

**Coachella Valley Conservation Commission
Meeting Minutes
October 9, 2008**

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.

2. PLEDGE OF ALLEGIANCE

Chair Richard W. Kite led in the Pledge of Allegiance.

3. ROLL CALL

Roll call was taken and it was determined that a quorum was present.

Members Present

Mayor Kathy De Rosa
Mayor Eduardo Garcia
Mayor Pro Tem Larry Spicer
Councilmember Ben Godfrey
Councilmember Stanley Sniff
Councilmember Richard W. Kite
Councilmember Cindy Finerty
Councilmember Chris Mills
Councilmember Terry Henderson
(alternate for Supervisor Tavaglione)
Supervisor Roy Wilson
Councilmember Steven Hernandez
(alternate for Supervisor Ashley)
Board Member Corky Larson

Members Absent

Board Member Anthony Sanchez

Others Present

Carolyn Syms Luna
Steve Walker
Les Johnson
Jane Udall
Ken Waxlax
Bill Havert
Kim Nicol
Marilyn McKay
John Brown
Craig Weightman
James Brownyard
Fred Bell
Mary Justice

Agency

City of Cathedral City
City of Coachella
City of Indian Wells
City of Indio
City of La Quinta
City of Rancho Mirage
City of Palm Desert
City of Palm Springs
County of Riverside – 2nd District

Riverside County – 4th District
County of Riverside – 5th District

Coachella Valley Water District

Agency

Imperial Irrigation District

County of Riverside
City of Indio
City of La Quinta
Citizen
Peter Murray & Associates
Coachella Valley Mountains Conservancy
California Dept. of Fish & Game
Mission Springs Water District
Mission Springs Water District
California Dept. of Fish & Game
BIA/Desert Chapter
BIA/Desert Chapter
Landowner

CVAG Staff Present

John Wohlmuth
Gary Leong
Katie Barrows
Jim Sullivan
Linda Rogers

Executive Director
Director of Administrative Services
Director of Environmental Resources
GIS Program Director
Program Assistant II

4. FINALIZATION OF AGENDA & ADDITIONS AND REVISIONS

It was moved by Councilmember Sniff and seconded by Mayor Pro Tem Hernandez to add Item No. 8 B to the agenda and accept finalization.

The motion carried.

5. PUBLIC COMMENTS

There were two public comment request forms presented to the CVCC Chair.

Mary Justice wished to address the CVCC under Item 8.

Fred Bell wished to address the CVCC under Item 12.

6. CVCC MEMBER/EXECUTIVE DIRECTOR COMMENTS

(1) John Wohlmuth reminded the CVCC that there was a Closed Session at the end of the agenda.

(2) John Wohlmuth reported that CVCC has been invited to participate in a meeting in Monterey, California on HCPs and NCCPs, October 23 & 24, 2008. The CVCC suggested that this matter be added to the agenda as item 8B.

It was moved by Councilmember Henderson, seconded by Councilmember Sniff, that the CVCC place this item on the agenda for the purpose of taking official action.

The motion carried.

(3) John Wohlmuth indicated that there is a revised recommendation under item no. 8A, Acknowledgment of Permit Issuance and Ratification of Implementation of Permit for the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP).

(4) Mayor De Rosa announced the passing of Bob Roche, Mayor Mary Roche's husband, and requested that the meeting be adjourned today in his honor.

7. CORRESPONDENCE

- Memorandum to CVCC from Bill Havert, Coachella Valley Mountains Conservancy, dated October 3, 2008 re: Status of Conservation Areas and Section 6 grant funding.
- Article from the Desert Sun's website regarding 27 endangered species get help dated October 2, 2008.

