

COACHELLA VALLEY CONSERVATION COMMISSION
Meeting Minutes
February 12, 2009

1. CALL TO ORDER

The meeting of the Coachella Valley Conservation Commission (“CVCC”) was called to order by Chair Richard W. Kite at 11:01 a.m. on February 12, 2009.

2. PLEDGE OF ALLEGIANCE

Chair Kite led in the Pledge of Allegiance.

3. ROLL CALL

Roll call was taken and it was determined that a quorum was present. Chair Kite welcomed and acknowledged Councilmember Powers, City of Indian Wells, Councilmember Weigel, City of Palm Springs, and Larry Parrish, CVAG’s new Interim Executive Director.

Members Present

Mayor Kathy De Rosa
Mayor Eduardo Garcia
Councilmember Bill Powers
Councilmember Ben Godfrey
Councilmember Stanley Sniff
Councilmember Cindy Finerty
Councilmember Lee Weigel
Councilmember Richard W. Kite
Mayor Pro Tem Steven Hernandez
(alternate for Supervisor Marion Ashley)
Board Member Corky Larson

Agency

City of Cathedral City
City of Coachella
City of Indian Wells
City of Indio
City of La Quinta
City of Palm Desert
City of Palm Springs
City of Rancho Mirage
County of Riverside, 5th District

Coachella Valley Water District

Members Absent

Board Member Anthony Sanchez
Councilmember Terry Henderson
Supervisor Roy Wilson

Imperial Irrigation District
County of Riverside, 2nd District
County of Riverside, 4th District

Others Present

Kim Nicol
Bill Havert
Monica Swartz
John McFadden
Carolyn Syms Luna
Rick Daniels
Joe Lim
Nancy Wright
Ken Waxlax
Jean Carr
Randy Nichols
Paul Ireland
Keith Carwana
Larry Allen

California Department of Fish & Game
Coachella Valley Mountains Conservancy
Coachella Valley Water District
Coachella Valley Water District
County of Riverside
City of Desert Hot Springs
City of Indio
Mission Springs Water District
Peter Murray & Associates
ICF Jones & Stokes
Hogle-Ireland
Hogle-Ireland
Hogle-Ireland
Resident of Indian Wells

CVAG Staff

Larry Parrish, Interim Executive Director
Katie Barrows, Director of Environmental Resources
Jim Sullivan, GIS Program Director
Gary Leong, Director of Administrative Services
Linda Rogers, Program Assistant II

4. FINALIZATION OF AGENDA & ADDITIONS AND REVISIONS

It was moved by Councilmember Sniff and seconded by Mayor De Rosa to accept finalization of the agenda.

The motion carried.

5. PUBLIC COMMENTS

6. CVCC MEMBER/EXECUTIVE DIRECTOR COMMENTS

6A Presentation

At the last CVCC meeting, commissioners commented that Bill Havert has spent a considerable amount of time and effort in making the Multiple Species Habitat Conservation Plan a real success. Chair Kite thanked Bill Havert on behalf of the CVCC for everything he has done. A plaque was presented to Bill Havert, Coachella Valley Mountains Conservancy, in appreciation for his exceptional leadership, vision and contribution to conservation planning and land acquisition to benefit the CVMSHCP. Board Member Larson added that Bill Havert has done more for this valley and commended him for his vision and passion in moving the CVMSHCP forward over the last several years.

7. CORRESPONDENCE

None.

8. QUARTERLY FINANCIAL STATEMENTS UPDATE AS OF DECEMBER 31, 2008

Gary Leong indicated that included in the agenda packet is a copy of the CVCC's Financial Statement as of December 2008. There were no questions or comments from the committee.

This item was received and filed by the CVCC.

9. AUTHORIZATION FOR ENGAGEMENT OF BEST, BEST AND KRIEGER FOR WORK ON THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (CVMSHCP)

Katie Barrows explained that the CVCC now has the ability to engage legal services with Best, Best and Krieger (BB&K) on the CVMSHCP. BB&K has provided legal counsel to CVAG since 2003. There are still some outstanding settlement agreements and other legal issues that BB&K continues to assist us with. CVCC staff suggests continuation of the contract in the amount of \$30,000 as identified in the CVCC's current budget pending authorization of the CVCC.

It was moved by Mayor De Rosa and seconded by Mayor Pro Tem Steve Hernandez that the CVCC authorize the chair to sign a letter of engagement with Best, Best & Krieger to provide legal services for CVMSHCP implementation for work not to exceed \$30,000.

The motion carried.

10. **CONSIDER CONTRACT FOR LAND MANAGEMENT PROGRAM WITH THE CENTER FOR NATURAL LANDS MANAGEMENT**

Katie Barrows indicated that we have been working with Center for Natural Lands Management (CNLM) to develop a contract regarding the Land Manager position for the CVMSHCP. There is an issue that staff is attempting to resolve with CNLM is transfer of the Fringe-toed Lizard Endowment currently held by CNLM. We are working to incorporate that into the contract with them. There have been some complications in terms of identifying and tracking the endowment and where it has come from and providing for the eventual transfer. Staff requested that this item be continued to the March 12th meeting.

