan.

11 As you know, this plan has been underway
12 for a number of years. And just to very briefly give
13 you a short history at this time, the plan that is
14 before you this evening is a plan that was
15 recirculated as of last year for public review. With
16 the approval of the Executive Committee today, this
17 plan can go forward to all the other plan permittees
18 for their consideration. And as described with our
19 Fringe-toed Lizard MOU, we are looking at the
20 opportunity to do that by October 31.

21 Final approval from the state and federal
22 agencies would be the next step once all of the
23 permittees have considered the plan. And it's our
24 expectation that we will be working closely with our

25 federal and state partners to try to conclude this

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1 effort as quickly as possible, hopefully by the early
2 part of 2008, if not the end of the year.

3 Just as an overview, this is an area of
4 approximately 1.1 million acres. The plan is divided
5 into what we call 21 conservation areas. It's a
6 landscape approach to conservation with multiple
7 ownerships of land, including state and federal
8 agencies, nonprofits, and of course, private land.

9 This plan is a regional vision, a regional
10 planning effort which looks at balancing growth and
11 the natural heritage, the opportunity to preserve the
12 natural heritage of the Coachella Valley while
13 ensuring continued opportunities for economic
14 development as we move into future.

15 In terms of some of the environmental
16 benefits, the plan will ultimately result in the
17 conservation of about 240,000 acres of additional open
18 space. Those are lands that are going to be acquired
19 by the CVCC, by state and federal agencies, and by
20 other partners. Already there is approximately
21 530,000 acres of land in conservation in the Coachella
22 Valley, so I think this provides an opportunity for a
23 significant conservation program.

24 It protects 27 species of plants and
25 animals. You can see some of those in the photos.

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1 These are species of plants and animals that are
2 listed by the state and federal government or
3 unlisted. It also continues the federal protection
4 and the state protection for the Fringe-toed Lizard.
5 And as I mentioned earlier, the Fringe-toed Lizard
6 Permit will ultimately become part of the Multiple
7 Species Plan.

8 In addition, there are significant benefits
9 with regard to the development of infrastructure and
10 the future economic prosperity in the Coachella
11 Valley. It provides for comprehensive compliance with
12 the Endangered Species Act and through the plan, the
13 permitting authority and the decisions about
14 endangered species are transferred from the state and
15 federal agencies to local governments.

16 One of the significant elements is for
17 local transportation projects that can be permitted
18 and moved relatively quickly through the process. And
19 also for water infrastructure and the opportunity to
20 assure that we can meet the needs of our growing
21 community to provide water and other infrastructure.

22 Some of the benefits are highlighted here
23 in terms of specific interchange projects and regional
24 roads. There are 75 years worth of Caltrans projects
25 covered under the plan. The regional road projects

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1 that are handled by CVAG in association with our
2 partner jurisdictions, interchange projects from the
3 west end of the Valley to the east, including Monroe,
4 Jackson, Golf Center Parkway and Duval. Interchanges

5 that will ultimately develop along Highway 86 are also
6 included as covered activities.

7 There are significant elements to the plan
8 that relate to trails, and there is a Santa Rosa and
9 San Jacinto Mountains Trail Plan as part of this
10 Multiple Species Plan, as well as guidelines for trail
11 development elsewhere in the Valley. With respect to
12 the trails plan, this has been an effort involving the
13 community. We have now come forward with a plan that
14 will provide for a self-issue permit system and access
15 to trails, while at the same time working very hard to
16 assure the long-term conservation of species,
17 including the Peninsular Bighorn Sheep.

18 We will be conducting a monitoring and
19 research program funded by the CVCC to look at the
20 relationship between trail use and habitat
21 conservation regime. We will be working with a
22 citizens committee involving -- actually, a
23 subcommittee for the trails, working with our
24 agencies, the permittees, and members of the public.

25 In addition, there are opportunities with
40

1 respect to quality of life. This plan will result in
2 a large acreage of open space, of parks and trails,
3 and areas available to recreation, for ecotourism
4 opportunities, as well as educational programs. Some
5 of these areas are being used for classroom visits as
6 we speak.

7 Economic benefits include development
8 certainty, making the region more attractive to new

9 businesses that are coming to the Coachella Valley,
10 who are familiar with some of the challenges that may
11 result from working through environmental concerns
12 with regard to Endangered Species. And this results
13 in uncertainties for individual property owners,
14 meeting the requirements of the California Environment
15 Quality Act. It also results in permanent protection
16 of open space areas and the associated benefits to the
17 local economy.

18 The plan before you is in response to
19 Executive Committee direction from last year, and at
20 that time the Executive Committee directed CVAG staff,
21 after a decision by the City of Desert Hot Springs not
22 to participate in the plan, to remove Desert Hot
23 Springs. I do want to note that there is an
24 opportunity for the City of Desert Hot Springs to join
25 the plan if they choose to do so after the plan is

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1 permitted through what's called a major amendment.

2 There are provisions in the plan that call
3 for a flood control facility along Morongo Wash. And
4 this plan incorporates changes that our Executive
5 Committee approved last year, as well as policies that
6 have been adopted by the CVCC in interim.

7 This gives you an overview of the planned
8 area. The lands shown in green are those lands that
9 are currently in public ownership or conservation
10 ownership. And private lands are shown in red, and
11 these are lands that are within the conservation area
12 that would ultimately be looked at for potential

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13 acquisition as part of the reserve system.

14 With regard to the land valuation process,
15 we relied on a market study that was dated the summer
16 of 2006. That market study was prepared by Capital
17 Realty Analysts to update the land valuation that was
18 used in the Multiple Species Plan. There was a slight
19 increase over last year in terms of the value of lands
20 from the study we did in 2005.

21 And in terms of the acquisition program,
22 the Multiple Species Plan provides for a willing
23 seller process where lands are only acquired from
24 willing sellers. It would involve an appraisal that
25 would be done based on comparable sales of properties

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1 of similar location and access to infrastructure and
2 comparable values. And that process is one that would
3 be conducted by CVCC.

4 Since 1996 when we initiated this effort,
5 we have been able to actually make significant
6 progress in our overall goal of acquiring
7 approximately 90,000 acres on behalf of the permittees
8 and state and federal partners, as well. We have
9 acquired approximately 60,000 acres. That is almost
10 25 percent of the total lands that need to be
11 acquired. And these are shown in the bright green.
12 There have been significant acquisitions that have
13 been part of that effort, working not only locally but
14 with state, federal and nonprofit partners.

15 As I mentioned earlier, in the process of
16 updating the plan, the mitigation fee that will be

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17 part of this Multiple Species Plan is \$5,730 per acre.
18 That is with regard to commercial and industrial
19 property. And the plan also provides for that same
20 fee to be translated into a residential per-unit
21 basis, based on density. And it's noted here for
22 projects which involve zero to 8 units per acre,
23 looking at a fee of approximately \$1,284 per unit.

24 We have a comprehensive funding plan for
25 this Multiple Species Plan. I think that there has

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1 been a significant effort to work towards assuring
2 that the funding for this plan is solid. It is one of
3 the requirements by both the state and federal
4 agencies for our permit. We have identified the
5 funding for not only our acquisition program, but the
6 monitoring and management that is a necessary part of
7 the Multiple Species Plan as well as a long-term
8 endowment.

9 With regard to the land acquisition, as I
10 mentioned already, we got a jump start in terms of the
11 60,000 acres that have been acquired, but the plan is
12 front-loaded with monies coming from a number of our
13 agencies, including CVAG, Caltrans, and the water
14 district and IID, which will help us move very quickly
15 in the early years to work with our landowners to
16 provide an opportunity to acquire land from willing
17 sellers.

18 We also are working with federal partners
19 and the state agencies. And the match that these
20 monies will provide will help us acquire additional

21 land for what amounts to almost \$150 million. As
22 mentioned earlier, the plan does not depend on federal
23 and state funding. The CVCC is independently funding
24 our responsibilities under the plan. However, there
25 is some benefit to the partnership that we have with

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1 our state and federal partners in terms of
2 acquisition.

3 In terms of the public process, we have
4 concluded a public comment period earlier this summer.
5 We have, in the process of preparing for this hearing,
6 notified all landowners who have property within the
7 conservation areas. We have also notified all
8 individuals who commented on the plan via letter about
9 the availability of the comments and the hearing this
10 evening.

11 We have held three public forums in the
12 month of April and received about 67 letters of
13 comments from individuals and agencies. All of those
14 letters have been responded to and are part of our
15 final document. We at CVAG continue to receive calls,
16 and as mentioned earlier by Chairman Kite, if there is
17 interest we are very willing to sit down and address
18 concerns and answer questions with interested persons.

19 The plan has been distributed now to all of
20 your offices. The city managers received a large box
21 of documents for one more time. Those documents have
22 also been delivered to the public libraries. And the
23 Web site has all of the plan documents available for
24 downloading. And we have printed and CD copies

1 In terms of --

2 UNIDENTIFIED SPEAKER: Web site again?

3 MS. BARROWS: The Web site is

4 cvmshcp.org. And we have -- I think we have some
5 cards that have the Web site address on them. But
6 cvmshcp.org.

7 Just to look at the process that we are in
8 the midst of now, as of this evening, the
9 consideration by all of our committees of the plan; by
10 October 31st, we will ask all of the other permittees
11 to consider this plan, to schedule it on an agenda and
12 bring forward both the plan and the MOU.

13 We have then until March 15, as I mentioned
14 earlier, to retain the Fringe-toed Lizard Permit; and
15 we are looking at working through the months of the
16 fall and winter to complete the process of working
17 with the state and federal agencies. They have
18 individual analyses and findings and a permit decision
19 that they will complete.

20 So that is our time line. I would be happy
21 to answer any questions you might have at this time.
22 We will have another opportunity for questions as we
23 proceed.

24 Mr. Chairman, I have a few notes of
25 information. Perhaps we can either come back to those 46

1 before the public hearing. I just wanted to identify
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2 that you received some information -- some
3 clarifications as part of your packet this evening.
4 And just to verify that when we come to the actual
5 motions, there will be one action taken by the CVAG
6 committees, which is a resolution and findings, and
7 then the CVCC has two different resolutions that you
8 will pass. And if you would like me to refer back to
9 those after the public hearing process.

10 CHAIRMAN KITE: That would be fine.
11 Thank you.

12 MS. BARROWS: I would like to have
13 Therese O'Rourke from US Fish and Wildlife Service.

14 MS. O'ROURKE: I don't have the pretty
15 pictures that Katie has in hers, but I chose the
16 symbolic (unintelligible) as we are looking forward to
17 passing the federal and state permitting process with
18 our local partners.

19 So the next step, the federal process. I
20 pulled this together because tonight is a big step on
21 the CVAG's part and for the state. And it almost
22 feels like we are at closure and we are close. But I
23 wanted to make sure that everybody was aware of what
24 was happening next with the federal process.

25 So as we all have been working on the

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1 development of the plan by CVAG over time, there has
2 been the analysis of impacts for CEQA, for CVAG and
3 for the California Department of Fish and Game, and
4 NEPA, the National Environment Policy Act for both the
5 Fish and Wildlife Service and the Bureau of Land

6 Management will be making separate decisions based on
7 this document.

8 So for CEQA, you have your document, the
9 Draft EIR and Response to Comments and the Final
10 Recirculated Revised EIR and the Response to Comments.
11 And tonight, perhaps the certification and acceptance
12 of the EIR. And that's where you are at and then you
13 are done with that.

14 On the NEPA side, of course I'm over-
15 simplifying here, there is the document, the Draft EIS
16 and Response to Comments, the Supplemental EIS and
17 Response to Comments, and that's where we are at on
18 the federal side. We do the best we can to coordinate
19 the processes, but the laws and processes are
20 different and don't match exactly. So then we will
21 have a Final EIS and Response to Comments, a Record of
22 Decision and then we will be done with the federal
23 process.

24 We have both NEPA compliance and Endangered
25 Species Act compliance. What you will be seeing soon
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1 is the Notice of Availability in the Federal Register
2 with the Final EIS published and another 30-day
3 comment period, response to those comments, and then a
4 Record of Decision.

5 On the Endangered Species Act compliance,
6 there will be permit analysis, findings for the
7 permit, permit conditions, the process of
8 relinquishment of the Fringe-toed Lizard Permit, and
9 then permit issuance.

10 The permit analysis, we are required to do
11 two things: To come up with findings regarding the
12 permit, any permit conditions needed, and permit
13 issuance, and all those are different parts of the
14 process.

15 The findings, we look at how much take is
16 going to occur, take of the listed species. Then we
17 need to determine whether or not the effects of the
18 action have either minimized or mitigated to the
19 maximum extent practicable. And once you have been
20 with the service for a long time, you can say that
21 really quickly.

22 Demonstration of adequate funding and
23 procedures to deal with unforeseen circumstances. And
24 we have been talking a lot about funding over the
25 years. So that's a really big key component and one

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1 problem that a number of HCPs throughout the state
2 have been having issues with. And we want to make
3 sure that's actually functioning.

4 And then a Jeopardy Analysis or Biological
5 Opinion. A lot of people have had experiences with
6 smaller project Biological Opinions over time. This
7 is quite the motherload. And then any other measures
8 deemed necessary or appropriate.

9 Permit conditions: Every permit has permit
10 conditions. There will be some corrections. Right
11 now we have numbers in the plan, and we also have
12 ongoing projects that are being processed. We have a
13 number of requests in to the Corps of Engineers and in

14 to the BLM, so we are processing those Section 7
15 Biological Opinions. So once those are done, then the
16 numbers will be adjusted in the plan. Any other
17 errors in the document, any clarifications, if there
18 are any ambiguity or conflict, finding of other
19 measures necessary to meet the findings.

20 Permit issuance: When the permit is
21 completed and all the people have signed off on the
22 IA, then the Fish and Wildlife Service will sign off
23 on the IA and Distribution Permit. And then the
24 permit and mitigation begins.

25 So here is our schedule. It does not meet 50

1 exactly Katie's optimistic time frame, but it does
2 fall within the needs of complying with the time line
3 of the Fringe-toed Lizard Permit. The Notice of
4 Availability is bumping through our process right now.
5 As soon as this meeting is concluded tonight, we will
6 let people in our Sacramento office know the results.
7 And if positive, it will move forward to Washington.
8 And we anticipate that will be published in October or
9 November. It's kind of a mystery how long it takes
10 and it always varies as far as when things get
11 published.