8A. ACKNOWLEDGMENT OF PERMIT ISSUANCE AND RATIFICATION OF IMPLEMENTATION OF PERMIT FOR THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (CVMSHCP)

Katie Barrows thanked everyone for their support and part in making the CVMSHCP a reality. The Final Permit was received from the U.S. Fish & Wildlife Service on October 1st. The Department of Fish and Game issued their permit on September 9, 2008. The Plan is effective as of October 1, 2008. All permittees have been notified of the completion of the permit. Katie Barrows discussed the cover letter from the U.S. Fish and Wildlife Service regarding the permit conditions, corrections and clarifications. Katie Barrows identified and outlined permit condition no. 45 on page 25 of the agenda packet regarding the desert tortoise. Katie Barrows identified the areas affected by this condition. Katie also identified the following elements that take effect with the issuance of these permits:

- Collection of the MSHCP Local Development Mitigation Fee
- Funding
- Land Acquisition Manager Contract
- Conservation requirements
- Joint Project Review process
- Circulating a draft Implementation Manual within the next 30 days

Katie Barrows reminded the CVCC of their decision to serve as a committee of the whole for the Acquisition and Funding Coordinating Committee. She noted the wildlife agencies will serve as ex-officio members of that committee. Katie Barrows informed the CVCC that when acquisition related items are on the agenda, and the CVCC is acting as the Acquisition and Funding Coordinating Committee, the Wildlife Agencies will have the ability to participate in that discussion.

A Signing Ceremony Celebration is being planned and staff is working to identify preliminary dates, perhaps in November. Discussion ensued regarding availability of the CVCC.

Discussion ensued regarding a question from Councilmember Mills regarding permit condition no. 45 and the availability of a map identifying habitat for tortoises subject to the requirement for notification prior to grading. Katie Barrows responded that a map was being prepared and would be distributed to staff of the affected jurisdictions. Katie Barrows indicated that a regular annual report will be due in March of each year, beginning in 2009. During that time, we would meet with the Wildlife Agencies and go through the reporting and discuss various questions. Councilmember Mills expressed concern about the additional condition.

Katie Barrows clarified a point that was raised by Mayor Pro Tem Spicer regarding item 2 on page two of the USFWS cover letter. Discussion ensued with regard to the need for a correction to the Plan to address a discrepancy in Table 10-A in the Plan regarding mesquite hummocks to be consistent with how they are referenced elsewhere in the Plan already.

Councilmember Mills addressed a question regarding reference in the USFWS cover letter to parcels owned by Century Crowell. Katie Barrows indicated that Century Crowell is aware of this information.

It was moved by Councilmember Finerty and seconded by Mayor Pro Tem Hernandez that the Coachella Valley Conservation Commission acknowledge issuance of the state and federal Permits, and ratify implementation of the Coachella Valley Multiple Species Habitat Conservation Plan effective October 1, 2008.

The motion carried.

Public Comment from Mary Justice:

Ms. Justice commented on Item 8 on page 10 of the agenda packet regarding paragraph 2 regarding mesquite hummocks. Ms. Justice further addressed her concerns regarding acreage issues and cited a paper entitled "Species coverage MSHCP: Where is the Science" by Ralm, Doremus, and Diffendorfer. Ms. Justice submitted her written comments for the record. A public records request was also submitted by Ms. Justice for a complete copy of the entire permit which the US Fish & Wildlife Service sent to all Permittees.

8B. INVITATION TO ATTEND THE NCCP CONFERENCE, ASILOMAR CONFERENCE CENTER, MONTEREY, CALIFORNIA ON OCTOBER 23 AND 24, 2008

This item was added to the agenda as an urgent item by action taken in Item No. 4, Finalization of Agenda. John Wohlmuth reported that CVCC has been invited to participate in a meeting in Monterey, California on HCPs and NCCPs, October 23 & 24, 2008. Katie Barrows distributed copies of a letter from the California Department of Fish & Game and the California Regional Conservation Planning Coalition. The purpose of the meeting is to meet with representatives from the State Resources Agency, the Department of Fish & Game, and the US Fish & Wildlife Service, as well as other representatives throughout California involved in HCPs and NCCPs. The CVCC was asked to identify if one of them would be available to attend along with a staff member. Elected officials were urged to contact Katie Barrows if they were interested in attending the conference. Discussion ensued noting that neither Chair Kite nor Vice Chair De Rosa is available to attend. Supervisor Wilson suggested that Buford Crites might be able to attend the conference. Katie Barrows indicated that Buford Crites was not available. Staff informed the CVCC that travel expenses for the NCCP conference are being paid for by the conference group.