Staff explained that this is a fund that was established when the Fringe-toed Lizard Preserve was established in 1986. As part of the CVMSHCP, we are required to transfer it to CVCC and that is part of what is being worked on with CNLM and its current status. At the present time the endowment is held by CNLM and we want to reevaluate, given the current market. This item will be brought back to the CVCC.

It was moved by Councilmember Sniff and seconded by Councilmember Powers that the CVCC continue this item for the March 12, 2009 meeting.

The motion carried.

11. **RESOLUTION 09-002: ACQUISITION OF PARCEL FROM FRIENDS OF THE DESERT MOUNTAINS**

Jim Sullivan indicated that the CVCC had considered this matter in a Closed Session a few months ago and voted to purchase this parcel for a total cost not to exceed \$96,100. The parcel is located in the Edom Hill Conservation Area on the very end of the Indio Hills. Discussion ensued regarding the initial cost of the parcel by Friends of the Desert Mountains as compared to the total cost. Jim Sullivan explained that the additional costs were higher than the original estimate of \$95,000 because of accrued penalties on the delinquent taxes and an additional tax payment having come due. Bill Havert indicated that \$95,000 was estimated initially to compensate for delinquent taxes. In the length of time it has taken to complete the sale, the amount of delinquent taxes due have increased.

It was moved by Councilmember Sniff and seconded by Mayor Pro Tem Finerty that the Coachella Valley Conservation Commission (CVCC) approve Resolution 09-002 authorizing acquisition of APN 659-030-013 for a total cost not to exceed \$96,100.

The motion carried.

12. **CONSIDERATION OF LETTER OF SUPPORT TO SENATOR FEINSTEIN REGARDING FUNDING FOR HCPs**

As discussed at a previous meeting, staff explained that there is an effort to provide support at the federal level for the Cooperative Endangered Species Conservation Fund also known as Section 6 funding. This has been a source of funding to the Coachella Valley for several years. Now that the MSHCP is permitted, we are now eligible for a much larger amount of funding that provides for land acquisition and other multiple species programs. Staff requests that the CVCC consider sending a letter to Senator Feinstein, a copy of which has been incorporated in the agenda packet. The letter of support to Senator Feinstein expresses support for a \$125 million allocation to this program in 2010, restoring funding to 2001 levels.

Staff indicated that the California Habitat Conservation Planning Coalition (Coalition) is planning a trip to Washington, D.C. for March 3 and 4, 2009. Katie Barrows indicated that a meeting is being scheduled with Senator Feinstein's office, Congresswoman Bono Mack's office, other representatives, as well as the Department of Interior. Staff indicated that since members of the CVCC were not available to participate in the trip in March, that the CVCC consider appointing a staff member to participate with the Coalition.

There was some discussion regarding the CVCC participating independently on behalf of the Coachella Valley rather than as part of a larger organization. Staff explained that in past years, CVAG has included a representative in those trips. The Coalition is the newer version of what was formerly known as the NCCP Coalition. Further discussion ensued regarding the effort of the Coalition's message and to what extent it would have in terms of bringing value to the Coachella Valley. Mayor Pro Tem Hernandez inquired if an evaluation had been done to determine if any potential monies might be available under the stimulus package for conservation purposes or acquisition of properties. Staff commented that the Nature Conservancy is working on addressing this issue along with other environmental groups in Washington, D.C. Mayor Pro Tem Hernandez requested that staff provide the CVCC with a brief summary of what is being proposed.

Chair Kite added that he visited Washington, D.C. last year and met with staff from Congresswoman Bono Mack's office, Senator Feinstein's office and met with Lynn Scarlett, Deputy Secretary of the Interior. Chair Kite stated that these visits provided a great help to us in getting the Plan approved by the wildlife agencies.

It was moved by Councilmember Sniff and seconded by Mayor Pro Tem Finerty that the CVCC:

- 1) **Approve a letter to Senator Dianne Feinstein supporting \$125 million for the Cooperative Endangered Species Habitat Conservation Fund and authorize the chair to sign the letter; and, that a modification be made to the letter removing Chairman and adding Chairwoman.**
- 2) **Appoint a staff member to participate in the Washington, D.C. trip in lieu of a CVCC Commissioner.**

The motion carried.

13. **CONSIDER MEMORANDUM OF AGREEMENT WITH CITY OF INDIO REGARDING ACQUISITION OF MITIGATION LAND**

Jim Sullivan explained that the Memorandum of Agreement with the City of Indio will help them with a mitigation for an Army Corps of Engineers (ACOE) Permit separate from the CVMSHCP. The City of Indio needs 0.1 acre of wetland and the ACOE will allow the City to buy it through us and is putting up the money to buy the parcel plus management, monitoring and staff time in the amount of \$7500. Staff indicated that this appears to be a very positive precedent of streamlining the ACOE mitigation process and helping our member jurisdictions and the CVMSHCP.