12 And then the Final EIS will be recirculated
13 with a 30-day comment period. We will do the Response
14 to Comments probably November, December. The NEPA
15 Record of Decision will be concurrent with the permit
16 issuance. And the permit analysis will be happening
17 from, really, tomorrow until about January. We will

18 do the Findings, the Biological Opinion, and Permit
19 Conditions, and the Permit Issuance, we are
20 anticipating February to March and we are hoping for
21 February.

22 What the cities, counties and other
23 entities can do between now and permit issuance, sign
24 the Implementing Agreement, pass any ordinances
25 needed, start training staff, work with CVAG on the

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1 implementation manual, and learn the plan and start
2 integrating it into your existing processes. And
3 maybe perhaps plan the signing ceremony and the party.

4 CHAIRMAN KITE: Are there any questions
5 from committee members, either Therese or Katie before
6 we go to public comments? No questions? Okay. Thank
7 you. Thank you, Therese.

8 UNIDENTIFIED SPEAKER: Did Katie say she
9 would accept questions? Katie?

10 CHAIRMAN KITE: After the public comment
11 on the Multiple Species Plan.

12 Okay, at this time we will go to the public
13 hearing. And we have some guidelines established
14 which we didn't give you before the other public
15 comment. But I will go through those right now.

16 Each person will be allowed to speak three
17 minutes. We have a gentleman down in the front by the
18 podium with a couple of cards. When he holds up the
19 yellow card, that card means you should try to wrap up
20 your comments. And when you get the red card, the red
21 card means that your three minutes are up.

22 To speed things along a little bit here on
23 these comments, I will actually read two names at one
24 time, so the person that's coming up to speak after
25 the person that's up there will know that they are to

52

1 get ready to step forward.

2 So at this time I will start calling the
3 names. And it's in no order, whether you are for or
4 against the plan. We have just taken the cards as
5 they have come in. And the first speaker will be
6 Dr. Cameron Barrows, and the second one will be Mary
7 Justice.

8 DR. BARROWS: Thank very much. Again,
9 Cameron Barrows. I'm a 21-year resident of La Quinta.
10 Just like any of our state and federal taxes,
11 protecting the Coachella Valley's natural heritage is
12 not a choice. It's something that we all have to do.

13 It's also not a choice of whether we do it
14 well or half-hearted. Ultimately, federal and state
15 laws require that we protect listed species -- and
16 there are quite a few in the Coachella Valley -- from
17 becoming extinct. What we do have a choice of is
18 whether we do that together and we share in the
19 benefits of protecting those species both in terms of
20 recreational opportunities, in terms of open space, in
21 terms of economic prosperity, or we can choose to do
22 it separately.

23 And if we do it separately, then the burden
24 is on individual landowners and developers. They will
25 have to go to the regulatory agencies. They will have

1 to go through a legal process with the regulatory
2 agencies. They will have to sit through hearings with
3 the environmental groups like Sierra Club and the
4 other groups like that, which will delay their plans,
5 maybe forestall their plans completely.

6 So what we can do is we can do this
7 together or we can do it separately. But we are going
8 to have to do it one way or the other. And I think
9 that the risk of losing the value of the Coachella
10 Valley, the economic prosperity of the Coachella
11 Valley, is much greater if we do it separately. Thank
12 you.

13 (Applause from the audience.)

14 CHAIRMAN KITE: Next speaker will be
15 Mary Justice, followed by Bruce Colbert.

16 MS. JUSTICE: Thank you. I have -- my
17 name is Mary Justice. I have two lawsuits, one on the
18 fees and one against the plan, and a third one in the
19 process against the recirculated plan.

20 The importance of all the things that
21 Ms. O'Rourke pointed out is that you have 30 days to
22 object to this plan, to file a lawsuit after the
23 notice is filed tomorrow, and you have to file it
24 against the CVAG and the Fish and Wildlife Department.

25 Dr. Stebbins, who did all this research

1 here back in the forties and did his masters and his

2 Ph. D. and studied the lizard, its nasal passage and
3 the whole thing -- and yes, I have read it all -- said
4 that there is a tremendous amount of speciation,
5 meaning creation of species, not just evaporation of
6 species. There is creation of species between one
7 dune and another and one canyon and another.

8 And Cameron Barrows said we all have to do
9 our part. Well, it's the 4,400 landowners, the small
10 landowners that are doing the paying, not the
11 residents, not Cameron Barrows. And the appraisal
12 resolution people mentioned, we have owned our
13 property for 50 years, and I read the appraisal
14 resolution. It's about an inch thick. And at the end
15 you can pay for the appraisal, maybe \$5,000 or
16 \$10,000, but they simply don't have to buy your land.
17 And you go to the end of the line and 75 years later,
18 maybe they'll buy it from one of your heirs.

19 Thomas Jefferson said land is the source of
20 all wealth. The MSHCP transfers that wealth to
21 establish a massive bureaucracy for the benefit of
22 radical preservationists, not just conservationists.
23 The 4,400 private landowners generally can't afford to
24 defend themselves the way the developers can. And
25 they become the unwilling donors. They own the quasi -

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1 barren land, and they have to donate that so the
2 developers can pay money to build on the other land.

3 The blow sand is 25,000 acres in Thousand
4 Palms. It blows PM10 and PM-2.5 that kills people.
5 The response to that comment in my comment letter was

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6 that it's not against the law. Well, so you should
7 take care of it anyway.

8 There is a 3 percent entertainment area.
9 And the slide that Katie Barrows showed appears to me
10 to be more than 80 percent of control for the
11 environment open space scenery, whatever, in the
12 Coachella Valley, once you add the acres already
13 conserved to the 1.2 million acres that will be
14 additionally conserved. And she mentioned the figure
15 going by about how many acres are already conserved.
16 But I missed it, so if somebody could remind me
17 afterwards how many acres are already conserved,
18 please let me know. My name is Mary Justice.

19 Thank you.

20 CHAIRMAN KITE: Next speaker will be
21 Bruce Colbert, followed by Michael Platt.

22 MR. COLBERT: Good evening. Bruce
23 Colbert, Executive Director of the Property Owners
24 Association of Riverside County.

25 It's our responsibility as a property

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1 owners organization to point out the flaws of the
2 plan. Our comments are directed at the plan, not at
3 this committee. We understand that after years of
4 working on these habitat plans, officials can begin to
5 suffer from issue fatigue. This is especially true
6 when staff produced a 30-year Fringe-toed Lizard Plan
7 that was declared scientifically invalid after only 15
8 years, and a design habitat plan to enhance the
9 creation of dust (unintelligible) in the Valley, all

10 to help a lizard that should not be listed as
11 endangered.

12 We continually hear that the plan is needed
13 to prevent delays to our interchange improvement
14 project. Yet Caltrans has stated that the
15 interchanges have their own mitigation, separate from
16 the plan and do not need the plan. We heard last year
17 that the plan was sure to be one of the most
18 scientifically defensible plans ever developed. And
19 yet the entire plan has been redesigned because of its
20 flawed science. The lack of science in this plan
21 demonstrates that this is just a growth boundary plan
22 in the guise of a habitat plan. This plan does not
23 match the hype.

24 We hear so much about the Sierra Club and
25 the Building Industry Association supporting this

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1 plan. These are in favor of it because it will allow
2 the government to transfer the land set-aside
3 requirements for their projects to outlying developers
4 and wipe out their competitors. The plan serves the
5 goals of the Sierra Club by driving development from
6 outlying areas into higher density cities. Yet most
7 of us move to the desert to avoid higher density
8 living.

9 This plan develops an artificial scarcity
10 of buildable land, which raises the cost of homes and
11 puts home ownership out of the reach of an increasing
12 number of people. This plan represents the worst form
13 of planning because it empowers the government to

14 create winners and losers among landowners, developers
15 and cities. It calls for landowners to give up their
16 property rights and cities to give up their local
17 control, all feeding the crocodile, hoping they will
18 be eaten last. But eat them it will.

19 This plan of increasing government control
20 is really a form of socialism which gives us scarcity
21 and tyranny, such as the shortage of buildable land
22 and the threats of county supervisors. We believe
23 it's in your best interest to move forward under
24 existing environmental laws that provide for
25 development of the cities we live in today. CVAG

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1 ought to provide for better environmental protection,
2 open space, growth, and the fair treatment of
3 landowners.

4 Thank you.

5 (Applause from the audience.)

6 CHAIRMAN KITE: Next speaker will be
7 Michael Platt, followed by Ginny Short.

8 MR. PLATT: Honorable committee members
9 and commissioners: My name is Michael Platt, project
10 manager for Hacker Engineering, representing DHS
11 Development, which is a family-owned business trying
12 to develop a piece of property for Desert Hot Springs.

13 Although the City of Desert Hot Springs is
14 not in the plan, the site is still listed in the plan
15 as part of the Morongo Wash area. The Morongo Wash is
16 a natural wash that falls under the jurisdiction of
17 Riverside County Flood Control District. However, the

18 county does not own any land on this piece at this
19 time.

20 This project, Tentative Tract 33548, is
21 proposing to dedicate five acres of the existing wash
22 area which runs along the west boundary of the
23 property, and 7.9 acres adjacent to that as a buffer
24 zone outside the wash as safe habitat. This amounts
25 to 17 percent of that property. But meetings with

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1 CVAG indicated they wanted two-thirds of that property
2 for flood control. It's not even centered around the
3 flood control wash. So that's a question I've got.
4 If it's for flood control purposes, why isn't the
5 property that's being affected on either side of the
6 wash, not all on one side.

7 As developed, with that dedication, the
8 developers would be willing and able to fund
9 improvements of the roadway and maintenance of that
10 open space area. You take two-thirds of the property
11 away, no, they can't afford that. So question: Who
12 is left to pay for roadway improvements, bridges and
13 such? Taxpayers?

14 I'm also a resident of Desert Hot Springs,
15 been in the Coachella Valley since 1983. I have seen
16 a lot of the development. The Fringe-toed Lizard, the
17 blow sand -- I will wrap this up quickly -- I live
18 between Monterey and Washington, and that used to be
19 sand dunes. Now we are protecting that blow sand with
20 nowhere for it to land. Yeah, the PM10 issue is an
21 issue.

22

Thank you.

23

(Applause from the audience.)

24

CHAIRMAN KITE: Thank you. Next speaker

25

is Ginny Short, followed by Lee Haven.

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1

MS. SHORT: Good evening, Mr. Chairman,

2

ladies and gentleman. My name is Ginny Short, and I

3

am the preserve manager for the Coachella Valley

4

Fringe-toed Lizard Preserve.

5

My company, The Center for Natural Lands

6

Management, specializes in the management of reserve

7

lands. The vision of the center is that our children,

8

our grandchildren, our great grandchildren and on into

9

infinity will enjoy the wildlands that we are working

10

so hard to preserve today.

11

I'm a relative newcomer to the Valley. I'm

12

very happy to be here, but as such, I do not have

13

specific knowledge concerning this particular plan. I

14

have spent five years with the Western Riverside

15

MSHCP. This is quite different, however, and I'm

16

still educating myself on the plan.

17

However, there are certain principles that

18

the Center for Natural Lands Management holds

19

important, and if these principles are met, I do stand

20

in support of the plan. First of all, the important

21

work of conservation is of utmost importance to the

22

welfare of both humans and animals. Our quality of

23

life and that of the species that we are enjoined to

24

protect is dependent upon this.

25

Second of all, we work on the strategy of

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1 management in perpetuity, and the foundation of this
2 management forever is funding. All of the long-term
3 costs associated with management and monitoring of the
4 preserve system should be objectively and
5 comprehensively calculated.

6 Third, in perpetuity funding for preserve
7 management and monitoring should be secured for long-
8 term protection of the property and the species and
9 not subject to mismanagement or catastrophic loss.

10 And fourth, we believe it is important to
11 have conservation easements on all conservation lands.
12 This provides an important third-party check for the
13 purpose of ensuring that these lands are indeed being
14 preserved according to the intent of the writers of
15 this permit. If this due process has been followed
16 and these criteria are met, I stand in firm support of
17 the plan.

18 Thank you.

19 CHAIRMAN KITE: Thank you.

20 (Applause from the audience.)

21 CHAIRMAN KITE: Next speaker will be Lee
22 Haven, followed by Emily Nelson.

23 MR. HAVEN: My name is Lee Haven, the
24 business development manager with Granite Construction
25 Company. Coachella Valley is home to a branch office.
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1 Through this branch we employ over 400 employees, most
2 of whom who live here in the Coachella Valley.

3 We have testified in support of the draft
4 here a few times. And today we are back urging you to
5 move forward and approve the plan. It has major
6 benefits to the economy and environment of the
7 Coachella Valley, and we believe that it's good for
8 everyone who lives here, provides certainty for
9 business, and allows us to upgrade our critically
10 overloaded freeway interchanges over the Valley.

11 The best thing we can do is come together
12 and approve this plan. We can continue with housing,
13 commercial and industrial development in a logical and
14 smart manner, upgrade the highway interchanges badly
15 needed along I-10. We need to know what development
16 is going to cost, and whether we can do that. So we
17 urge that you come together and approve the plan.

18 Thank you.

19 (Applause from the audience.)

20 CHAIRMAN KITE: Next speaker will be
21 Emily Nelson, followed by Emily Hemphill.

22 DR. NELSON: Good evening. My name is
23 Dr. Emily Nelson, I live at 45-295 Sharkton Circle.
24 I'm here to speak in favor, in support of the MSHCP,
25 particularly as it relates to Coachella Valley's air

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1 quality.

2 I have been involved with CVAG as an
3 advisor --

4 UNIDENTIFIED SPEAKER: Can't hear.

5 DR. NELSON: Can't hear me? I feel like
6 I'm shouting. Is that better? Thank you.

7 I have been involved with CVAG as an
8 advisor and an air quality consultant for the past 20
9 years as of this month. I was also a chairman of
10 CVAG's PM10 Technical Working Group for seven years
11 until we were able to request redesignation from EPA
12 for attainment of the federal PM10 and air quality
13 standard.

14 Unfortunately, with climate changes and an
15 increase in construction, we fell out of attainment.
16 But I'm pleased to announce that we are now again for
17 three years running in attainment of the PM10 air
18 quality standard.

19 This process, of course, needed to consider
20 both natural and manmade sources of PM10. Several
21 scientific emission inventories were conducted by
22 South Coast Air Quality Management District over these
23 past 20 years. And the findings determined that the
24 disturbed areas are the major contributors of PM10 to
25 our annual average air quality concentrations. The

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1 natural areas do deposit blow sands on the highway
2 gates. But we need to make a distinction between blow
3 sand and PM10. PM10 is by determinations 10 microns
4 in diameter or smaller, too small to actually be seen
5 except with a microscope. But it does disturb the
6 visibility, so the light rays reflect and refract off
7 the sun, very different than the blow sand you have
8 accumulating under your windowsills.