It was moved by Councilmember Henderson and seconded by Councilmember Sniff that the CVCC recommend that:

- (1) the Executive Director appoint the appropriate staff member to attend the conference;
- (2) that the Executive Director continue working with the CVCC to determine if an elected member is available to attend the NCCP conference along with staff; and,
- (3) that the Executive Director be given the latitude to appoint another staff member to attend the conference in the event an elected official is unable to attend.

The motion carried.

9. **CONSIDER ESTABLISHING POLICY CVCC 08-04 REGARDING CVCC FUNCTIONING AS ADVISORY COMMITTEE TO THE COACHELLA VALLEY MOUNTAINS CONSERVANCY FOR NATURAL COMMUNITY CONSERVATION PLAN (NCCP) ACQUISITIONS**

Katie Barrows indicated that the Coachella Valley Mountains Conservancy (CVMC) original legislation limited their acquisition activity to the mountainous lands in the Coachella Valley. In 1997, the legislation was amended to allow the CVMC to acquire land under a Natural Community Conservation Plan (NCCP) at such time as that Plan be approved. With issuance of the NCCP permit, the Conservancy is now able to acquire lands anywhere within Plan area. Katie Barrows cited the legislation as outlined in the staff report that governs the CVMC's operations requiring them to have an advisory committee responsible for overseeing the Implementation of the state approved NCCP. The recommendation is that there is an annual consultation wherein CVCC would be advised by CVMC staff about Conservancy acquisition priorities and needs. Any input or comments from the CVCC would then be brought back to the CVMC Board.

Discussion ensued regarding potential conflicts of those CVCC members who also serve on the Board of the CVMC. John Wohlmuth indicated that there would be no conflict.

It was moved by Councilmember Sniff and seconded by Councilmember Henderson that the Coachella Valley Conservation Commission (CVCC) adopt Policy CVCC 08-04 establishing the CVCC as the Advisory Committee to the Coachella Valley Mountains Conservancy for Natural Community Conservation Plan (NCCP) Acquisitions.

The motion carried.

10. **CONSIDER ESTABLISHING POLICY CVCC 08-05 AUTHORIZING THE EXECUTIVE DIRECTOR TO ACQUIRE LAND OR MAKE CONTINGENT OFFERS UNDER URGENT CIRCUMSTANCES**

There was a suggestion made by Board Member Larson that the policy be modified to ensure that a designated member of the CVCC, namely the Chair or Vice Chair, be consulted regarding acquisitions. John Wohlmuth indicated that the CVCC Policy would be modified to include authorizing both the Executive Director and the CVCC Chair in this process. John Wohlmuth added that a copy of the modified policy would be included in November's Agenda under Consent items.

It was moved by Supervisor Wilson and seconded by Councilmember Henderson that the Coachella Valley Conservation Commission (CVCC) adopt Policy CVCC 08-05 authorizing the Executive Director and the Chair of the CVCC to Acquire Land or Make Contingent Offers Under Urgent Circumstances.

The motion carried.

11. **CONSIDER RESOLUTION NO. 08-006 OF THE COACHELLA VALLEY CONSERVATION COMMISSION, A JOINT POWERS AUTHORITY, ADOPTING THE 2008/2009 FISCAL YEAR ANNUAL BUDGET**

Gary Leong presented the proposed budget for Fiscal Year 2008/2009 on page 36 of the agenda packet. The five main components of expenditures and funds available were addressed by Gary Leong to include the following categories: Management & Monitoring, General Administration, Land Acquisition, Endowment, and Fringe-toed Lizard HCP Endowment.