It was moved by Councilmember Godfrey and seconded by Councilmember Sniff that the Coachella Valley Conservation Commission (CVCC) approve the Memorandum of Agreement (MOA) with the City of Indio Regarding Acquisition of Mitigation Land. The motion carried.

14. REPORT FROM TRAILS MANAGEMENT SUBCOMMITTEE

Katie Barrows reported that the Trails Management Subcommittee had its first meeting in January and it was very successful. A list of members serving on the Trails Management Subcommittee was included with along with the staff report. The subcommittee decided to meet every other month. Staff indicated that the next meeting will be an informational meeting with the Department of Fish and Game and the U.S. Fish and Wildlife Service on February 25th to get a better understanding of Bighorn Sheep issues related to trails. Commissioners were invited to attend this meeting. Staff will continue to keep the CVCC informed as the group continues to meet and work on their program of coordinating trails and bighorn sheep conservation.

15. CONSIDERATION OF PROPOSED DESERT HOT SPRINGS I-10 COMMUNITY ANNEXATION AND STATUS OF DESERT HOT SPRINGS MAJOR AMENDMENT

Katie Barrows stated that this item is in regard to the potential for an annexation by the City of Desert Hot Springs referred to as the I-10 Community Annexation which provides for the annexation of a piece of property between the city's current city limits and the I-10 Freeway. CVAG has been working with the City of Desert Hot Springs on a number of issues one of which is the proposed annexation and the proposed major amendment. A process has been developed that staff would like to propose to the Commission. The City of Desert Hot Springs requested guidance from CVCC staff in terms of the annexation and how to address that and to ensure that the proposed I-10 Annexation is compatible with the MSHCP. The City of Desert Hot Springs has also expressed their desire to move forward with the annexation before the major amendment process is completed. The major amendment would take approximately one year to complete. Rick Daniels was invited to address the CVCC and Hogle-Ireland staff were present to make a presentation on the annexation.

In order to allow this to occur, the CVCC could authorize an agreement to be developed among those entities for this annexation. Staff would work together with the various agencies and LAFCO to develop the agreement and bring it back to the CVCC for consideration. Further discussion ensued regarding the elements of the annexation as outlined in the staff report along with the actions required by the City of Desert Hot

Springs to ensure consistency with the MSHCP. Staff also reiterated points 1-5 outlining the actions that would be required to meet the requirements of LAFCO and Riverside County.

Rick Daniels, City Manager, City of Desert Hot Springs addressed the CVCC providing a brief overview of the City's actions to date, the mechanics of the major amendment process, and work with their consultants and CVCC staff. Mr. Daniels stated that the direction of his city council is to update the General Plan and include the MSHCP in its entirety within the General Plan. This should be adopted in approximately 12 months. The City is also moving forward on the annexation with approximately 4,000 acres between current city limits and I-10. Mr. Daniels asked for good faith going forward stating that the City of Desert Hot Springs has agreed to every condition, requirement that Fish & Game has laid out, CVCC staff. Projects will also be subject to Interim Project Reviews where CVCC staff has review before it is even accepted by the City. Further discussion ensued regarding the terms that the City of Desert Hot Springs has agreed to comply with. Mr. Daniels requested that the CVCC agree to move forward and allow the process that has been outlined by CVCC staff otherwise the City will have to go to each jurisdiction and get individual approval to annex the property.

Mayor Pro Tem Hernandez that the County of Riverside is engaged with MOU conversations with the City of Desert Hot Springs.

It was moved by Board Member Larson and seconded by Mayor Pro Tem Finerty that the Coachella Valley Conservation Commission consider the proposed I-10 Community Annexation and provided direction to staff.

16. IMPLEMENTATION UPDATE

Katie Barrows updated the CVCC that the Reserve Management Oversight Committee (RMOC) has been established and invitations are being sent out to those agencies that eligible for that committee. We are currently trying to schedule a meeting of the RMOC for March.

Appraisals are going on and some considerations will be brought back to the CVCC in March or April for actual land acquisitions.

17. CONSENT CALENDAR

Approval

17A Approve Minutes of the January 8, 2009 Coachella Valley Conservation Commission.

It was moved by Councilmember Sniff and seconded by Mayor Pro Tem Finerty that the CVCC approve the Minutes of January 8, 2009.

The motion carried.

17B Report on Contracts under \$25,000

It was moved by Councilmember Sniff and seconded by Mayor Pro Tem Finerty that the CVCC receive and file this report.

The motion carried.

- 17C Resolution 09-001: Acceptance of Coachella Valley Aggregates Like Exchange Addition Properties

It was moved by Councilmember Sniff and seconded by Mayor Pro Tem Finerty that the CVCC approve Resolution 09-001 accepting Like Exchange addition properties from Coachella Valley Aggregates (CVA).

The motion carried.

Information

- 17D CVCC 2008 Attendance Roster

This item was received by the CVCC as an information item.

18. ANNOUNCEMENTS

The next meeting of the Coachella Valley Conservation Commission is scheduled for March 12, 2009 at 11:00 a.m.

19. ADJOURNMENT

The meeting adjourned at 11:40 a.m.

Respectfully submitted,

Linda Rogers
Program Assistant II