9 I don't want to go into too many details.
10 It's hard to summarize 20 years in three minutes. But

11 what I would like to say is that both the Federal
12 Environmental Protection Agency and the State
13 Implementation Plan acknowledge that we live in a dry,
14 dusty area. And they still insisted that we would be
15 able to meet the standard, addressing only the manmade
16 sources, such as agriculture disturbances,
17 construction disturbances. And we have proven them
18 right. We have met those standards. We are the only
19 serious nonattainment area in the country that has met
20 those standards.

21 But of course, we can't ignore that blow
22 sand can contribute to PM10 if it remains on the
23 roadways, if it gets broken down into finer particles.
24 So Coachella Valley has established a routine clean
25 streets management program that will go in after a

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1 blow sand event, clean up the roads. We have also put
2 up wind fences to protect communities from the natural
3 habitats that are going to create that natural source,
4 as well as public warnings. We have done many, many
5 things that have, of course, benefited air quality.

6 To conclude, I believe this plan attempts
7 to make wise use of our natural resources, including
8 our air quality.

9 Thank you.

10 (Applause from the audience.)

11 CHAIRMAN KITE: Thank you. Emily
12 Hemphill, followed by Dr. Allen Muth.

13 MS. HEMPHILL: Good evening,
14 Mr. Chairman and members of the various committees.

15 My name is Emily Hemphill. I'm an attorney with the
16 law firm of Ealy, Blasdel, Hemphill and Oleson.

17 And I'm here this evening in order to
18 represent my client, the Glorious Land Company. They
19 are the owners of approximately 6,000 acres of land
20 that is located within the boundaries of the plan.

21 My client is in the process right now of
22 working on plans for potential development of portions
23 of its property. And as we have been doing this, we
24 have operated under the assumption that indeed the
25 MSHCP will be a reality.

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1 In doing that, we found that there are
2 certain aspects of the plan that we believe need to be
3 clarified, particularly with respect to the like
4 exchange program. Within the context of the plan, you
5 have identified conservation areas that are areas of
6 land that you have targeted for conservation, but in
7 order to avoid taking issues, the plan provides that
8 up to 10 percent of those lands can be developed or
9 taken.

10 If a property owner is going to go beyond
11 that 10 percent, then he must provide like exchange
12 lands within the plan area in order to compensate for
13 going over that 10 percent. The question is: How are
14 those like exchange lands evaluated? And here is
15 where we believe there is a really basic issue of
16 fairness involved. When you look at the designation
17 of the conservation areas and the habitat types that
18 are designated within the plan, those conservation

19 areas and the habitat types were developed utilizing
20 aerial photography and other rather, if I can use the
21 expression, "gross methodologies." When we sent a
22 person out to our land to actually walk the land and
23 truly map those habitats, we found that the plan
24 overstated the level of habitat that is found on our
25 property.

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1 When we advised the wildlife agencies of
2 that, they indicated that the habitat conservation
3 areas were designed from the aerial photographs
4 because of cost issues. The problem is in doing like
5 exchange lands, we are not allowed to utilize that
6 same sort of gross technique. We must actually go out
7 and troop the land. It overstates in that habitat the
8 amount of habitat that is on developable land. And it
9 cuts with a very precise knife the amount of habitat
10 that's on like exchange lands. What you end up with,
11 then, is being forced to provide more like exchange
12 land than you otherwise would because developable land
13 and the exchange land are being measured with a
14 different yardstick. And we would ask that that be
15 changed.

16 We also believe the adjacency requirement
17 should be looked at. Understand that your plan is a
18 very long-term plan. And you are saying right now
19 that like exchange lands must be adjacent to
20 conservation areas. But you saw the map that Katie
21 put up and you have a checkerboarding of public and
22 private lands. Whether a piece of like exchange land

23 is adjacent to a conservation area or public land that
24 then linked it up, you still have the adjacency issue
25 that is served. And what this allows you to do by

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1 eliminating that strict adjacency requirement, it
2 allows you to take advantage of opportunities where
3 willing sellers are willing to partner with habitat
4 and land that is of high quality for reasonable
5 prices.

6 So we believe the adjacency requirements
7 should be considered, bearing in mind the intervening
8 public lands, as well. Thank you for your time.

9 (Applause from the audience.)

10 CHAIRMAN KITE: Dr. Allen Muth, followed
11 by Sue Adams.

12 DR. MUTH: Good evening. Dr. Allen
13 Muth, PO Box 1738, Palm Desert. I'm a member of the
14 core group of science advisors for the Multiple
15 Species Plan.

16 On January 9, 1985 -- some of you folks
17 were here -- your predecessors on the CVAG Executive
18 Committee met to adopt the Fringe-toed Lizard
19 Conservation Plan. The plan was the first Habitat
20 Conservation Plan in the nation under the 1982
21 amendment to the Endangered Species Act. That plan
22 set a precedent, a standard for all plans that
23 followed.

24 At the start of the Fringe-toed Lizard
25 wars, CVAG was a reluctant participant. But they

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1 gradually came around to full participation of the
2 concept behind the HCP. The concept is simple.
3 Implementation is hard but the concept itself is
4 pretty simple: Provide for the existence of
5 endangered and threatened species and noted species of
6 concern in a manner that does not cripple economic
7 development.

8 The hearing of 1985 -- go outside and take
9 a look around you. I think you would also have to
10 agree that economic development in the Coachella
11 Valley has done pretty doggone good since that plan
12 was enacted. So fast-forward 22 years. Today CVAG is
13 the lead agency and proponent for the Multiple Species
14 Plan. The plan before you is sound. The science
15 behind it has been thoroughly vetted. The habitat
16 models and conservation areas were peer-reviewed by
17 two outside panels of internationally recognized
18 conservation biologists, and also the Center For
19 Conservation Biology, University of California,
20 Riverside, further refined and validated the models.

21 If there were any significant problems with
22 the science that's in the plan, it surely would have
23 emerged under that intense academic scrutiny. This is
24 a good plan, it balances the welfare of our natural
25 resources and economic development.

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1 Thank you for your support.

2 CHAIRMAN KITE: Thank you.

3

(Applause from the audience.)

4

CHAIRMAN KITE: Next speaker is Sue Adams, followed by Todd Crow.

6

MS. ADAMS: Good evening, ladies and gentlemen. My name is Sue Adams. I have lived here in the Coachella Valley for 52 years, plus a few months.

10

Every time I go away and return and as I drive back down through the Pass and see the wide open spaces of our desert open up in the distance, I am reminded how lucky we all are to live in such an exceptional place.

15

I recently returned from a trip to Seattle to visit my daughter. As I flew home and the plane descended down over the San Bernardino Mountains, the whole Coachella Valley came into view, our beautiful desert valley surrounded by magnificent, steep, rugged mountains. We are all privileged to live in such a unique part of this planet.

22

The Coachella Valley MSHCP will help preserve this uniqueness and beauty for the future. This plan embodies a broad vision for our Valley, combining our future well-being together with the

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future well-being of the land and wildlife that lives on it. We need to accept and to embrace this plan now.

4

Thank you very much.

5

(Applause from the audience.)

6

CHAIRMAN KITE: Next speaker will be

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7 Todd Crow, followed by Stuart Longin.

8 MR. CROW: Good evening, Executive
9 Committee members. My name is Todd Crow, and I'm a
10 resident of Indio.

11 I work as a middle school teacher in the
12 Coachella Valley School District, and am president of
13 my Homeowners Association, which has over 500
14 households in the Shadow Hills area. I have been a
15 desert resident for 10 years. I have seen the region
16 grow rapidly in terms of both population and private
17 and public sectors.

18 I encourage you to approve the Multiple
19 Species Conservation Plan so we can have a Multiple
20 Species Conservation Plan that enables continued
21 growth in a responsible way, that respects and
22 enhances the quality of life as it's so important to
23 desert residents and the visitors that support the
24 local tourism industry.

25 Thank you very much.

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1 CHAIRMAN KITE: Next speaker is Stuart
2 Longin, followed by George Wu. Stuart is not here.
3 George. And George will be followed by Jennifer
4 Purcell.

5 MR. WU: I'm George Wu. I'm co-owner of
6 Parcel No. 660-300-007. We own a 23-acre vacant land
7 on Gene Autry Trail.

8 MS. LARSON: Microphone.

9 MR. WU: Sorry.

10 I know that our adjacent property owner is

11 ready to pour over \$1 billion into their property very
12 soon.

13 Looking at the present development projects
14 along Gene Autry Trail, I know this area will become
15 one of the most financially productive area in
16 Coachella Valley. There are so many new shopping
17 centers being constructed along Gene Autry Trail.
18 Now, I'm going to tell about the area concerning my
19 property. The present Landau Street runs north and
20 south. The north ends turns west and eventually will
21 run into Gene Autry Trail. I understand that this
22 western street portion of Landau may change its name
23 to Elvis Presley Lane.

24 My partner and I are very excited about our
25 2,200 feet frontage on the future Elvis Presley Lane.

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1 We are in the planning process to build a Rock and
2 Roll Music Center. Along Elvis Presley Lane we are
3 planning to use our 2,200 feet frontage to build
4 world-famous restaurant, making this area a must-visit
5 refreshment center. It will bring prestige to the
6 Coachella Valley.

7 I sincerely request the honorable leaders
8 of Coachella Valley Association of Governments not to
9 condemn such a valuable property into Multiple Species
10 Habitat Conservation Plan. All these species died
11 during Noah's flood 4,500 years ago. If they did not
12 die then, they would have died about seven years ago
13 when the area along Gene Autry Trail was flooded for
14 over one week with over three feet of rainwater.

15 There are no existing species in this region worth
16 saving.

17 This is the one of the most productive
18 lands for us all to enjoy. It will increase the
19 financial strength of the entire Coachella Valley if
20 it's permitted to be developed properly.

21 Thank you.

22 CHAIRMAN KITE: Thank you. Next speaker
23 will be Jennifer Purcell, followed by James Lender.

24 MS. PURCELL: Good evening. Jennifer
25 Purcell. I grew up here in the Coachella Valley and

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1 I'm 52 years old, so I have seen a lot of changes.
2 There is a little quote that I would like to share
3 written by a scientist that I admire, Gary Madigan (as
4 pronounced). He says that the natural world is not
5 merely more complex than we think; it is more complex
6 than we can think, plan, or design. But we are
7 learning and scientists have taught us that the more
8 species we have on our planet, the healthier our
9 planet will become.

10 Approval of this plan is an opportunity for
11 our community to do something positive for our natural
12 habitat, our home.

13 Thank you.

14 (Applause from the audience.)

15 CHAIRMAN KITE: Thank you.

16 Next speaker is James Lender or Lemdeck.
17 James is not here. The next speaker will be Jack
18 Alex, followed by Nida Brinkis.

19 MR. ALEX: Thank you. I have spoken
20 before, and I just want to make a couple of extra
21 comments.

22 I have a strange feeling, and I may be
23 wrong, that there is not a single one of you that's
24 sitting out there on all these committees and these
25 people in front of us that own any property in this

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1 area. That own any property. But I imagine that
2 every one of you may have a couple hundred thousand
3 dollars or more in a bank account, in CDs, or in other
4 investments.

5 Now, if I said to you, "Okay, Judge Alex is
6 going to lose \$1 million if you pass this," are you
7 willing to say, "Hey, Judge Alex is going to lose \$1
8 million. And I'll go to the bank, and I love this
9 little creature so much, I will take a million dollars
10 of mine to make it fair and put it into this project"?
11 None of you are going to do that. None of you who are
12 voting on this.

13 I have an investment in this property.
14 Take a look at what you are doing to the people that
15 own the property. You are not stealing it from us,
16 but basically just about. And you wouldn't want us to
17 do that to your bank accounts and stuff that you own.
18 You don't care. You can say, "Hey, let these people
19 suffer. We are not suffering." And that's basically
20 where we are at. And it's not going to happen to us.

21 (Applause from the audience.)

22 CHAIRMAN KITE: Next speaker is Ni ta

23 Brinker, followed by Lori Tracy.

24 MS. BRINKIS: Ni da Brinki s.

25 CHAIRMAN KITE: I'm sorry.

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1 MS. BRINKIS: I sometimes go by

2 Mrs. Alex, as well.

3 I wanted -- I don't want to repeat myself
4 and -- but I would like to find out from you very much
5 if you have ever evaluated the diminution of the land
6 value of the owners who are -- the private owners who
7 are under your plan? Has there ever been an economic
8 study done of the damage to private land?

9 And the second question I would like to ask
10 you: Do you have a fund established to compensate for
11 this loss of these landowners? Or is it taxpayers
12 that are going to pick this up? Can somebody answer
13 these two questions for me, please?

14 CHAIRMAN KITE: We will get back to you
15 after the public comments are finished.

16 (Applause from the audience.)

17 The next speaker will be Lori Tracy,
18 followed by Darrell Hutchinson.

19 MS. TRACY: Lori Tracy. We are property
20 owners within the boundaries of the Multiple Species
21 Plan. Oh, but first may I point out that I was one of
22 those 67 letter writers, and I got no response.

23 I am very troubled that once again the
24 rights of weeds and rodents are placed above the
25 rights of human beings. I'm a supporter of clean air

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1 and water, but our society's concern for the
2 environment have gone way past making sure we have
3 less trash lying on the roadside, that we use less
4 gasoline and have clean air and water. It is time
5 that the private landowner standing to lose tens of
6 thousands of dollars each because of their inclusion
7 of their property in the Multiple Species Plan are
8 given consideration. Use restrictions greatly reduce
9 property values.

10 550,000 acres of land are already closed in
11 the Coachella Valley to protect the Fringe-toed
12 Lizard, the Milk Vetch, the Desert Tortoise, and other
13 imperiled species. The Arroyo Toad already has
14 182,360 acres designated as critical habitat and has
15 for at least six years. The Southwestern Willow
16 Flycatcher has 603 miles of critical habitat
17 designated in 1997. The Desert Tortoise already has
18 millions of acres of limited use habitat, and the
19 closure of 4500 miles of road. An additional 55.3
20 million acres and 1,160 miles of river have been
21 proposed as critical habitat for a great diversity of
22 birds and animals, fish, reptiles and insects.

23 The Burrowing Owl, for instance, is found
24 all over in North and South America. If a proposal
25 such as this is submitted, it must be done so with

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1 honesty. If the people who currently are working for
2 closure of land or designation as a conservation area
3 are doing so with information that is deceitful, then

4 this is fraud.

