

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: Supervisors Roy Wilson & Marion Ashley

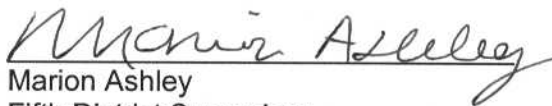
SUBMITTAL DATE: August 23, 2006

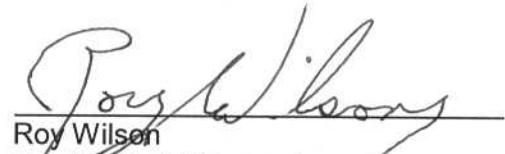
SUBJECT: Agreement with FPL Energy, LLC, concerning the Coachella Valley Multiple Species Habitat Conservation Plan.

RECOMMENDED MOTION: Approve, and authorize the Chairman of the Board to execute, the attached Agreement with FPL Energy, LLC.

BACKGROUND: The County and FPL Energy, LLC have worked cooperatively with the Coachella Valley Association of Governments (CVAG) and the Coachella Valley Conservation Commission (CVCC) over the past few months to resolve concerns that FPL Energy, LLC has with ensuring that wind energy activities, including the operation, maintenance, repair, retrofitting and replacement of like kind wind energy equipment, are compatible with the goals and objectives of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The attached Agreement reflects the consensus that was reached. The main provisions of the Agreement may be summarized as follows:

(Continued)


Marion Ashley
Fifth District Supervisor


Roy Wilson
Fourth District Supervisor

FORM APPROVED COUNTY COUNSEL

AUG 25 2006

BY 

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ 0	For Fiscal Year:	N/A
SOURCE OF FUNDS:			Positions To Be Deleted Per A-30	<input type="checkbox"/>
			Requires 4/5 Vote	<input type="checkbox"/>

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AGENDA NO.

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The County agrees that any CVMSHCP fee for future FPL Energy, LLC projects will be calculated solely based upon the net permanent disturbance resulting from such projects

All parties agree that, if FPL Energy, LLC, would create newly disturbed areas within the CVMSHCP conservation areas as a result of replacing existing wind energy equipment, the project proposing replacement shall be subject to the Joint Project Review process to determine the net effect of additional disturbance requiring additional take, if any, authorized under the CVMSHCP.

The County agrees that wind energy activities near conservation areas shall be deemed to have no impact within such conservation areas, and therefore, no edge effects will occur from such activities.

FPL Energy, LLC, agrees not to challenge the CVMSHCP, the EIS/EIR or any other related approvals for the CVMSHCP in any administrative or judicial proceeding of any kind.

CSL:gn