Councilmember Terry Henderson, along with other members of the CVCC, addressed some concerns regarding the budget and suggested that the first year's budget be preceded with an explanation page and attachments that provide budget assumptions and background, as well as a line item explanation. Future budgets should be developed with more specificity. John Wohlmuth added that CVAG is administering the MSHCP on behalf of the CVCC, so CVAG actually has a MSHCP line item in our current budget with detailed expenses. In CVAG's current budget, because we did not know when the MSHCP permit would be issued, CVAG has made sure that for this year we are double covering it in that there is a full line item accounting of the \$700,000 for CVAG staffing of the MSHCP which includes all of our normal expenses. Further discussion ensued regarding this issue. The CVCC asked that there be a mid-year review as part of the budget process. Board Member Larson also asked that the MSHCP line item budget be provided to CVWD and IID staff. There was further discussion that the budget be brought back to the next meeting with line item information.

It was moved by Councilmember Sniff and seconded by Councilmember Henderson that the CVCC continue this item to the November meeting.

The motion carried.

12. **CONSIDER AMENDMENT OF POLICY FOR INITIAL IMPLEMENTATION OF THE LOCAL DEVELOPMENT MITIGATION FEE**

Jim Sullivan provided an update for the CVCC's consideration in amending CVCC Policy No. 08-03. Staff believes it is in the interest of all our jurisdictions for the CVCC to develop policies on the implementation of the Local Development Mitigation Fee (LDMF-CVMSHCP) for the CVMSHP. Staff has visited local jurisdictions to provide clarification to city staff. We are working on developing a uniform policy throughout the valley that addresses the following:

- Fee training to city staff with fee discussion
- Looking to CVAG for clarification
- Discussion regarding grading permits and improved projects
- Logistics of tracking
- Sunset on exemption
- Discussion with the BIA regarding sunset at the next Nexus Study
- Questions regarding absolute definition of grading and sunset rules
- Discussion of projects exempt from fee
- Discussion of how long the grading permit is valid before expiration
- Adoption of new Nexus study in 2011 – current Nexus study is 2006 study.

It was the consensus of the CVCC that this item should be revisited and adopted at a later date for final definition as there were many concerns. Discussion ensued regarding better clarification of the policy and determining the number of projects that are still in the "pipeline". Staff is gathering information from the jurisdictions about how much land and how many projects would meet the standard for exemption from LDMF-CVMSHCP. This information will be compiled and brought back to the CVCC with an analysis of the policy in terms of the impact on future development and future fees.

It was moved by Councilmember Sniff and seconded by Supervisor Wilson that the CVCC table this item to a future meeting when more information has been gathered and analysis has been completed.

The motion carried.

13. CONSIDER RECOMMENDATION FROM SELECTION COMMITTEE FOR APPOINTMENTS TO THE TRAILS MANAGEMENT SUBCOMMITTEE

There was no discussion.

It was moved by Mayor Garcia and seconded by Councilmember Henderson that the Coachella Valley Conservation Commission (CVCC) approve the recommendation from the Selection Committee and appoint individual representatives to the Trails Management Subcommittee.

The motion was unanimously carried.

14. CONSENT CALENDAR

Approval

14A Approve Minutes of the September 11, 2008 Coachella Valley Conservation Commission.

It was moved by Councilmember Sniff and seconded by Councilmember Henderson that the CVCC approve the Minutes of the September 11, 2008 meeting.

The motion carried.

Information

14B CVCC 2008 Attendance Roster

The Attendance Roster was received by the CVCC as an information item.

15. CLOSED SESSION

The CVCC adjourned into closed session at 12:04 p.m. The CVCC re-adjourned at 12:18 p.m. with the following report:

15A CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code § 54956.8)

The CVCC gave direction about acquisition price and terms for APN # 659-030-013 (10 acres) to the real property negotiators. No other action was taken.

16. **ANNOUNCEMENTS**

- The next meeting of the **Coachella Valley Conservation Commission** is scheduled for **November 13, 2008** at 11:00 a.m.

17. **ADJOURNMENT**

There being no further business, the meeting was adjourned at approximately 12:20 p.m.

Respectfully submitted,

Linda Rogers
Program Assistant II