5 My (unintelligible), Yellow Warbler, which
6 is a very common bird and whose breeding range covers
7 most of the United States and Canada and prefers moist
8 thickets and swamps, which is likely the reason the
9 Yellow Warbler is not found in the hot Southeastern
10 California area.

11 The list of 27 species for the plan is for
12 the most part misleading. I have spent several hours
13 of research and have the list to support what I am
14 going to say. Only eight are listed on the Federal
15 Endangered Species list and only four are listed by
16 the State of California; 15 of the 27 on the list do
17 not meet any of the requirements for special concern
18 by the federal government. Most of the species listed
19 by the State of California are in many cases outside
20 of the species range or a species which normally would
21 not find this area's condition as favorable.

22 I feel I am not alone in requesting that
23 you deny this proposal. I guess I'm done.

24 CHAIRMAN KITE: Thank you for being here
25 tonight.

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1 (Applause from the audience.)

2 Next speaker will be Darrell Hutchinson,
3 followed by Pat Cooper. Darrell.

4 MR. HUTCHINSON: First of all, I wish to
5 thank everyone who has been involved in the creation
6 of the plan, especially our elected officials who have
7 had the vision to support this plan on our behalf and

8 in our best interest.

9 My name is Darrell Hutchinson. I reside in
10 La Quinta, and I'm a biologist. In the last four
11 years I have worked to develop strategies to monitor
12 populations of the plants and animals inhabiting our
13 desert community. It's been my good fortune to visit
14 many of the natural areas that will come under the
15 protection of the plan and to discover how beautiful,
16 unique and special these places are.

17 In my opinion, the science that forms the
18 basis of this plan is strong and carefully considered.
19 We don't know everything. But the design of the plan
20 allows us to adopt our management strategies and
21 scientific approaches in order to maintain the health
22 of the biological community. I'm proud and excited to
23 witness the inception of this aggressive and special
24 solution for balancing conservation and economic
25 development.

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1 Thank you.

2 MR. ALEX: It's not going to cost you a
3 penny, Darrell.

4 CHAIRMAN KITE: Next speaker will be Pat
5 Cooper, followed by Ed Luna.

6 MS. COOPER: Good evening. My name is
7 Pat Cooper, and I'm the District Representative for
8 Senator Denise Moreno Ducheny, who represents a
9 portion of the Coachella Valley.

10 I would like to reiterate her strong
11 support of the Coachella Valley MSHCP. Senator

12 Ducheny lent her support to CVAG last year, and that
13 support continues. She would also like to thank CVAG
14 staff and all of the agencies involved for all their
15 efforts towards the passage of the Coachella Valley
16 MSHCP.

17 CHAIRMAN KITE: Next speaker will be Ed
18 Luna, followed by John DeLeon.

19 MR. LUNA: Good evening, distinguished
20 members. I'm Ed Luna and I reside in Palm Desert.

21 I am here on behalf of my family, my
22 mother, my wife and children who have taken the time
23 from their homework to see how the machinations of
24 government work. And thank you for allowing us the
25 opportunity to review and comment on the documents and
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1 proposed implementation agreement prior to adoption of
2 the herein referenced Coachella Valley MSHCP or "the
3 plan."

4 I especially appreciate your consideration
5 of our desert as a rapidly developing area and the
6 need for preservation and conservation measures that
7 would protect our local communities, open space needs,
8 as well as our endangered or threatened natural plant
9 and animal species.

10 And for the benefit of those members of the
11 audience who have their respective concerns, please
12 note for the record that my comments are specific to
13 Section 4.3.18 of the Meccacopia Hills Conservation
14 Area only.

15 As native residents in the eastern portion
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16 of the Coachella Valley since 1943, we continue to
17 enjoy the distinct pleasures of the natural beauty
18 offered by the desert and mountain lands encased
19 within and around our home. There are currently four
20 generations of our family who have been born here,
21 attended schools and universities locally, and
22 continue to reside and own property in the Coachella
23 Valley and in the surrounding mountains.

24 Indeed, our family extends from the Indian
25 Crest community of our western mountains to the north
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1 shore community on the northeastern edge of the Salton
2 Sea. As native residents, we also have lamented what
3 appears to be a historical disregard by poorly planned
4 development and encroachment for the natural biology
5 which we regard as no less than an extension of our
6 home.

7 Therefore, we regard the plan as essential
8 to our family's history, in addition to the
9 preservation of the cultural and scenic background.
10 We as property owners support your efforts with the
11 understanding that the agencies referenced above, CVAG
12 and CVCC, will honor the tenets of the plan with
13 regard to private ownership within the draft plan as
14 submitted for approval.

15 In other words, those private landowners
16 within the designated area are allowed to determine
17 their own course within existing county and local land
18 use ordinances, and the continued preservation,
19 development, or future sale of their lands as outlined

20 in the conservation objectives of the plan.

21 Thank you very much.

22 CHAIRMAN KITE: Thank you.

23 (Applause from the audience.)

24 CHAIRMAN KITE: We appreciate you coming
25 here tonight with your family. This is certainly why

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1 we are all here tonight, so we can hear your comments
2 and the rest of your neighbors'. So thanks for
3 coming.

4 Next speaker will be John DeLeon, followed
5 by Julie Cassidy.

6 MR. DE LEON: I'm John DeLeon. I was
7 born and raised here. I live here in Thousand Palms.

8 I have a couple properties here. I work a
9 lot out of town. Your postcard you sent in gets here
10 Saturday morning. I had to come from out of town to
11 get here. I missed several meetings because you sent
12 it like today and the meeting is tomorrow.

13 That was one I know kind of off the guard
14 here. I didn't come prepared because I barely got my
15 postcard as a landowner. And what you guys are doing
16 are affecting our property. You guys are so much for
17 this project. It's not affecting you. If you are for
18 this project, and you would have to take 10 percent
19 out of your check for this, would it be a good idea?
20 You would think about it a little bit more.

21 That's coming out of our pockets.

22 (Unintelligible), but if I got some -- it looked like
23 you planned this meeting for a long time. And we

24 barely get a postcard Saturday morning, and there was
25 no literature on it. So I came not prepared.

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1 So in the future I would like more advance
2 to be able to come more prepared for the next time.
3 Thank you. And consider the 10 percent for the
4 program out of your check. See how that feels.

5 (Applause from the audience.)

6 CHAIRMAN KITE: We will certainly look
7 into the mailing issue that many of you have brought
8 up. It may be a post office issue. We do our best to
9 get these out well in advance of the next meeting.

10 Next speaker is Julie Cassidy, followed by
11 Chuck Nisbet.

12 MS. CASSIDY: Good evening, everybody.
13 I'm Julie Cassidy, a 26-year resident here in the
14 Valley.

15 First thing I would like to say, if I
16 could, is that I have attended several meetings for
17 the MSHCP. I'm not a landowner, that's true. But
18 somehow I have always read it in the paper; I have
19 looked into it; I have been aware of every meeting
20 that's come up. So I have been informed and I
21 certainly understand a lot of the concerns that are
22 coming up this evening.

23 But I have to say I know no proposal is
24 perfect. It's nearly impossible to make everybody
25 happy. But it seems like with a lot of compromise and

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1 back and forth and hard work, the MSHCP has been able
2 to get all the cities in the Valley to agree -- well,
3 all but one.

4 I would really like to take this
5 opportunity to encourage the City of Desert Hot
6 Springs, who is my neighboring community, to join in
7 the plan. They need some vision and guidance to grow
8 in the right direction. If you look all through the
9 Valley, you will see that golf courses can be built
10 anywhere successfully, in the washes, on the flats, so
11 it's really not an issue. But habitat is just where
12 it is, period. You don't get to pick it. So I feel
13 like there is enough land for golf courses and
14 conservation in the Desert Hot Springs area.

15 Second, when I hear all the discussion
16 about how this plan limits development, it's true, it
17 does limit development in some areas. But I keep
18 coming back to the fact that this plan allows for our
19 valley to triple in size. I don't know how that
20 cannot be enough or how much more you want to develop
21 this area. This is not just about the lizard, which
22 is what everybody keeps bringing up. It's about
23 quality of life, open space, 27 species, smart and
24 balanced growth, streamlined development.

25 I have had the pleasure of going in a lot 86

1 of these different areas, hiking, walking. No, you
2 might not see a Fringe-toed Lizard or a Burrowing Owl
3 or a Bighorn Sheep if you go once or twice or morning,

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4 noon or night. But if you go all the time, you see
5 all of them. They all are out there, and I know that
6 to be true.

7 So I would like to say that I would really
8 hope all of you would vote to adopt this plan. And
9 Desert Hot Springs, let's get with it. If all the
10 other cities in the Valley can agree, certainly you
11 guys can come up with something that would work.

12 Thank you.

13 CHAIRMAN KITE: Thank you.

14 (Applause from the audience.)

15 Next speaker is Chuck Nisbet, followed by
16 Teresa Dobrev.

17 MR. NISBET: Ladies and gentlemen, CVAG,
18 TAC, E&E and CVCC. My name is Chuck Nisbet. I'm
19 president of Desert Trails Coalition.

20 Desert Trails Coalition is comprised of
21 five major trails organizations in the Coachella
22 Valley. And its 1500 members support this HCP. We
23 have worked long and hard with CVAG these past five
24 years to produce the best trails plan possible for the
25 good of our wildlife, natural environment, and the

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1 good of local residents and the good of our burgeoning
2 tourist industry. We look forward to working in a
3 cooperative, fully participating manner in the
4 implementation of this trails plan.

5 It's our opinion this HCP is in the public
6 interest of the people of this Valley because it
7 balances conservation and development. It protects

8 the natural environment that makes this Valley unique
9 and special to all of us. It creates a known, certain
10 playing field for all investors. And it maintains
11 open space for humans to enjoy and animals to survive.

12 This HCP rationalizes economic development.
13 Costs of building in the future will be less, whether
14 residential or commercial, with this HCP than without
15 it because of no costly delays because of lawsuits.
16 No costly preparations of environmental impact
17 statements. No costly months and years of negotiating
18 with wildlife agencies individually. And no costly
19 referendums of city governments by unhappy citizens.

20 The Desert Trails Coalition and its 1500
21 members beseech you to vote in favor of this forward-
22 looking HCP that will protect this beautiful Valley
23 for our children, our grandchildren, and will
24 encourage continued prosperity in our vibrant, local
25 communities.

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1 Thank you for the opportunity to represent
2 thousands of men, women and children, residents and
3 visitors who enjoy access to the beauty and
4 tranquility of the mountain trails surrounding
5 Coachella Valley.

6 Thank you.

7 (Applause from the audience.)

8 CHAIRMAN KITE: Next speaker is Teresa
9 Dobrev, followed by Mark Fisher. You can lower the
10 mike.

11 MS. DOBREV: Everybody knows that I'm

12 short, sir.

13 The reason I came the second time is not to
14 repeat everything I said before. That will be too
15 boring.

16 The reason I'm here is to ask you, I'd like
17 to know what this wonderful body of government is
18 doing for one species that has not been mentioned.
19 Due to my experiences in Mexico City not too long ago,
20 I saw what you can call hell because they were
21 unprepared for an earthquake that is imminent in our
22 cities.

23 And I would like to know what are you doing
24 about it? They are predicting an almost 8 earthquake.
25 And we as human beings need to protect ourselves. I

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1 want the gas companies to provide every citizen with a
2 means to close those meters. I saw gas running
3 rampant on streets and people just dying and burning.
4 And this happened not too long ago.

5 Now, we have the tools to know what's
6 coming, and it's coming to us. It's going to be here
7 because we live in the fault. But what is this body
8 doing about it? I would like to know.

9 And also, Caltrans was mentioned by one of
10 the lady speakers. It was very difficult for me to
11 understand most of what they said, not because I'm
12 illiterate, but because I have never been invited to a
13 quorum like this. I never received another
14 communication, and my postcard arrived today. So this
15 is something that needs to be corrected.

16 Mr. Chairman, I'm sure that you are taking
17 note of it. And please work on a project for the
18 human species.

19 Thank you very much.

20 (Applause from the audience.)

21 CHAIRMAN KITE: Thank you, Teresa.

22 Just to let you know what the cities in the
23 area are doing, most cities have put in some sort of
24 an emergency preparedness plan for earthquakes, so we
25 are really looking at that.

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1 Next speaker is Mark Fisher, followed by
2 Michael Staples -- Michele Staples. Sorry.

3 MR. FISHER: I'm Mark Fisher. I have
4 lived and worked here in the Valley for 24 years. I
5 was a scientific advisor for this plan, and it's based
6 upon good science. We have received accolades from
7 outside reviewers for being the most
8 scientifically-based HCP prepared in the nation.

9 If I may use the Fringe-toed Lizard for an
10 example -- I know you have heard a lot about this
11 species tonight -- but on the basis of equality and
12 quantity of data we have collected for this project, I
13 have been doing intensive study for the past 24 years
14 on this species. And after over 1,000 days in the
15 field searching for it, I have recorded several
16 thousand Fringe-toed Lizards. Each sighting that I
17 have I've coupled with habitat parameters such as
18 substrate type or plant species, that kind of
19 information. And we combined all of those data with

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20 data collected by my peers and by historical data.

21 And with that, we are able to make some models that
22 describe habitat.

23 With these kinds of numbers, we really know
24 Fringe-toed Lizard habitat. And by the way, the
25 lizard is restricted to this habitat. If the habitat
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1 is gone, the lizard is gone.

2 Occasionally, consulting biologists report
3 negative surveys in what we know is good habitat.
4 These can be attributed to either a lack of sufficient
5 time spent in the field or the -- mostly just like
6 lack of time spent in the field. I forgot what I was
7 going to say.

8 Likewise, reports of Fringe-toed Lizards
9 outside the normal habitat can be attributed to other
10 species of lizards. Many of them are pale-colored
11 like the sand. Desert iguanas, etc. Every time I
12 check on it, those species that they are referring to
13 are outside the habitat.

14 So I think I will wrap it up and just urge
15 you to adopt the most scientifically defensible MSHCP
16 proposed thus far in the nation.

17 CHAIRMAN KITE: Michele Staples,
18 followed by Michael Lin.

19 MS. STAPLES: Good evening. Michele
20 Staples representing Century Vintage Homes. And I
21 have submitted a letter for the record. I have extra
22 copies.

23 Century Vintage Homes bought 270 acres in

24 the plan area, most of it in Palm Springs, some of it
25 in the unincorporated county. We were working on

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1 plans for developing the property and ran into the
2 same issues on the like kind exchanges and the
3 adjacency requirements that were discussed earlier.
4 And I agree with those comments, but I won't repeat
5 them.

6 Legal deficiencies remain in the EIR. And
7 the approval of the MSHCP based on this EIR would be
8 subjected to being overturned. I will give three
9 examples.

10 First, the land use analysis is deficient.
11 The EIR acknowledges that development may have to
12 relocate out of the huge conservation area, but it
13 does not evaluate where this development may move nor
14 does it evaluate the environmental impacts that may
15 result from concentrating development outside the
16 conservation area, including impacts to
17 infrastructure, air quality, stormwater runoff, and
18 the regional housing needs of the individual cities.

19 Also, the land use analysis is
20 inconsistent. The EIR shows that most of the
21 developable land has been included in the conservation
22 area. In Desert Hot Springs, three-quarters of the
23 developable residential acreage is in the conservation
24 area, but the responses say just the opposite. And
25 there is no analysis of how this redistribution

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1 affects the residential development of these cities.

2 The inconsistent information and lack of
3 land use environmental analysis needs to be corrected
4 before the EIR is certified and the MSHCP is adopted.
5 It's as simple of that. Otherwise, the approval is
6 not supported by substantial evidence. This is one
7 example how the EIR fails to inform the public and
8 decisionmakers about the consequences of approval of
9 the MSHCP.

10 Second example: The procedure is flawed.
11 There is no real opportunity given for refining the
12 MSHCP proposal during the public comment period.
13 Century met with CVAG and was told that CVAG would not
14 make any revision to the conservation area, regardless
15 of the site specific information on Century Vintage
16 Home's habitat or lack thereof on its acreage.
17 Century was told that any refinement would have to
18 come at the request of the public agencies. So the
19 affected public was effectively frozen out of the
20 comment process.

21 Also, as you heard, there has not been
22 sufficient time for the public to review the final EIR
23 and the MSHCP. This was not a post office error. The
24 notice wasn't mailed until September 5th. It didn't
25 hit mailboxes until this weekend, and the original

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1 schedule you will remember included three full weeks
2 for public review. The public had less than a full
3 day.

4 And finally, the recirculated MSHCP and EIR

5 includes no take authorization for landowners within
6 and adjacent to the conservation area. The comment,
7 the responses to comment simply state this is no
8 different from any other zoning type of regulation.
9 But what the CVAG is proposing to do is establish
10 conservation areas adjacent to private property to
11 breed and manage these areas for listed species,
12 inconsistent with private property land use, and not
13 provide any take authorization to protect landowners
14 from the criminal and civil liabilities that they are
15 going to be exposed to. This significant land use
16 issue has not been addressed or mitigated in the EIR.

17 Thank you.

18 (Applause from the audience.)

19 CHAIRMAN KITE: Next speaker is Michael
20 Lin. And since we are about halfway through the
21 testimony tonight, we are going to take about a
22 five-minute break after Michael is done.

23 MR. LIN: Good evening, gentlemen --
24 ladies and gentlemen. My name is Michael Lin.

25 Since (unintelligible) already reserved

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1 three-quarters for endangered species, please reserve
2 one-quarter for human beings, because human beings
3 (unintelligible) -- so think about it. We are all
4 human beings. Thank you.

5 CHAIRMAN KITE: Thank you, Michael. We
6 will adjourn for about five minutes, and we will be
7 back here.

8 (Brief recess was taken.)

9 CHAIRMAN KITE: If you all behave
10 yourselves, we will be out of here by midnight.

11 The next two speakers are going to be
12 Suzanne Blinder and Andy Montgomery. Suzanne still
13 here?

14 UNIDENTIFIED SPEAKER: She went outside.

15 CHAIRMAN KITE: Is Andy Montgomery here?

16 UNIDENTIFIED SPEAKER: She left.

17 CHAIRMAN KITE: Andy Montgomery is not
18 here. Bob Marra? Bob, would you like to come
19 forward, followed by Joyce Fink.

20 MR. MARRA: Good evening, members of the
21 committees. My name is Bob Marra, and I'm getting
22 some good sounds out of this microphone.

23 I'm wearing a couple of hats, one as
24 (unintelligible) the Coachella Valley Economic
25 Partnership and one as a private business owner and

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1 resident of the Coachella Valley for 14 years.

2 CVEP is on record as supporting your plan.
3 We think it's critical (unintelligible) have a level
4 of certainty that the plan will ensure. Without the
5 plan or the Fringe-Toed Lizard Permit, which we know
6 is going away, we see gridlock on critical
7 infrastructure and private development projects for
8 sure. I think that's clear.

9 One thing that we have seen from the
10 housing market slump is we need to continue to attract
11 quality jobs here. We can't attract people that are
12 getting good paying jobs. They are not going to buy

13 the houses, the economy will suffer, and we will be
14 stuck in a tourism economy that's based on service-
15 oriented jobs and a people-serving economy. And the
16 population I don't think is going to support that.

17 So if we are not able to develop commercial
18 property with certainty or housing for the workforce
19 that would take those jobs, I think we are going to
20 see some serious problems in the economic future of
21 the Coachella Valley.

22 As an owner of a business that focuses on
23 the Coachella Valley economy, we study it every day.
24 We consult people on it, and we provide a variety of
25 reports on the economy and demographics in the

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1 Coachella Valley. We know there are 430,000 full-time
2 residents here in the Coachella Valley. Add to that
3 about 150,000 part-time residents now.

4 My company has done research and
5 projections on the future of the Coachella Valley
6 based on the plans of the various cities. And we
7 concur with a number of agencies that see we can
8 probably have about a million full-time residents here
9 in the Coachella Valley in the not-too-distant future.
10 So I think that's enough here for the Coachella Valley
11 to satisfy the needs of a lot of people. And if you
12 think about it, as the land is developed, as land
13 becomes more scarce, all of the Valley, the market
14 values of the land in the Valley will go up and it
15 will be good for everyone that way.

16 So I will urge you to go ahead and approve

17 this plan tonight and then take it all the way to the
18 end of the process and get the cities on board. And
19 thank you for your time.

20 CHAIRMAN KITE: Thank you. Did Suzanne
21 Blinder come back in? Suzanne is not here. We will
22 go to Joyce Fink. Joyce here? Everybody left at the
23 break. Okay. Next name is Jeff Wattenbarger.

24 UNIDENTIFIED SPEAKER: Gone.

25 CHAIRMAN KITE: He's gone.

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1 UNIDENTIFIED SPEAKER: Let's have
2 another break.

3 CHAIRMAN KITE: Fred Bell. Fred is
4 still here. He is hanging on. Good seeing you, Fred.

5 MR. BELL: Good evening. Fred Bell,
6 executive officer of the Building Industry
7 Association, Desert Chapter.

8 I have testified on this plan numerous
9 times, and I think everyone is well aware, has made
10 reference to the Building Industry Association, of our
11 position to this plan. We support it and continue to
12 support it and ask that you adopt it.

13 But I want to be very clear. If we
14 believed, the Desert Chapter believed at any time that
15 this plan was being used as a weapon against property
16 owners or small owners or developers, you who have
17 been on the business end of BIA and myself. You know
18 that we fight very hard for developers' rights.

19 And I can tell you, having inherited this
20 plan from my predecessor and having had BIA work on it

21 for the last ten years, that we believe that the plan
22 represents a one-stop shop in mitigation and
23 streamlines the process to the point where we know
24 that we can build with certainty. The loss of a
25 Fringe-toed Lizard Permit is unthinkable. As Bob

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1 Marra mentioned, it would result in gridlock. We
2 simply cannot let that happen.

3 So I urge on behalf of BIA Desert Chapter
4 that you move forward with the cities adopting the
5 plan to the ultimate adoption of the plan in the
6 future. Thank you.

7 CHAIRMAN KITE: Thank you. David
8 Cardenas? Cindy Nance? Norma Lowe? Norma, are you
9 here? Followed by Alberto Sandoval.

10 MS. LOWE: Much has been said this
11 evening about protecting the environment. Virtually
12 nothing has been said about protecting those who have
13 already owned property.

14 I agree it's nice to protect the
15 environment. However, when I went to CVAG to talk to
16 them about my property, I was told directly to my face
17 that the property value had been restrained from
18 growing; that it was only worth \$1,000 an acre.

19 Who of you would agree to willingly sell
20 your property for \$1,000 an acre because -- well, it's
21 already been in the plan, and it's been there for a
22 little while and so it can't grow in value. And that
23 is what this body has done to the property owner.

24 In fact, it constitutes a taking, a taking

25 in value of being restrained from being able for the 100

1 property to grow. It's been stated by Katie that the
2 property owners would be willing to sell. I would
3 like to purport that would be a forced sell. They are
4 stating they can have up to 75 years to buy the land
5 in August 2006 prices. But yet we, the property
6 owners, have to pay our property taxes.

7 By the time we get paid on August 2006
8 values in 75 years, guess what? We would have paid
9 more in property taxes than CVAG will be able to pay
10 us. (Unintelligible) 240,000 acres that need to be
11 acquired; however, there are only 50 million dollars
12 with which to fund the acquisition. And according to
13 your Fish and Game representative, that there must be
14 sufficient funding in order to move forward with the
15 plan. And in this plan there is absolutely not
16 sufficient funding.

17 And how will it be funded in future? Well,
18 as Katie says, we will acquire the property that's
19 closest to growth so those of us who might have
20 property on a paved road and may have utilities a
21 little ways away and have a neighbor who has already
22 built, we are prohibited from building. And then we
23 are told by CVAG, we will buy your land for \$1,000 an
24 acre. That is a taking.

25 The numbers -- the Fish and Game

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1 representative indicated that the numbers aren't sure;
2 that it will be decided after the plan. That is
3 totally unacceptable to the public, and it should be
4 unacceptable to this body. If you don't know what the
5 numbers are, how can you address a plan?

6 Your fees have been prohibitive. We have
7 been prohibited from developing our property at \$600
8 an acre. We were prohibited from developing our
9 property at \$2700 an acre. And now you continue to
10 elevate your fees to almost \$6,000 an acre -- oh, and
11 tell me that my property is only worth \$1,000 an acre?

12 This, gentlemen and ladies, constitutes a
13 taking. And you should consider how and where you are
14 taking the land from. If there is nothing on my
15 property or on many of these other properties that
16 constitute endangered species -- and we have heard
17 developers who are big people -- we are impacted as a
18 small landowner. We have been put at your mercy. And
19 yet you put forward a plan that is insufficiently
20 funded. And according to the Fish and Game
21 representative, if it's insufficiently funded, it
22 should not be approved in its present form.

23 Thank you.

24 (Applause from the audience.)

25 CHAIRMAN KITE: Alvaro Sandoval,

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1 followed by Joan Taylor.

2 MR. SANDOVAL: Good evening,
3 Commissioners. My name is Alvaro Sandoval from Desert
4 Hot Springs.

5 I used to believe that the Constitution was
6 equal for everybody. But on this issue, I believe
7 that this is like a first-come, first-served.

8 And on the last meeting, one of the CVAG
9 commissioners mentioned that they have been working on
10 the plan for 22 years. And I was just wondering if
11 they are blind or what did they do? I'm talking about
12 Palm Desert.

13 I came in 1979, and I used to go to the
14 mountains to the Bighorn Sheep. Now the Bighorn
15 Country Club is built. And all the way here, and all
16 the cities, I know that they (unintelligible) because
17 they don't have nothing to lose. And if -- I don't
18 know exactly how you are going to buy 240,000 acres.
19 If an acre on Bighorn -- do you know, everybody knows
20 how much is cost. A million dollar is cheap. So why
21 don't you buy the land of the Country Club, of the
22 Bighorn?

23 I understand that you have nothing to lose.
24 But I'm just asking you just to be fair and do what is
25 right. I know that you don't care. If you don't live
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1 in the Desert Hot Springs or if you are not big
2 developer, we have to pay for somebody who is making
3 the millions and who is making (unintelligible) on the
4 government. And I hope that we have a political
5 campaign reform so at least we can fix something that
6 we start.

7 So please be considerate. I work 27 years
8 and I know that most people, maybe some less or more,

9 but just to be in favor of somebody that you are not
10 going to pay is not fair. So I am asking you, just to
11 do what is right. I used to live in Mexico is the
12 worst part. But I came to the conclusion in 2002,
13 they came up with a plan not exactly like this, but
14 very much. And in Mexico it's illegal. It's wrong.
15 It's against the law. It's a crime. So they cannot
16 pass it.

17 I thank you very much.

18 (Applause from the audience.)

19 CHAIRMAN KITE: Next speaker is Joan
20 Taylor, followed by Frazier Haney.

21 MS. TAYLOR: Good evening, Chairman,
22 Members of the committees. Thanks for the opportunity
23 to speak. My name is Joan Taylor, and I represent
24 Sierra Club. I'm not going to take long.

25 I'm going to say pretty much what I said 104

1 last year. We have submitted written comments. This
2 plan is not perfect. It's a compromise. So is the
3 Fringe-toed Lizard Plan, and it's served the Valley
4 very well.

5 We think this is a sophisticated valley and
6 it understands that we need to solve our problems in
7 this kind of way rather than in an adversarial way.
8 We urge a yes vote on this plan.

9 CHAIRMAN KITE: Next speaker is Frazier
10 Haney, followed by Bob Roberts.

11 MR. HANEY: Hello. My name is Frazier
12 Haney, and I'm a preserve manager in Whitewater Canyon

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13 at the Whi tewater Preserve. I work for a group called
14 the Wi ldl ands Conservancy. We're a Cali forni a
15 nonprofi t dedi cated to preservi ng Cali forni a's
16 landscapes and getti ng ki ds and fami l i es back i nto the
17 outdoors.

18 I'm here to voice support for the MSHCP.
19 Wi ldl ands Conservancy has purchased private land
20 i nhol di ngs i n Whi tewater Canyon, Mi ssi on Creek, Bi g
21 Morongo ACEC, Joshua Tree National Park and Windy
22 Point. Much of thi s land was donated to the
23 Department of the Interior. We currently manage two
24 preserves that encompass over 4,000 acres. The
25 Whi tewater Preserve was acqui red wi th help of Fri ends

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1 of the Desert Mountains and the Coachella Valley
2 Mountains Conservancy. Mi ssi on Creek Preserve was
3 donated by the Nature Conservancy. On both preserves,
4 we have publ ic hi ki ng trai ls, chi ldren's outdoor
5 education programs, and publ ic park areas, al l at no
6 cost to the vi si tors.

7 In addi ti on to our efforts, the South Coast
8 Wi ldl i fe Project studies large-scale wi ldl i fe
9 movements throughout Southern Cali forni a to di scover
10 what areas are cri ti cal for long-term conservati on
11 strategi es. Two wi ldl i fe corri dors are i denti fi ed by
12 the South Coast Mi ssi ng Li nkage Project i n the plan
13 area. One l i es between the San Jaci nto and San
14 Bernardi no Mountains. The other l i es between the San
15 Bernardi no Mountai ns and the Li ttle San Bernardi no
16 Mountai ns.

17 The plan helped to protect both wildlife
18 corridors that are important to the whole of Southern
19 California. Please approve the plan.

20 Thank you very much for your time.

21 CHAIRMAN KITE: Next speaker is Bob
22 Roberts, followed by Ken Glassman.

23 MR. ROBERTS: I'm Bob Roberts. Good
24 evening.

25 I support Bruce Colbert's comments, Michele
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1 Staples' comments, Emily Hemphill's comments. She
2 has left. Her clan would appreciate that.

3 I'm going to ramble a little bit.
4 9,800,000 acres of property in Riverside County. If
5 you develop 6 percent of that into the infinity, it
6 would be close -- so there is no definable lack of
7 open space or habitat in this county. Out of that
8 9,800,000 acres, 88 percent of that is already owned
9 by the state and local governments. Then you add
10 additional lands that are constrained by the natural
11 effects, this is an artificial constraint and it
12 affects private property and private property owners.
13 Private property is an important concept to me, and it
14 should be to you as elected officials. It's the
15 cornerstone of our United States, and it's the reason
16 we differ from other countries.

17 The proposal as it's come forward, there is
18 quite a few people here from small cities like Desert
19 Hot Springs, Palm Springs, Palm Desert. This plan is
20 going to have an impact on your General Plan. As you

21 know, there are mandatory elements to the General
22 Plan. All of those have to be internally consistent.
23 All constraints have to be adequately described.

24 This plan on its own will disqualify your
25 General Plan from being internally consistent. You 107

1 are very likely going to go through 1 or 2 million
2 dollars and have to rewrite the General Plan if you
3 adopt this plan. At least it's very strongly likely.
4 And there will be environmental concerns about your
5 readopting your General Plan. There is not a free
6 ticket to you adopting a General Plan without
7 opposition from the various groups that take money by
8 their opposition. So certainly consider the fact that
9 each and every city is going to be impacted
10 economically.

11 This plan also chooses cities like Desert
12 Hot Springs -- and we all know the Coachella Valley
13 never really stepped over the I-10 until Del Webb --
14 not in a significant way -- until Del Webb did it at
15 Washington Drive. The Roberts family has been out
16 here developing for years and years and years. I
17 would like to tell you that I believe the Roberts
18 family drilled the first water well in Palm Springs
19 and they drilled the first commercial hot water well
20 in Desert Hot Springs. We have been around for a few
21 years.

22 Each city will be dealt with differently.
23 The economic opportunities available at Desert Hot
24 Springs are essential so that they have some economic

1 disproportionately picks them out and tells them they
2 don't have the ability to do that.

3 I will go with the (unintelligible).

4 (Applause from the audience.)

5 CHAIRMAN KITE: Thank you. Next speaker
6 is Kim Glassman, followed by Donn Sholty.

7 MS. GLASSMAN: I got so engrossed I
8 forgot to walk down the stairs.

9 I'm here on behalf of Senator Jim Battin.
10 He is in Sacramento in the final day and a half of
11 session and apologizes for not being able to be here
12 personally. We have arranged our letter so that I
13 don't have to read all my pages. I'm only going to
14 read two pages and submit it to you for the record,
15 the balance of it, the more technical aspects.

16 "Dear Honorable Committee Members: I
17 appreciate the opportunity to support my opposition --
18 to submit my opposition to the Multi-Species Habitat
19 Conservation Plan for your consideration at this
20 hearing.

21 "Some of you may already be aware that I
22 did submit written comments in May of this year during
23 the open comment period and received a written
24 response from CVAG to those comments on August 31st,
25 2007. Instead of having my staff read my full

1 response and continued questions tonight -- which

2 would take some time (the letter is seven pages long),
3 I would ask that they be incorporated into the
4 official record. Unfortunately, I am confident that
5 should the MSHCP pass, there will be several legal
6 challenges initiated, and I would like my concerns to
7 be available during those procedures.

8 "While again, I appreciate the effort of
9 the Lead Agencies to address the concerns I brought up
10 at that time, I do not feel that they have been
11 adequately addressed by this plan.

12 "For example, in the opening comments of my
13 letter, I cited my concern about the effects of this
14 plan on the Coachella Valley as a whole, and the Lead
15 Agencies' response was to state that "Therefore, for
16 CEQA analysis purposes, implementation of the MSHCP
17 would not have a significant impact on the
18 environment.

19 "My comment was not directed solely on the
20 aspect of the environmental issues being considered
21 here. My comment was intended to direct the Lead
22 Agencies, namely all of you who will hold the vote to
23 approve this plan, to consider the real life effects
24 of this plan -- the effects on the lives of the people
25 involved, not solely the environment. Decisions that
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1 are as far-reaching and as ambitious as the MSHCP
2 cannot be made in a policy vacuum -- there are real -
3 life applications and consequences to these policies
4 that we as elected representatives must take into
5 consideration.

6 "Your response to my concerns about
7 constituents who have come to me with the very
8 real-life problem of not being able to sell or develop
9 their land because of the proposed MSHCP designation
10 does not concede that many of the factors that will be
11 taken into consideration are extremely subjective.
12 While I am aware that the Plan contains the HANS and
13 JPR processes, the HANS process applies only to the
14 Santa Rosa and San Jacinto Mountains Conservation
15 area. The plan does not explicitly state on a
16 Plan-wide basis that appraisals would exclude
17 consideration of the fact that the subject property is
18 within a Conservation Area.

19 "Additionally, these are real people that
20 will be impacted. While there is clearly a certain
21 level of responsibility placed on the shoulders of a
22 property owner to understand the rules and regulations
23 by which they are bound to, there is also a tremendous
24 responsibility inherent upon the government to ensure
25 that those rules are accessible, digestible, and

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1 possible to follow without an advanced education in
2 policy."

3 May I finish, Mr. Chairman?

4 CHAIRMAN KITE: Yes, you may.

5 MS. GLASSMAN: "Your response basically
6 dismisses my concerns and states that my "comment
7 provides no basis for its statement. . . Therefore,
8 further response is not possible." Granted, my
9 concerns are anecdotal and do not have the ability to

10 be studied by the scientific method, but that
11 certainly does not render them irrelevant.

12 "My concerns about the process by which the
13 plan has come about, and the way it has been lobbied
14 for, are virtually dismissed by the response. The
15 response does, however, concede to my concern about
16 the fact that the Plan does not require that other
17 environmental groups will abide by this agreement, and
18 does finally concede to the fact that the I-10
19 interchange projects are not contingent upon the
20 approval of this Plan."

21 CHAIRMAN KITE: Can you wind it up,
22 please?

23 THE WITNESS: Yes, sir. Okay.

24 He credits the BIA and the goals of the
25 environmental people. Just compress that.

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1 "While I completely understand how they
2 have come to this conclusion, that this is the only
3 way, I respectfully disagree and suggest that when we
4 sacrifice the rights of any private property owner to
5 this degree, it is only a matter of time before we
6 become willing to sacrifice them all."

7 One more closing paragraph that I will skip
8 with the niceties and then: "Thank you again for this
9 opportunity to present this for your consideration."

10 And thank you for the extension.

11 CHAIRMAN KITE: We will all have copies?

12 MS. GLASSMAN: Yes, I have the original.

13 CHAIRMAN KITE: Okay. Thank you. Next

14 speaker is Donn Sholty, followed by Fred Noble.

15 MR. SHOLTY: Good evening, Committee and
16 Committee Chair. My name is Donn Sholty. I'm a
17 resident of Desert Hot Springs. I don't know any land
18 developers. I don't live near any of the property.

19 I retired at 55 for medical reasons, and we
20 moved into our house that we bought last year. I hope
21 Desert Hot Springs succeeds.

22 I'm kind of torn on this habitat thing. I
23 mean, my wife is a big composter, we save the crickets
24 in the house, we recycle like you wouldn't believe.

25 But there was a map that was up there tonight, and it
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1 has a lot of red on it. And it was like cutting
2 Desert Hot Springs in half right through Pierson, and
3 it was wide and it was big.

4 I have absolutely no sympathy whatsoever
5 for any land developer who bought property or is
6 trying to develop in the wash area. It's tough luck.
7 You shouldn't have bought there in the first place.
8 What I would like to see and what I would like to
9 challenge this committee to show its worth, I would
10 like to see you standing up to the Riverside County
11 supervisors who approved Palmwood and then, as my wife
12 said, practiced some sort of extortion against the
13 city on its annexation of that area, that nothing
14 would happen unless they joined a program that was
15 voluntary.

16 I don't see how you can allow that to
17 happen. We need to talk about fair and balanced. No

18 offense to Indio, was it 60 acres? How many acres do
19 you want from Desert Hot Springs? I would like to see
20 everything south of Pierson in the habitat program, a
21 nice park on Pierson to display the habitat for all
22 the people of the Valley. Let the city join at the
23 park. Give us the opportunity not to be divided.

24 I ask for your help. It's not a lot. Just
25 work for us. Or maybe we should work for you. I'm
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1 not a public speaker. I was a factory worker for 35
2 years. And God bless you all. I hope everybody does
3 the right thing. I want the cities to stand up and
4 help Desert Hot Springs. I hope they join the MSHCP,
5 but do it fairly. Allow the city not to be divided in
6 half.

7 Thank you.

8 (Applause from the audience.)

9 CHAIRMAN KITE: Okay. We are down to
10 the last two speakers, Fred Noble, followed by Marcel
11 Bassirian.

12 MR. NOBLE: Mr. Chairman, members of the
13 committees, and Executive Committee. I'm Fred Noble
14 on behalf of Wintec Energy, Desert Wind Energy
15 Association, and with respect to APN 666-333-001,
16 (unintelligible) and his partners. We submitted
17 written comments to the latest version of the plan as
18 it appears on the Internet about a week ago. And I'm
19 going to summarize some of our thoughts here.

20 Fundamentally, we understood that the
21 recirculated plan was the old plan minus Desert Hot
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22 Springs, with perhaps a couple technical changes to
23 clean it up. So I'm sure you can share my surprise
24 when in Section 7.3.1, I found the clause had been
25 added that was not there before which recites that the
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1 plan does not provide take authorization for wind
2 energy turbine operation.

3 Now, it does provide authorization for any
4 use approved and permitted by any permittee, which is
5 city. And they include oil refineries, smelters,
6 manufacturing and testing of explosives, blast
7 furnaces, batch plants, and mining and tanneries, to
8 name a few. They get take permits, but wind energy
9 doesn't. So I hope this is an oversight. If it
10 wasn't, I think we should say it's a breach of faith
11 with the industry, and certainly something that came
12 out of left field as far as we're concerned. To
13 penalize a clean, renewable energy industry is
14 inappropriate.

15 Second point: The edge effect rules will
16 result, with respect to the noise ordinance and the
17 edge effects, putting about half the windmill projects
18 in the county out of business. Many wind parks are
19 contiguous to conservation areas or they are in
20 conservation areas. There is a 75 dba noise
21 requirement if you are on the edge or if you are in.
22 Windmills are required to have a much quieter noise
23 standard than anybody else, which is 55 dba at the
24 receptor's ear. But the base of the machine, many of
25 them are 75 dba. And if it's prohibited under the

1 edge rules, they are out of business and you know what
2 that is going to mean for everybody.

3 The sand transfer corridor: I think this
4 has been resolved on the Pross Air (as pronounced)
5 property. It was a very thin trail on the maps the
6 last time around. And now it's about 600 yards wide.
7 We understand that's just an oversight in the drafting
8 of the map, but it's unacceptable to us.

9 Much references are made to the
10 implementation manual. It doesn't exist; therefore,
11 we are asked to comment on rules that we can't read.

12 Finally, this may be an oversight, Section
13 6.6.1 requires local permittees, which is you guys, to
14 comply with all the requirements of 4.20, which is
15 procedures for taking care of creatures, whether or
16 not you are permitting something in or out of the
17 conservation area, but 4.4 rules apply only to uses
18 inside the conservation area. Therefore, this
19 provision imposes the same restrictions outside the
20 conservation area as inside. You may want to look at
21 that.

22 The rest of it is in our filing. One final
23 personal comment. The source of this is really the
24 driver of the State of California and the federal
25 government. I think you ought to be commended in

1 taking that difficult task of dealing with the

2 pressure from them and coming up with something that
3 really does save the economy of the Coachella Valley.
4 I think people should make no mistake that if it
5 doesn't pass, the economy will be trashed in this
6 Valley. Thank you.

7 CHAIRMAN KITE: Thank you. We do have a
8 couple of more speakers coming up. Marcel Bassirian
9 and Jim Ferguson.

10 MR. BASSIRIAN: Good evening. I would
11 have come more prepared, like others who received the
12 notification at a little late stage.

13 My name is Marcel Bassirian. I own land in
14 the great City of Desert Hot Springs. Before I start,
15 I would like to start with a poem of Loomy (as
16 pronounced.

17 I lived for thousands and thousands of
18 years as mineral. And then I died, became a plant.

19 And I lived for thousands and thousands of
20 years as a plant. And then I died, became an animal.

21 And I lived for thousands and thousands of
22 years as animal. And then I died and became a human
23 being. What have I ever lost by dying?

24 I appreciate all those people who have come
25 here tonight to support the lizards' habitat. They

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1 are all good. We have forgotten one important thing
2 tonight. Our soldiers, brothers and sisters in the
3 deserts of Iraq, Afghanistan, are ignored. I would
4 like to donate 271 acres of land in the Desert Hot
5 Springs that I own, provided the same recognition

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6 tonight is given by the nation on vegetari ani sm. I
7 don't eat meat. But I respect the human being as the
8 creation of God.

9 Thank you.

10 CHAIRMAN KITE: Thank you. The next
11 speaker will be Jim Ferguson, followed by Glenn Ernst.

12 MR. FERGUSON: Good evening. I'm Jim
13 Ferguson with the Ferguson Law Firm. I represent
14 Florida Power and Light, the largest owner of wind
15 turbine generators in the United States, and by far
16 the largest owner of wind turbines in the San Gorgonio
17 Pass area.

18 Very quickly, I would like to compliment
19 first of all Katie Barrows and the CVAG staff, as well
20 as the wildlife agencies. We have been working for
21 two years. It's true there isn't specific language
22 calling out special treatment for wind turbines, but
23 there is an understanding and draft MOU that we have
24 had and has been in circulation for some time. It was
25 never the intent of the drafters of the plan to

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1 adversely affect wind energy. And in fact, my client,
2 along with CVAG, has agreed to agree that we will work
3 through these minor -- what we consider to be minor
4 details in the implementation manual as well as the
5 adjacency guidelines.

6 I'm proud to be able to stand up on behalf
7 of Florida Power and Light to say we are in whole-
8 hearted support of the plan and look forward to
9 working with you on the implementation process. And

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10 once again, thank you, Katie Barrows and the CVAG
11 staff, for always finding time to work with us in
12 putting together a positive proposal and hope we can
13 end on a positive note.

14 Thank you.

15 CHAIRMAN KITE: The last speaker will be
16 Glenn Ernst.

17 MR. ERNST: Good evening. My name is
18 Glenn Ernst, and I just happen to be here in town. I
19 was up north flying one of the airplanes. Arrived at
20 one of my residences down near San Diego and got this
21 card yesterday.

22 I have the property -- I own 249 acres in
23 your proposed area. I was just advised by counsel
24 earlier to make a statement in opposition to this for
25 a great number of reasons which I guess will come up
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1 later.

2 But the lack of information on this -- I
3 have had two large offers on the property in the past
4 that's been turned down. (Unintelligible), but this
5 is not the way to do it, Richard and staff.

6 And I would like to also say that there was
7 a gentleman earlier, an attorney, a retired judge that
8 asked whether or not any of you have property in that
9 area. And for me to just happen to fly into town and
10 pick this up in the mail yesterday, I came over today
11 special to hear this. I wasn't going to voice
12 anything. But again, I go down in opposition to this
13 plan.

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CHAIRMAN KITE: At this point I assume all of you have been able to speak. Is there anybody who has not spoken that would like to at this point? Okay.

At this point we will close the public hearing, and we are going to take a five-minute break.

(Brief recess was taken.)

CHAIRMAN KITE: We are going to readjourn the meeting at this point. And I would like to address commissioners in front and in back and to the side of me to address any questions that you might

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have to be answered either by Katie or by (unintelligible) or any questions that have been raised by the audience that you think are pertinent or any questions that you might have yourselves. So anybody have any specific questions?

MAYOR ODEN: Yes, Mr. Chair, I have some.

CHAIRMAN KITE: Yes.

MAYOR ODEN: My first question deals with the wind energy and the concerns of wind energy, of the standards that have been applied here.

MS. BARROWS: (Unintelligible).

CHAIRMAN KITE: Let's get the mic on.

MS. BARROWS: With respect to wind energy, there are for the most part existing uses of wind energy that would not require take authorization, so those are treated as existing uses.

18 I know there was a comment or question made
19 by one of the commenters regarding the land use
20 adjacency issues or what are called edge effects.
21 Those are guidelines that apply to lands that are
22 adjacent to conservation areas. They are put into
23 place by the local jurisdiction, whether it's the City
24 of Palm Springs or the County of Riverside. And the
25 jurisdiction has -- the way the plan states, it has

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1 the ability to determine the applicability of those
2 guidelines. There are some referring to noise,
3 lighting, very similar to the kind of guidelines that
4 you would use.

5 MAYOR ODEN: But the guidelines used,
6 was it residential or commercial?

7 MS. BARROWS: The standard -- your
8 question is specifically with regard to the noise
9 standard?

10 MAYOR ODEN: Yes.

11 MS. BARROWS: The standard we used I
12 believe applies to residential. I'm not the noise
13 expert. There is intended to be some better
14 explanation of how those noise standards would be
15 applied and some of the exemptions that might be
16 applicable in the implementation manual, but it is a
17 residential standard, I believe. I'd actually have to
18 check that.

19 MAYOR ODEN: But that concerns me since
20 commercial use -- but when it comes to the adjacency
21 issue relative to the wind energy, are those

22 mandatory? Are they mandatory?

23 MS. BARROWS: No, I think that is the
24 important point of those guidelines. The local land
25 use authority, the jurisdiction, makes the

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1 determination about the application of those
2 guidelines. They are -- the language is that the
3 jurisdiction would consider and apply those as
4 appropriate. It is intended that they provide a
5 conservation benefit. But they are essentially with
6 the authority of the local jurisdiction.

7 SUPERVISOR ASHLEY: Mr. Chairman?

8 MAYOR ODEN: I had a couple more
9 questions, so maybe we will come back up.

10 CHAIRMAN KITE: Why don't you go ahead
11 and ask them.

12 MAYOR ODEN: I had just thought
13 adjacency, just in general, specifically applied to
14 wind energy. Are we doing anything so we don't get
15 locked into something currently that may have
16 significant effect on wind energy?

17 MS. BARROWS: I think that the intent of
18 the land use adjacency guidelines are similar to the
19 types of guidelines that cities and other
20 jurisdictions use on a regular basis when you are
21 placing residential next to commercial or land uses
22 that may not be compatible. They are the same sorts
23 of issues, lighting, noise, those kinds of things,
24 that I think you are given the jurisdiction as a land
25 use authority to decide when those should be applied.

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1 MAYOR ODEN: Then I guess I can't really
2 separate that from like exchange, because I really see
3 that as something for the future that can become a
4 problem when we are looking at -- I think it's a
5 problem for the property owner. But I think it could
6 also be a problem for the municipalities in the
7 future. I just think perhaps a little more
8 examination in terms of flexibility.

9 MS. BARROWS: I'm sorry, Mr. Mayor. You
10 are referring now to the like exchange process?

11 MAYOR ODEN: Yes.

12 MS. BARROWS: Maybe I can clarify that
13 that process is one that is initiated potentially by a
14 landowner or potentially by a jurisdiction. The like
15 exchange process is one that's really intended to
16 provide flexibility in the plan. It allows a property
17 owner to look at the potential to do what we call
18 "like exchange." In other words, pick a piece of
19 property that's of equal or greater biological value
20 and exchange that for property, what's currently in
21 the conservation area.

22 We used that tool very successfully last
23 spring in 2006 working with a number of jurisdictions
24 to resolve some of the issues. And we were able to
25 basically take some land out of the conservation area,
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1 and in exchange, put in land that was of equal value.
2 So it's really intended to be a tool that provides

3 greater flexibility.

4 MAYOR ODEN: Between the old plan and
5 new plan, can you tell me what's different in terms of
6 the exchange?

7 MS. BARROWS: That part of the plan has
8 not changed. And the standard is -- as I say, we were
9 able to use this successfully actually in the City of
10 Cathedral City and in the City of Indio. And it's
11 basically like value for value. So based on our
12 natural communities and our species distribution
13 models. And it's intended to provide some flexibility
14 in the event that in the future we would look at a
15 property being removed from a conservation area, and
16 have the ability to essentially trade pieces that are
17 of equal biological value.

18 MAYOR ODEN: Okay. All right.

19 I just want to say, because there are a lot
20 of comments made tonight that I think that were
21 directed to us as elected officials and this body, to
22 me, property ownership is extremely important. And
23 I'm sure it is to everyone sitting up here, and not
24 just wanting to take someone's property or the future
25 that they believe that they have established for their

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1 family.

2 The funding source that we have set up, we
3 have been told that it is sound and that people will
4 be compensated for their property. Is that true?

5 MS. BARROWS: Well, I think we've done a
6 very careful job of evaluating the funding sources.

7 As I mentioned, it's something that the wildlife
8 agencies require us to do. And we are fortunate in
9 having the input of additional funding from land
10 acquisition. As I mentioned, it kind of jump starts
11 that program. We have \$30 million coming from
12 transportation funds at CVAG and additional funds from
13 the water district, from Caltrans, and from other
14 agencies.

15 So I think that in terms of land
16 acquisition, our entire effort has been to really
17 provide as much money as we could up front so we can
18 work with landowners and acquire lands from willing
19 sellers. And I feel comfortable that we are going to
20 be able to do that.

21 We have the opportunity also to work with
22 the state and federal agencies. And the Coachella
23 Valley does have a long history of that kind of
24 effective partnership for land acquisition. We
25 actually have in the 60,000 acres that have been

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1 acquired, some of those are landowners that stood
2 before you in years past and expressed concerns. And
3 we have been able to work through and acquire lands.
4 They were pleased with that outcome.

5 MAYOR ODEN: In terms of the state and
6 federal, what are they bringing to the table in terms
7 of the funding mechanism?

8 MS. BARROWS: The plan requires that the
9 CVCC, the implementing agency, guarantee funding for
10 those parts of the plan for which we are responsible.

11 We are not dependant, in other words, on state and
12 federal funding.

13 MAYOR ODEN: Yes, I understand that.
14 But since they are part of the plan, just kind of
15 something inherent that implies that they are bringing
16 something.

17 MS. BARROWS: Sure. Well, in terms of
18 land acquisition, they have a component of the land
19 acquisition, that 240,000 acres that the state and
20 federal agencies will be acquiring. Because of their
21 process, they cannot make an absolute commitment to
22 that, because in the case of the federal agencies,
23 it's a congressional decision, and obviously, in
24 Sacramento the same is true. But they have an acreage
25 amount, just like the local permittees do, that they

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1 would be expected to acquire.

2 And I think if you look at the numbers as I
3 say in that 60,000 acres, a significant portion of
4 that, probably the majority of that has been acquired
5 with state and federal dollars. We have monies coming
6 in from a variety of resources in the Coachella
7 Valley.

8 I think the other thing is on the
9 management and monitoring side, we have a
10 responsibility as a CVCC to fund that management and
11 monitoring. But we are very much looking at that
12 being a partnership effort. For example, on the
13 trails plan, the agencies are going to be providing
14 support to us, working through their wildlife

15 biologists and their staff and all of the elements
16 that will help us to implement the trails plan more
17 effectively. It's really a multi-agency partnership.
18 So they will have staff on an ongoing basis working
19 with us in the implementation process as well as the
20 land acquisition.

21 CHAIRMAN KITE: Supervisor Ashley, did
22 you have a question?

23 SUPERVISOR ASHLEY: Yes, I do.
24 (Unintelligible).

25 One on the wind energy. The existing uses
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1 are covered, and as I understand, that's taken care
2 of. But like the new projects, the energy projects do
3 not disturb very much of the land. They disturb less
4 than 10 percent. They fall within that 10 percent
5 that you could use in any -- basically any land
6 allocation. Would that have some application to them,
7 that 10 percent? John, do you understand my question?

8 DIRECTOR WOHLMUTH: Maybe you could --

9 SUPERVISOR ASHLEY: Repeat the question?

10 DIRECTOR WOHLMUTH: Well, your question
11 is, In terms of wind energy, if wind energy, new
12 energy is developed in a conservation area, would they
13 be able to use part of the 10 percent, develop their
14 parcel essentially allowing that project to move
15 forward within the requirements of the plan.

16 And the answer is yes. In fact, working
17 with Wintec, FPL, Adams, Christianson, most of their
18 projects require very little take ground disturbance

19 as part of the project. The analysis we have done on
20 most of the wind energy would allow their wind energy
21 to develop, as the ground disturbance is well within
22 the requirements of the plan.

23 SUPERVISOR ASHLEY: Further, the County
24 is a strong supporter of renewable energy and that's
25 important to us.

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1 One thing about the edge rules on sound;
2 those are going to be set by the jurisdiction. And I
3 think that all of the jurisdictions would be very
4 reasonable in doing that. So I wouldn't feel bad
5 about that if I was anybody, any surrounding property
6 owner of wind energy.

7 The other thing on the small property
8 owners, I think it's very important. You had a lot of
9 small property owners really concerned and upset by
10 this. And I think one thing that was proposed earlier
11 when we were working with Desert Hot Springs trying to
12 keep them in the plan before, there was a proposal to
13 set up a fund that would be used to take care of these
14 small property owners so they knew there was a funding
15 source there. And I think that could be done again,
16 set up like a revolving fund so there is enough to
17 take care of the small property owner.

18 And so many of them are really concerned
19 about this, and I think we really have to reach out
20 and make sure that those folks don't feel threatened
21 like they are not going to get paid for their land and
22 they won't have a chance to sell the land. The big

23 developers, big property owners we assume will take
24 care of themselves, but we have to worry about the
25 small property owners. Let's don't forget that.

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1 CHAIRMAN KITE: Any other questions from
2 any of the committees? Chris?

3 MR. MILLS: If it's --

4 CHAIRMAN KITE: Get closer to your mike.

5 MR. MILLS: On the wind energy portion,
6 your comment that if the development occurs on 10
7 percent -- is allowed, 10 percent or less, and they
8 can use that 10 percent; is that correct?

9 DIRECTOR WOHLMUTH: If the 10 percent is
10 available in that conservation area, the research and
11 the working with the wind energy have indicated that
12 they use far less than 10 percent of the ground
13 disturbance. The primary issue that wind energy was
14 concerned about when we drafted the MOUs, we drafted
15 three MOUs that have yet to be signed by the wind
16 energy. When we drafted these MOUs, the major concern
17 was the ability to replace wind turbines with the new
18 technology that's available.

19 And the language we worked out in the
20 MOUs -- and it's available in the plan -- is they can
21 exchange turbines or "repower a site" is the term they
22 use -- repower the site. They can take the existing
23 pads. The new turbines that are available use less
24 turbines per acre. They are larger megawatt turbines
25 that use less per acre or 100 acres. And they are

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1 allowed to restore the site, and that restoration of
2 the site is credited to the new development of wind
3 energy on other areas. So essentially, they get a
4 credit if they tear down the old wind energy, put up
5 the new wind energy. And that credit, if they restore
6 the site, is available to them on that particular
7 site.

8 MR. MILLS: What about a site that is a
9 new site?

10 DIRECTOR WOHLMUTH: Again, this plan
11 does not say that development will not occur in
12 conservation areas. Development will occur in
13 conservation areas in working with the wind energy,
14 use numbers, like the old turbines may be 18 per
15 hundred acres, depending on the configurations, wind
16 patterns, etc. The new wind energy may be far less
17 than that. Bigger wind generators, but less
18 disturbance on the ground.

19 When we start to look at the acreage for a
20 wind farm, the acreage for the wind farm and how much
21 actual ground disturbance is created by that acreage,
22 well within the 10 percent. Well within the 10
23 percent.

24 MR. MILLS: And then another question
25 had to do with the determination of like exchange

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1 that -- the comment was made by Ms. Hemphill, I think,
2 and had to do with the determination of like exchange

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3 in the plan being done "errantly" -- or wrong. And
4 the plan outlines it for an exchange to be done in a
5 different means. In other words, on the site
6 physically.

7 How do you get a similar determination of
8 one versus the other if there are two separate methods
9 done to make the determination?

10 MS. BARROWS: I think it is important to
11 recognize again in the statement of the like exchange
12 process that we are looking for equal or greater
13 biological value. And maybe just to use an example,
14 we actually -- I don't have the plan before me now and
15 I can appreciate that there may be a little bit of
16 confusion, but essentially what the plan does call for
17 is, we use our natural communities map and our species
18 distribution models, which were based on aerial
19 interpretation, but I also would like to add were
20 based on some ground cruising and accuracy assessment.
21 But those are the basis for the determination of like
22 exchange.

23 So I think it is consistent with the
24 concern that was raised. We have had examples that
25 have been done more recently involving the Desert

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1 Pride, Woodlands, and we are using our natural
2 communities map (unintelligible) inside the
3 conservation area or that has been placed there..

4 That determination is one that involves the
5 wildlife agencies. They need to be a party to looking
6 at that like exchange. It's an important decision to

7 decide where we are going to take land out of the
8 conservation area and replace it with land that is of
9 equal or greater value.

10 So I think in describing that process, we
11 want to make it clear that they have concurrence
12 regarding that issue. But we are basically using the
13 same data or the same information, whether we are
14 talking about taking land out or in. That's the
15 process we use.

16 CHAIRMAN KITE: Mr. Ready,

17 MR. READY: Mr. Chairman, if I could,
18 I'd say that wind energy is important. Could you
19 explain so I can understand a little better the reason
20 for the exchange on the wind energy from the old plan
21 to the new plan, the reason for that. That might help
22 me get my arms around what the issue is. There is no
23 issue is what I think I hear you saying.

24 MS. BARROWS: I think what we tried to
25 do I think in the draft plan was to clarify the

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1 treatment of wind energy. Previously in the LAFCO
2 collectors plan, in the 2006 plan, we had described
3 wind energy primarily with respect to where it
4 occurred on public land, on BLM land and other lands.
5 So we took some of the language that refers to how
6 wind energy is treated and moved it into the section
7 that specifically deals with that.

8 I think what we tried to do -- and this was
9 based on meetings that we had with representatives of
10 the industry -- was to clarify the repowering issue

11 that John has just described. So there is language
12 that describes how that disturbance assessment is
13 made. And that it's made on the net ground
14 disturbance. We actually did make a modification in
15 the final document in response to the comments that
16 clarified wind energy in terms of what it referred to
17 as wind energy facilities.

18 The important distinction with wind energy
19 is the covered activity, is the ground disturbance and
20 the ground activity. So we clarified that in the
21 final document with some clarifying language. So it
22 was our intent in the language that we have in the
23 plan now compared to last year to provide a greater
24 degree of clarity, especially to deal with this
25 repowering issue that was brought to our attention by

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1 wind manager folks.

2 MR. READY: So was the intent that's now
3 manifest, that it was just as easy under the new plan
4 as under the old plan, or it's more difficult?

5 MS. BARROWS: I think it's more
6 straightforward in addressing how we determine that
7 ground disturbance. We are looking at facilities
8 where the net ultimate disturbance may be less, and
9 therefore, we want to be able to credit them. So I
10 think we have a situation where it's more clear how
11 that can work. And we tried to provide more clarity
12 so it was easier to understand and facilitate that
13 with what's called by the industry as "repowering" or
14 bringing in the larger turbines.

15 MR. NOBLE: It's a question of the take
16 authorization. That's the issue. You are dodging the
17 issue. The new language says the plan does not
18 provide take authorization for wind energy operation.
19 But you can get it for a dynamite plant. That's the
20 problem. So don't dodge the issue. You added it at
21 the last minute and you singled us out as different
22 than everybody else.

23 MS. BARROWS: If I'm not mistaken -- and
24 I'm not looking at the section you are referring to,
25 John. I don't know if you want to comment. But I

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1 think what we are referring to is the existing use
2 issue --

3 MR. NOBLE: 7.3.1.

4 MS. BARROWS: I think what we are
5 referring to in terms of existing use, the existing
6 wind energy facilities, you are not required to have
7 take authorization because you are an existing use.

8 MR. NOBLE: I'm talking about new ones.

9 MS. BARROWS: I would have to read that
10 statement. But the plan does provide for ground
11 disturbance associated with wind energy. It could be
12 authorized --

13 MR. NOBLE: As far as ground disturbance
14 (unintelligible).

15 MS. BARROWS: That's correct. But --

16 MR. NOBLE: They have to do with taking
17 that away from us and you shouldn't have done this.

18 CHAIRMAN KITE: I think we are going to

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19 have to spend some time working with you on that
20 issue. Maybe you could come in and talk to Katie and
21 John about that specific issue.

22 Any other questions from -- Mayor of
23 Desert Hot Springs?

24 MAYOR BIAS: Yes. (Unintelligible).

25 Even though we are --

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1 UNIDENTIFIED SPEAKER: Can't hear.

2 MAYOR BIAS: I think it's important to
3 have a clear definition as to how the process is going
4 to work as it relates to their (unintelligible) as to
5 whether or not it can be (unintelligible).

6 MR. WOHLMUTH: This issue has actually
7 been considered by -- this issue has been discussed at
8 the CVCC. And let me clarify some of the comments and
9 address some of the concerns.

10 First of all, the state law requires us to
11 do a property valuation and Nexus study every five
12 years, a minimum of every five years. So the value
13 will be considered every five years or as often as the
14 CVCC wants a Nexus study or comments to the CVCC from
15 the development community want a Nexus study. So the
16 state requires us to do a valuation, Nexus study,
17 every five years at a minimum.

18 Secondly, this is a 30-year acquisition
19 period under this plan, not a 75-year acquisition
20 period. We do get a bond or a loan to acquire all of
21 the property within the first 30 years. But it's
22 still contingent upon willing sellers at fair market

23 value. In order to get fair market value, we have
24 agreed to do the first appraisal at our cost. And
25 CVCC has already considered an acquisition and an

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1 appraisal process for that land.

2 If the property owner wants an appraisal,
3 the property owner can do an appraisal. And if they
4 don't agree, they don't have to sell the land. But
5 they can also ask us to do an appraisal at our cost to
6 mediate between the two appraisals. And they can then
7 decide if they want to sell their land. So we will do
8 two appraisals at the cost to the CVCC. And at the
9 end of the day, they can decide whether they want to
10 sell or not.

11 The appraisal itself has also been
12 discussed by the CVCC. And the appraisal does say it
13 will consider like property both in and outside the
14 conservation area. So it's not just in the
15 conservation area that we value the comps or use the
16 comps in the appraisal process. It's both in and out
17 like property.

18 And finally, the issue of sufficient
19 funding. The \$50 million that Katie mentioned early
20 on is the funding for the first five years. The
21 funding for the 30 years or 50 years is well above \$50
22 million. The effort there is to explain we have
23 advance-funded this plan to buy property early on from
24 willing sellers. Since we started this process, a lot
25 of property owners come to us and want us to buy the

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1 property. Unfortunately, we cannot buy the property
2 until we have the funding mechanism, which is approval
3 of the plan, other than using our partners or CVAG
4 transportation to buy the land.

5 So the \$50 million is just the funding for
6 the first five years. In fact, Caltrans has to, under
7 this plan, buy 5300-and-some acres in the first 15
8 years. CVAG puts up \$30 million in the first three
9 years. And other contributions come in. But the \$50
10 million is just the first five years. So this is
11 weighted to provide significant funding in early years
12 to acquire property from willing sellers.

13 I hope that that clarifies some of the
14 concerns from the property owners and the public on
15 how this plan attempts to acquire. And finally, one
16 last comment: The CVCC sets acquisition priority.
17 There is -- they can set acquisition priority how they
18 see fit. Obviously, they want to buy from small
19 property owners that are interested in selling.
20 That's been an issue of the CVCC in addressing that,
21 and if CVCC wants to set up a separate fund to address
22 smaller property owners, that direction can be
23 provided staff and we can write that in the policy
24 when this plan is permitted.

25 CHAIRMAN KITE: Thank you. Any other

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1 questions from any of the commissioners or committee
2 individuals up here? Okay. At this point it's up to
3 Ben and Energy and Environmental Resources.

4 MAYOR GODFREY: Thank you, Mr. Chairman.
5 Are there any further questions from E&E members?
6 Hearing none, do I hear a motion?
7 MS. FINERTY: Approval.
8 MAYOR GODFREY: Is there a second?
9 MR. MOLLER: Second.
10 MAYOR GODFREY: We have a motion and a
11 second. May we have the roll call? Who was the
12 second? May we have the roll call?
13 (Ms. Stueckle called roll with attendant
14 responses:
15 Cathedral City: Yes.
16 Coachella: Yes.
17 Desert Hot Springs: Abstain.
18 Indian Wells: Yes.
19 Indio: Aye.
20 La Quinta: Aye.
21 Palm Desert: Yes.
22 Palm Springs: Aye.
23 Rancho Mirage: Yes.
24 Riverside County: Aye.)
25 MS. STUECKLE: It carries.

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1 CHAIRMAN KITE: Thank you. Now on to
2 the TAC committee. Pat.
3 MR. PRATT: Mr. Chairman, at this time I
4 will ask the TAC members if they have any questions or
5 comments. Seeing none, I will -- there is a
6 recommendation to receive the staff report and
7 recommend the Executive Committee approve the

8 resolution that's in the packet.

9 Do I have a motion and a second?

10 MR. EVANS: So moved.

11 MR. JOHNSON: Second.

12 MR. PRATT: Motion and second on the
13 floor. May I have roll call, please?

14 (Ms. Stueckle called roll with attendant
15 responses:

16 Cathedral City: Yes.

17 Coachella: Yes.

18 Desert Hot Springs: Abstain.

19 Indian Wells: Yes.

20 Indio: Yes.

21 La Quinta: Yes.

22 Palm Desert: Aye.

23 Palm Springs: Yes.

24 Rancho Mirage: Yes.

25 Riverside County: Yes.

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1 Cabazon: Abstain.)

2 MS. STUECKLE: It carries.

3 CHAIRMAN KITE: Thank you. The members
4 of the Executive Committee, are there any questions or
5 comments of the members of the Executive Committee
6 would like to make? Mr. Bias.

7 MAYOR BIAS: Thank you very much. I
8 just want to make a comment as it relates to the City
9 of Desert Hot Springs and the fact I really do wear
10 two hats here --

11 UNIDENTIFIED SPEAKER: Can't hear you.

12 MAYOR BIAS: I did want to make a
13 comment as it relates to the City of Desert Hot
14 Springs and the fact that I do wear two hats here.

15 UNIDENTIFIED SPEAKER: Can't hear you.

16 MAYOR BIAS: That even though the City
17 of Desert Hot Springs is not a part of the plan at
18 this particular juncture, I would like to say that I
19 have been in support of this plan. But I do wear two
20 hats, and this is the second (unintelligible).

21 And I wanted to make a statement, before we
22 actually went to the vote, that when I take my
23 vote (unintelligible) --

24 UNIDENTIFIED SPEAKER. We can't hear
25 you.

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1 MAYOR BIAS: When I take a vote on
2 behalf of the recommendation made by Council as it
3 relates to our not currently having a desire to take
4 any action until after we actually have seen the plan
5 go through whole process (unintelligible). But as a
6 CVAG Executive Committee member, I really do think
7 that the City of Desert Hot Springs will be better
8 served.

9 CHAIRMAN KITE: Thank you. We do have
10 any comment from legal counsel?

11 MS. OUELLETTE: Thank you, Mr. Chair.
12 Staff has identified several nonsensitive revisions
13 that did need to be made to the resolution; we
14 therefore ask that you do authorize legal counsel to
15 work with staff to make these minor corrections in the

16 event that the resolution is approved.

17 CHAIRMAN KITE: Thank you. Can I have a
18 motion from --

19 MAYOR ADOLPH: Move staff's
20 recommendation.

21 MAYOR ODEN: Second.

22 CHAIRMAN KITE: Motion to approve and a
23 second. Roll call, please.

24 (Ms. Stueckle called roll with attendant
25 responses:

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1 Cathedral City: Aye.

2 Coachella: Yes.

3 Desert Hot Springs: Abstain.

4 Indian Wells: Yes.

5 Indio: Yes.

6 La Quinta: Yes.

7 Palm Desert: Yes.

8 Palm Springs: Yes.

9 Rancho Mirage: Yes.

10 Riverside County Fourth District: Yes.

11 Riverside County Fifth District: Yes.

12 Cabazon: Abstain.)

13 MS. STUECKLE: It carries.

14 CHAIRMAN KITE: Thank you. And now I
15 would like to address the members of the Coachella
16 Valley Conservation Commission.

17 I just have one brief comment: After 12
18 years of work on this plan, it is certainly a
19 compromise when you hear individuals from both the

20 development side and the Sierra Club side say it's not
21 perfect, we know we have come to some sort of balance.
22 And I think it's a balance for everybody in this area.
23 And as one person in the audience said earlier, this
24 is not about the Fringe-toed Lizard. This is about
25 quality of life. And we think we have come up with

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1 the best plan to improve the quality of life for all
2 the individuals in the area, not just tomorrow but for
3 the next 75 years.

4 So at this point is there a motion from any
5 member of the CVCC?

6 MAYOR DE ROSA: So moved.

7 MS. FINERTY: Second.

8 MS. ROCHE: Motion to adjourn.

9 CHAIRMAN KITE: There is a motion and a
10 second and almost a motion to adjourn. Would you
11 please call the roll.

12 (Ms. Stueckle called roll with attendant
13 responses:

14 Cathedral City: Aye.

15 Coachella: Yes.

16 Indian Wells: Yes.

17 Indio: Yes.

18 La Quinta: Yes.

19 Palm Desert: Yes.

20 Palm Springs: Aye.

21 Rancho Mirage: Yes.

22 Riverside County Fourth District: Yes.

23 Riverside County Fifth District: Yes.

24 CVWD: Yes.
25 IID: Yes.)

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1 CHAIRMAN KITE: Thank you. I want to
2 thank CVAG staff for their outstanding job tonight.
3 And thank you from all the audience for coming here
4 tonight. (Unintelligible). Thank you very much.

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6 (The proceedings concluded at 9:35 p.m.)

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R E P O R T E R ' S C E R T I F I C A T E

I, Judith W. Gillespie, a certified shorthand reporter, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of September 10, 2007.

Dated this 4th day of October, 2007, at Riverside, California.



Judith W. Gillespie, CSR No. 3710